



30. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Evropsko vesoljsko agencijo v zvezi s pristopom Republike Slovenije h Konvenciji o ustanovitvi Evropske vesoljske agencije in povezanimi pogoji (MPKEVA)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Sporazuma med Vlado Republike Slovenije in Evropsko vesoljsko agencijo v zvezi s pristopom Republike Slovenije h Konvenciji o ustanovitvi Evropske vesoljske agencije in povezanimi pogoji (MPKEVA)

Razlašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Evropsko vesoljsko agencijo v zvezi s pristopom Republike Slovenije h Konvenciji o ustanovitvi Evropske vesoljske agencije in povezanimi pogoji (MPKEVA), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 23. oktobra 2024.

Št. 003-02-1/2024-209

Ljubljana, dne 31. oktobra 2024

Nataša Pirc Musar
predsednica
Republike Slovenije

Z A K O N

**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE
IN EVROPSKO VESOLJSKO AGENCIJO V ZVEZI S PRISTOPOM
REPUBLIKE SLOVENIJE H KONVENCIJI O USTANOVITVI
EVROPSKE VESOLJSKE AGENCIJE IN POVEZANIMI POGOJI (MPKEVA)**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Evropsko vesoljsko agencijo v zvezi s pristopom Republike Slovenije h Konvenciji o ustanovitvi Evropske vesoljske agencije in povezanimi pogoji, podpisan v Parizu 18. junija 2024.

2. člen

Sporazum¹ se v izvirniku v slovenskem in angleškem jeziku glasi:

¹ Besedilo sporazuma v francoskem in nemškem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje in evropske zadeve.

**Sporazum
med
Vlado Republike Slovenije
in
Evropsko vesoljsko agencijo
v zvezi s pristopom Republike Slovenije
h Konvenciji o ustanovitvi
Evropske vesoljske agencije
in povezanimi pogoji**

**Agreement
between
the Government of the Republic of Slovenia
and
the European Space Agency
concerning the accession of the Republic of Slovenia
to the Convention for the Establishment of
a European Space Agency
and related Terms and Conditions**

Vlada Republike Slovenije (v nadaljnjem besedilu: Slovenija),

in

Evropska vesoljska agencija (v nadaljnjem besedilu: agencija), medvladna organizacija, ustanovljena s Konvencijo o ustanovitvi Evropske vesoljske agencije, ki je bila na voljo za podpis v Parizu 30. maja 1975 in je začela veljati 30. oktobra 1980 (v nadaljnjem besedilu: konvencija),

v nadaljnjem besedilu vsaka posebej: pogodbenica in skupaj: pogodbenici, sta se,

OB SKLICEVANJU na Sporazum evropske sodelujoče države med Vlado Republike Slovenije in Evropsko vesoljsko agencijo, ki je bil podpisan 22. januarja 2010 in je začel veljati ob vključitvi v Načrt za evropske sodelujoče države (PECS) 30. novembra 2010 ter je veljal do 29. novembra 2015 in je bil nato z izmenjavo pisem, podpisanih 22. januarja 2016, podaljšan do 29. novembra 2017;

OB SKLICEVANJU na Pridružitveni sporazum med Vlado Republike Slovenije in Evropsko vesoljsko agencijo, ki je bil podpisan 5. julija 2016 in je začel veljati 16. novembra 2016;

OB SKLICEVANJU na okrepljeni Pridružitveni sporazum med Vlado Republike Slovenije in Evropsko vesoljsko agencijo, ki je bil podpisan 19. oktobra 2020 in je začel veljati 8. decembra 2020 in velja do 31. decembra 2024 ter nadomešča prvotni pridružitveni sporazum;

OB UGOTOVITVI, da lahko v skladu z XXII. členom konvencije po začetku njene veljavnosti vsaka država pristopi h konvenciji na podlagi odločitve sveta, ki jo soglasno sprejmejo vse države članice;

GLEDE NA TO, da je Slovenija zaprosila za polnopravno članstvo v agenciji in da je svet agencije na seji 25. in 26. marca 2024 podprl pristop Slovenije h konvenciji;

V PREPRIČANJU, da bo ta pristop prispeval k doseganju ciljev konvencije;

OB UPOŠTEVANJU zlasti II. člena (Namen), četrtega odstavka XIII. člena (Finančni prispevki) in XXII. člena (Pristop) konvencije;

OB UPOŠTEVANJU Resolucije o ukrepih industrijske politike za uspešno vključevanje evropskih držav v okvir ESA, ki jo je svet agencije sprejel 13. decembra 2018,

in

OB SKLICEVANJU na Sporazum med državami pogodbenicami Konvencije o ustanovitvi Evropske vesoljske agencije in Evropsko vesoljsko agencijo o varovanju in izmenjavi tajnih podatkov, ki je začel veljati 20. junija 2003, in zlasti na njegov 11. člen, ki določa, da nova država pogodbenica konvencije pristopi k sporazumu v skladu z XXII. členom konvencije in da sporazum začne veljati za vsako pristopno državo trideset dni po dnevu deponiranja njene listine o pristopu pri francoski vladi,

DOGOVORILI:

The Government of the Republic of Slovenia (hereinafter referred to as "Slovenia"),

and

the European Space Agency (hereinafter referred to as "the Agency"), an intergovernmental organisation established by the Convention for the Establishment of a European Space Agency, opened for signature in Paris on 30 May 1975 and which entered into force on 30 October 1980 (hereinafter referred to as "the Convention"),

hereinafter individually referred to as "Party" and collectively referred to as the "Parties",

RECALLING the European Cooperating State Agreement between the Government of the Republic of Slovenia and the European Space Agency, which was signed on 22 January 2010 and entered into force upon subscription to the Plan for European Cooperating State (PECS) Charter on 30 November 2010; which remained in force until 29 November 2015 and was subsequently extended, by exchange of letters signed on 22 January 2016, until 29 November 2017;

RECALLING the Association Agreement between the Government of the Republic of Slovenia and the European Space Agency, which was signed on 5 July 2016 and entered into force on 16 November 2016;

RECALLING the reinforced Association Agreement between the Government of the Republic of Slovenia and the European Space Agency, which was signed on 8 and 19 October 2020 and entered into force on 8 December 2020, and which remains in force until 31 December 2024, superseding the initial Association Agreement;

NOTING that, according to Article XXII of the Convention, after the entry into force of this Convention, any State may accede thereto following a decision of the Council taken by a unanimous vote of all Member States;

CONSIDERING that Slovenia has applied to become a full member of the Agency, and that the Council of the Agency, at its meeting of 25-26 March 2024, has pronounced itself in favour of the accession of Slovenia to the Convention;

CONVINCED that this accession will contribute to the achievement of the objectives set out in the Convention;

HAVING REGARD in particular to Articles II (Purpose), XIII, Paragraph 4, (Financial Contributions) and XXII (Accession) of the Convention;

HAVING REGARD to the Resolution on Industrial Policy Measures to Achieve a Successful Integration of European States in the Frame of ESA, adopted by the Council of the Agency on 13 December 2018;

Furthermore,

RECALLING the Agreement between the States Parties to the Convention for the establishment of a European Space Agency and the European Space Agency for the protection and the exchange of classified information, which entered into force on 20 June 2003, and in particular Article 11 thereof which provides that the accession thereto by any new State Party to the Convention shall be in accordance with Article XXII of the Convention, and that it shall enter into force in respect of each acceding State thirty days after the day of the deposit of its instrument of accession with the Government of France;

HAVE AGREED AS FOLLOWS:

1. ČLEN**Namen**

Namen tega sporazuma je vzpostaviti pogoje za pristop Slovenije h konvenciji, z izpolnitvijo katerih Slovenija postane članica agencije in država pogodbenica konvencije.

2. ČLEN**Pristopni pogoji**

1. V skladu s prvim odstavkom XXI. člena začne konvencija veljati za Slovenijo z dnem, ko je njena listina o pristopu deponirana pri Vladi Francoske republike. Slovenija sprejme vse potrebne ukrepe, da se to zgodi pred 1. januarjem 2025. Če ni deponirana do tega dneva, se pogoji tega sporazuma lahko spremenijo na zahtevo katere koli pogodbenice.

2. Določbe konvencije, skupaj z vsemi ukrepi, ki jih sprejme svet agencije, postanejo z dnem pristopa zavezujoče za Slovenijo in se uporabljajo zanjo. Slovenija je v enakem položaju kakor druge države članice v zvezi z odločitvami, predpisi, resolucijami ali drugimi akti, ki jih sprejme svet agencije ali po njegovem pooblastilu katero od podrejenih teles agencije, ter v zvezi z vsakim sporazumom, ki ga sklene agencija. Slovenija upošteva načela in politike, ki izhajajo iz navedenih aktov, ter po potrebi sprejme ustrezne ukrepe za zagotavljanje njihovega izvajanja v celoti.

3. Za leto začetka veljavnosti tega sporazuma se letni prispevek Slovenije k obveznim dejavnostim določi v skladu s pravili, ki se uporabljajo za države članice agencije. Za prvo leto se po potrebi zmanjša časovno sorazmerno glede na dan začetka veljavnosti tega sporazuma.

4. V obdobju vključevanja iz 6. člena se za pripravo izvedbe tam določenih ukrepov uporabi znesek v višini 45 % tega prispevka ali časovno sorazmerni znesek v višini 0,75 milijona evrov, kar je več.

5. Slovenija sprejme vse ustrezne ukrepe, da a) prilagodi svojo notranjo zakonodajo in pravila pravicam in obveznostim, ki izhajajo iz njenega pristopa h konvenciji, in b) agenciji zagotovi ustrezne davčne oprostitve, zlasti v zvezi z davkom na dodano vrednost (DDV).

3. ČLEN**Plačilo posebnega zneska**

V skladu s pododstavkom a četrtega odstavka XIII. člena konvencije Slovenija plača posebni znesek v višini 1,7 milijona evrov glede na gospodarske razmere v letu 2024. Slovenija ta znesek plača ob pristopu h konvenciji v enem obroku leta 2025.

4. ČLEN**Prenehanje veljavnosti pridružitvenega sporazuma**

Pridružitveni sporazum med Vlado Republike Slovenije in Evropsko vesoljsko agencijo iz preambule preneha veljati z dnem začetka veljavnosti konvencije za Slovenijo.

5. ČLEN**Geografska porazdelitev in koeficient povračila**

Za namene geografske porazdelitve pogodb agencije in ob upoštevanju priloge V h konvenciji se koeficienti povračila izračunajo in uporabijo po metodi, ki velja v agenciji in se uporablja za vse države članice; za spodnjo mejo koeficienta celotnega povračila in za koeficient povračila za obvezne

ARTICLE 1**Purpose**

The purpose of this Agreement is to establish the conditions for the accession of Slovenia to the Convention, fulfilment of which makes Slovenia a Member of the Agency and a State Party to the Convention.

ARTICLE 2**Accession Conditions**

1. In accordance with its Article XXI, Paragraph 1, the Convention shall become effective for Slovenia on the date when Slovenia's instrument of accession is deposited with the Government of the French Republic. Slovenia shall take all necessary steps in order that this occurs before 1 January 2025. Should they not be deposited by this date, the terms and conditions of this Agreement may be renegotiated at the request of either Party.

2. As from the date of accession, the provisions of the Convention, together with all measures taken by the Agency's Council, shall be binding for Slovenia and shall be applicable to it. Slovenia shall be placed in the same situation as the other Member States regarding decisions, rulings, resolutions or any other acts made by the Agency's Council or, in delegation therefrom, by any subordinate body of the Agency, and regarding any agreement concluded by the Agency. Slovenia shall consequently abide by the principles and policies stemming therefrom, and shall, whenever necessary, take appropriate measures to ensure their full implementation.

3. Slovenia's yearly contribution to the mandatory activities for the year of the entry into force of this Agreement will be established according to the rules applicable to Member States of the Agency. It will be reduced for this first year, if applicable, *pro rata temporis* with regard to the date of entry into force of this Agreement.

4. An amount of 45% of this contribution, or the *pro rata temporis* of 0.75 Million Euro, whichever is greater, will be used during the integration period referred to in Article 6 below to prepare the implementation of the measures established thereunder.

5. Slovenia shall take all appropriate measures to a) adapt its internal legislation and rules to the rights and obligations resulting from its accession to the Convention and b) ensure the effective fiscal exemptions granted to Agency, in particular with regard to the Value Added Tax (VAT).

ARTICLE 3**Special Payment**

In accordance with Article XIII, Paragraph 4, subparagraph a., of the Convention, Slovenia shall make a special payment amounting to 1.7 Million Euro in 2024 economic conditions. Slovenia shall make this payment upon accession to the Convention in one instalment in 2025.

ARTICLE 4**Termination of Association Agreement**

As from the date of entry into force of the Convention for Slovenia, the Association Agreement between the Government of the Republic of Slovenia and the European Space Agency, referred to in the preamble, shall cease to be in force.

ARTICLE 5**Geographical distribution and return coefficient**

For the purpose of the geographical distribution of Agency's contracts and within the meaning of Annex V to the Convention, the return coefficients shall be calculated and applied on the basis and following the method in force in the Agency and applicable to all Member States, with the excep-

programe in dejavnosti agencije, opredeljene v pododstavku a prvega odstavka V. člena konvencije (v nadaljnjem besedilu: obvezne dejavnosti agencije) se uporabljajo ukrepi iz 6. člena.

6. ČLEN Obdobje vključevanja

V osemletnem vključevalnem obdobju, ki se začne z dnem pristopa Slovenije, se uporabljajo naslednji ukrepi:

1. Agencija vsako leto v navedenem vključevalnem obdobju v skladu s svojimi pravili in postopki uporabi znesek v višini 45 % prispevka Slovenije k obveznim dejavnostim agencije ali 0,75 milijona evrov na leto, kar je več, za financiranje dejavnosti prilagajanja slovenske industrije, gospodarskih subjektov, znanstvenikov in drugih akterjev potrebam glede obveznih dejavnosti agencije.

2. Agencija si v skladu s svojimi pravili in postopki, ki veljajo za vse države članice, po najboljših močeh prizadeva, da razliko med idealnim povračilom za prispevek Slovenije k obveznim dejavnostim agencije in zneskom iz prvega odstavka zgoraj uporabi za oddajo naročil na področju obveznih dejavnosti agencije. Končni cilj agencije je, da ob koncu vključevalnega obdobja doseženi koeficient povračila za obvezne dejavnosti agencije znaša najmanj 0,7 in je koeficient celotnega povračila v naslednjem celotnem obdobju poročanja o geografskem povračilu enak kakor tisti, ki se uporablja za vse države članice. Ob koncu vključevalnega obdobja ni potrebna poravnava za koeficient povračila, izračunan za obvezne dejavnosti agencije, in v tem vključevalnem obdobju se ne uvedejo nobeni dodatni posebni ukrepi.

3. Za izvajanje zgoraj navedenih ukrepov pogodbenici za čas vključevalnega obdobja ustanovita posebno projektno skupino. Projektno skupino sestavljajo predstavniki Slovenije in agencije, soprodsedujeta ji po en predstavnik vsake pogodbenice. Naloga te projektno skupine je svetovanje Vladi Republike Slovenije in generalnemu direktorju agencije o izvajanju zgoraj navedenih ukrepov. Delovna skupina na podlagi skupne ocene slovenskih industrijskih zmogljivosti zlasti pripravlja in prilagaja slovensko industrijo, gospodarske subjekte, znanstvenike in druge akterje potrebam glede industrijske politike agencije in obveznih dejavnosti agencije.

4. Statistika geografskih povračil za Slovenijo za obvezne dejavnosti agencije se preneha voditi ob koncu vključevalnega obdobja. Od prvega dne po koncu vključevalnega obdobja se koeficient celotnega povračila za Slovenijo določi po metodi, ki velja v agenciji in se uporablja za vse države članice. Plačani prispevki in oddana naročila za obvezne dejavnosti agencije iz obdobja vključevanja se ne upoštevajo pri izračunu koeficienta povračila za Slovenijo po koncu vključevalnega obdobja.

7. ČLEN Končne določbe

1. Ta sporazum se ratificira v skladu z notranjepravnimi predpisi Slovenije.

2. Ta sporazum začne veljati z dnem, ko Slovenija pri Vladi Francoske republike deponira listino o pristopu h konvenciji, in velja, dokler je Slovenija država pogodbenica konvencije.

tion of the lower limit for the overall return coefficient and the return coefficient for the Agency's mandatory programmes and activities, as defined in Article V, Paragraph 1, subparagraph a., of the Convention (hereinafter referred to as the "Agency's mandatory activities"), for which the measures referred to in Article 6 below shall apply.

ARTICLE 6 Integration Period

The following measures shall apply during an Integration Period of eight years starting on the date of accession of Slovenia:

1. An amount representing a total of 45 % of Slovenia's contribution to the Agency's mandatory activities each year during the above integration period, or 0.75 Million Euro per year, whichever is greater, shall be used by the Agency, in accordance with its rules and procedures, to finance activities aimed at adapting Slovenia's industry, operators, scientific community and other actors to the requirements in the Agency's mandatory activities.

2. The Agency shall make its best efforts to use, in accordance with the rules and procedures applicable to all Member States, the difference between the ideal return for Slovenia's contribution to the Agency's mandatory activities and the amount referred to in paragraph 1 above, to place contracts in the field of the Agency's mandatory activities. The final objective of the Agency is to reach, at the end of the Integration Period, a return coefficient of at least 0.7 for the Agency's mandatory activities and an overall return coefficient over the next following full geo-return reporting period at the same level as the one applicable to all Member States. However, no compensation shall be due at the end of the integration period for the return coefficient calculated for the Agency's mandatory activities, and no further special measures shall be applied during this integration period.

3. For the purpose of implementing the above measures, a dedicated task force shall be established between the Parties for the duration of the Integration Period. The task force shall be composed of representatives of Slovenia and the Agency, respectively, and will be co-chaired by one representative of each Party. The function of this task force shall be to advise the Government of the Republic of Slovenia and the Director General of the Agency on the implementation of the above-mentioned measures. The task force shall in particular, on the basis of a joint assessment of the Slovenian industrial capabilities, prepare and adapt Slovenian industry, operators, scientific community and other actors to the Agency's industrial policy requirements and the needs of the Agency's mandatory activities.

4. The geographical return statistics of Slovenia for the Agency's mandatory activities shall be discontinued at the end of the Integration Period. As from the first day following the end of the integration period, the overall return coefficient for Slovenia shall be established in accordance with the method in force in the Agency and applicable to all Member States. As a consequence, contributions made and contracts placed before the end of the Integration Period related to the Agency's mandatory activities shall not be taken into account for the purpose of the calculation of the return coefficient for Slovenia after the end of the Integration Period.

ARTICLE 7 Final provisions

1. The present Agreement shall be subject to ratification in accordance with the internal legal regulations of Slovenia.

2. The present Agreement shall enter into force on the date of the deposit by Slovenia of its instrument of accession to the Convention with the Government of the French Republic and shall be valid for as long as Slovenia remains a State Party to the Convention.

Sestavljeno v Parizu dne 18. junija 2024 v dveh izvodih v slovenskem, angleškem, francoskem in nemškem jeziku, pri čemer so vsa besedila enako verodostojna.

Done at Paris on 18 June 2024, in duplicate in the Slovenian, English, French and German languages, all texts being equally authentic.

Za Vlado
Republike Slovenije
Robert Golob, l.r.
Predsednik vlade

Za Evropsko
vesoljsko agencijo
Josef Aschbacher, l.r.
Generalni direktor

For the Government of the
Republic of Slovenia
Robert Golob (s)
Prime Minister

For the European
Space Agency
Josef Aschbacher (s)
Director General

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za gospodarstvo.

4. člen

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

Št. 630-02/24-1/13
Ljubljana, dne 23. oktobra 2024
EPA 1461-IX

Državni zbor
Republike Slovenije
Nataša Sukič
podpredsednica

31. Zakon o ratifikaciji Sporazuma med državami pogodbenicami Konvencije o ustanovitvi Evropske vesoljske agencije in Evropsko vesoljsko agencijo o varovanju in izmenjavi tajnih podatkov (MEVAVITP)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Sporazuma med državami pogodbenicami Konvencije o ustanovitvi Evropske vesoljske agencije in Evropsko vesoljsko agencijo o varovanju in izmenjavi tajnih podatkov (MEVAVITP)**

Razglašam Zakon o ratifikaciji Sporazuma med državami pogodbenicami Konvencije o ustanovitvi Evropske vesoljske agencije in Evropsko vesoljsko agencijo o varovanju in izmenjavi tajnih podatkov (MEVAVITP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 23. oktobra 2024.

Št. 003-02-1/2024-210

Ljubljana, dne 31. oktobra 2024

Nataša Pirc Musar
predsednica
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA MED DRŽAVAMI POGODBENICAMI KONVENCIJE O USTANOVITVI EVROPSKE VESOLJSKE AGENCIJE IN EVROPSKO VESOLJSKO AGENCIJO O VAROVANJU IN IZMENJAVI TAJNIH PODATKOV (MEVAVITP)**

1. člen

Ratificira se Sporazum med državami pogodbenicami Konvencije o ustanovitvi Evropske vesoljske agencije in Evropsko vesoljsko agencijo o varovanju in izmenjavi tajnih podatkov, sestavljen 19. avgusta 2002 v Parizu.

2. člen

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

**AGREEMENT BETWEEN
THE STATES PARTIES
TO THE CONVENTION FOR THE
ESTABLISHMENT OF A EUROPEAN SPACE AGENCY
AND THE EUROPEAN SPACE AGENCY
FOR THE PROTECTION AND THE EXCHANGE
OF CLASSIFIED INFORMATION**

The States Parties to the Convention for the establishment of a European Space Agency (ESA) and the European Space Agency, hereinafter referred to as "the Parties";

– CONSIDERING the Convention for the establishment of a European Space Agency (hereinafter referred to as "the ESA Convention") entered into force on 30 October 1980 and in particular Article III and Article XI.5.m. of this Convention;

– CONSIDERING Chapter V of the rules on Information, Data and Intellectual Property ESA/C/CLV/Rules 5 (Final) adopted by the Council on 19 December 2001;

– RECOGNISING that the activities aimed at achieving co-operation among the Member States in space research and technology and their space applications might require the exchange of classified information and related material among the Parties;

– NOTING the necessity to ensure an appropriate level of protection of classified information within the Agency and its Member States and the need therefore to set up an appropriate legal instrument, as stated in ESA Council's Resolution on the creation of a Working Group on the Security of Information adopted by the Council under ESA/C/CLI/Res.8 (final);

have agreed as follows:

**SPORAZUM MED
DRŽAVAMI POGODBENICAMI KONVENCIJE
O USTANOVITVI EVROPSKE VESOLJSKE AGENCIJE
IN EVROPSKO VESOLJSKO AGENCIJO
O VAROVANJU IN IZMENJAVI
TAJNIH PODATKOV**

Države pogodbenice Konvencije o ustanovitvi Evropske vesoljske agencije (ESA) in Evropska vesoljska agencija, v nadaljnjem besedilu: pogodbenice, so se

– OB UPOŠTEVANJU, da je Konvencija o ustanovitvi Evropske vesoljske agencije (v nadaljnjem besedilu: konvencija) začela veljati 30. oktobra 1980 ter zlasti glede na njen III. člen in pododstavek m petega odstavka XI. člena;

– OB UPOŠTEVANJU V. poglavja Pravilnika o informacijah, podatkih in intelektualni lastnini ESA/C/CLV/Rules 5 (Final), ki ga je svet sprejel 19. decembra 2001;

– OB PRIZNAVANJU, da morda morajo pogodbenice v zvezi z dejavnostmi, namenjenimi sodelovanju med državami članicami pri vesoljskih raziskavah in tehnologiji ter njihovi uporabi v vesolju, med seboj izmenjati tajne podatke in z njimi povezana sredstva;

– OB UGOTOVITVI, da je treba zagotoviti ustrezno raven varovanja tajnih podatkov v agenciji in njenih državah članicah ter zato uvesti ustrezen pravni akt, kot je navedeno v Resoluciji sveta Evropske vesoljske agencije o ustanovitvi delovne skupine za varnost podatkov, ki jo je svet sprejel pod oznako ESA/C/CLI/Res.8 (final),

dogovorile:

Article 1

For the purpose of this Agreement, classified information means any information, document or material in whatever form whose unauthorised disclosure could damage the interests of one or more of the Parties and which has been so designated by security classification.

Article 2

The Parties shall:

1. Protect and safeguard according to agreed security principles and minimum standards:

(a) classified information, marked as such, which is originated by ESA or which is submitted to ESA by a Member State;

(b) classified information, marked as such, of any Member State, submitted to another Member State in support of an ESA programme, project or contract;

2. Maintain the security classification of information as defined under (1) above and safeguard it accordingly;

3. Use classified information as defined under (1) above only for purposes laid down in the ESA Convention and the decisions and resolutions pertaining to that Convention;

4. Not disclose such information as defined under (1) above to non-ESA Member States or bodies under their jurisdiction or to any other international organisation without the prior written consent of the originator.

Article 3

The Parties shall implement ESA security standards to ensure a common degree of protection for classified information.

Article 4

1. The States Parties shall ensure that all persons of their respective nationality who, in the conduct of their official duties require access, or whose duties or function may afford access to classified information provided for or exchanged under this Agreement are appropriately security cleared before they are granted access to such information and material.

2. The Parties shall ensure that access to classified information exchanged under the present agreement shall be authorised only for persons having a need to know for carrying out their duties or missions.

3. Security clearance procedures shall be designed to establish whether an individual can, taking into account his loyalty and trustworthiness, be granted access to classified information.

4. Upon request, each of the States Parties shall co-operate with the other States Parties in carrying out their respective security clearance procedures.

Article 5

The Director General of ESA shall ensure that the relevant provisions of this Agreement are applied in the headquarters, in the establishments and in the other facilities of the Agency.

Article 6

1. The Parties shall investigate all cases where it is acknowledged or suspected that classified information provided or generated under this Agreement has been compromised or lost.

2. Each Party shall inform quickly and thoroughly the others, where necessary, of any details related to the case and of the eventual results of the investigation as well as of any corrective measures taken to prevent the repetition of any such disclosure.

Article 7

In cases where a representative of a Member State or the Director General of ESA or a staff member or an expert of ESA

1. člen

V tem sporazumu tajni podatek pomeni podatek, dokument ali sredstvo v kateri koli obliki, katerega nepooblaščen razkritje bi lahko škodovalo interesom ene pogodbenice ali več pogodbenic in ki je označen s stopnjo tajnosti.

2. člen

Pogodbenice:

1. skladno z dogovorjenimi varnostnimi načeli in minimalnimi standardi varujejo in zaščitijo:

(a) tajne podatke, ki so označeni s stopnjo tajnosti in so nastali v Evropski vesoljski agenciji ali jih je Evropski vesoljski agenciji dala država članica,

(b) tajne podatke države članice, označene s stopnjo tajnosti in dane drugi državi članici v okviru programa, projekta ali pogodbe Evropske vesoljske agencije;

2. ohranijo stopnjo tajnosti podatkov, določenih v prvem odstavku zgoraj, in jih ustrezno varujejo;

3. uporabijo tajne podatke, določene v prvem odstavku zgoraj, samo za namene, ki so določeni v konvenciji ter odločitvah in resolucijah v zvezi s konvencijo;

4. ne razkrivajo podatkov, določenih v prvem odstavku zgoraj, državam, ki niso članice Evropske vesoljske agencije, ali telesom v njihovi pristojnosti ali nobeni drugi mednarodni organizaciji brez predhodnega pisnega soglasja tistega, pri katerem je podatek nastal.

3. člen

Za zagotavljanje enake ravni varovanja tajnih podatkov pogodbenice izvajajo varnostne standarde Evropske vesoljske agencije.

4. člen

1. Države pogodbenice zagotovijo, da so vsi njihovi državljani, ki pri opravljanju svojih uradnih nalog potrebujejo dostop do tajnih podatkov ali katerih naloge ali dolžnosti jim lahko omogočijo dostop do tajnih podatkov, danih ali izmenjanih po tem sporazumu, ustrezno varnostno preverjeni, preden jim je dovoljeno dostopati do takih podatkov in sredstev.

2. Pogodbenice zagotovijo, da se dostop do tajnih podatkov, izmenjanih po tem sporazumu, dovoli samo osebam s potrebo po seznanitvi zaradi opravljanja njihovih nalog ali dolžnosti.

3. Namen postopkov varnostnega preverjanja je ugotoviti, ali se osebi, ob upoštevanju njene lojalnosti in verodostojnosti, lahko dovoli dostopati do tajnih podatkov.

4. Na podlagi zaprosila vsaka država pogodbenica sodeluje z drugimi državami pogodbenicami pri izvajanju njihovih postopkov varnostnega preverjanja.

5. člen

Generalni direktor Evropske vesoljske agencije zagotovi, da se uporabljajo ustrezne določbe tega sporazuma na sedežu, v enotah in drugih objektih in napravah agencije.

6. člen

1. Pogodbenice raziščejo vse primere, za katere je znano ali se sumi, da so bili v njih ogroženi ali izgubljeni tajni podatki, ki so bili dani ali so nastali na podlagi tega sporazuma.

2. Vsaka pogodbenica po potrebi hitro in temeljito obvesti druge o podrobnostih primera in morebitnih rezultatih preiskave ter o vseh sprejetih popravljivih ukrepih za preprečitev ponovnega razkritja.

7. člen

Če je predstavnik države članice ali generalni direktor Evropske vesoljske agencije ali uslužbenec ali strokovnjak

is involved in a legal pursuit regarding the unauthorised disclosure of classified information, the Member State, the Council and the Director General respectively shall, in compliance with Articles XIV.2 and XXI.1 and 2 and XXIV of Annex 1 of the ESA Convention, have the duty to waive the immunity.

Article 8

The present Agreement in no way prevents the Parties from making other Agreements relating to the exchange of classified information originated by them and not affecting the scope of the present Agreement.

Article 9

1. Each Party may recommend amendments to this Agreement.

2. Any amendment to the present Agreement shall enter into force thirty days after the Government of France has received notification of acceptance from all Parties. The Government of France shall notify all Parties of the date of entry into force of any such amendment.

Article 10

1. This Agreement shall be open for signature by the Parties to the ESA Convention and shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of France.

2. This Agreement shall enter into force thirty days after the date of deposit by two signatory States of their instruments of ratification, acceptance or approval. It shall enter into force for each of other signatory State thirty days after the deposit of its instrument of ratification, acceptance or approval.

Article 11

1. The accession to this Agreement by any new State Party to the ESA Convention shall be in accordance with Article XXII of the Convention. The Agreement shall enter into force in respect of each acceding State thirty days after the day of the deposit of its instrument of accession.

2. Instruments of accession shall be deposited with the Government of France.

Article 12

1. This Agreement may be denounced by written notice by any State Party given to the depositary, which shall inform all the other Parties of such notice. Such denunciation shall take effect one year after the receipt of notification by the depositary.

2. A State Party denouncing this Agreement shall remain to be bound by its obligation to protect and safeguard classified information to which it has gained access on the basis of this Agreement. The same applies to a State Party to the present Agreement denouncing the ESA Convention in accordance with its Article XXIV or in the case of dissolution of the European Space Agency in accordance with Article XXV of the Convention.

Article 13

The Government of France shall notify ESA and all signatory and acceding States of the deposit of each instrument of ratification, acceptance, approval, accession or denunciation.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in Paris, this 19 day of August 2002, in a single copy in the English and French languages, each text being equally authoritative, which shall be deposited with the Government of France and of which certified copies shall be transmitted by that Government to each of the signatories.

Evropske vesoljske agencije udeležen v sodnem postopku zaradi nepooblaščenega razkritja tajnih podatkov, se morajo država članica, svet in generalni direktor odreči imuniteti v skladu z drugim odstavkom XIV. člena, prvim in drugim odstavkom XXI. člena in XXIV. členom priloge 1 h konvenciji.

8. člen

Ta sporazum pogodbenicam ne preprečuje sklepati drugih sporazumov o izmenjavi tajnih podatkov, ki so nastali v pogodbenicah in ne vplivajo na področje uporabe tega sporazuma.

9. člen

1. Vsaka pogodbenica lahko predlaga spremembe tega sporazuma.

2. Sprememba sporazuma začne veljati trideset dni po dnevu, ko francoska vlada prejme uradna obvestila vseh pogodbenic o sprejetju. Francoska vlada vse pogodbenice uradno obvesti o dnevu začetka veljavnosti vsake spremembe.

10. člen

1. Sporazum je pogodbenicam konvencije na voljo za podpis in se ratificira, sprejme ali odobri. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri francoski vladi.

2. Sporazum začne veljati trideset dni po dnevu, ko sta dve državi podpisnici deponirali svoji listini o ratifikaciji, sprejetju ali odobritvi. Za vsako drugo državo podpisnico začne veljati trideset dni po dnevu deponiranja njene listine o ratifikaciji, sprejetju ali odobritvi.

11. člen

1. Nova država pogodbenica konvencije pristopi k sporazumu v skladu z XXII. členom konvencije. Za vsako državo pristopnico začne sporazum veljati trideset dni po dnevu deponiranja njene listine o pristopu.

2. Listine o pristopu se deponirajo pri francoski vladi.

12. člen

1. Država pogodbenica lahko sporazum odpove s pisnim uradnim obvestilom depozitarju, ki o takem obvestilu obvesti vse druge pogodbenice. Odpoved začne veljati eno leto po dnevu, ko depozitar prejme uradno obvestilo.

2. Država pogodbenica, ki je sporazum odpovedala, mora še naprej varovati in zaščititi tajne podatke, do katerih ima dostop na podlagi tega sporazuma. Enako velja za državo pogodbenico tega sporazuma, ki je v skladu s XXIV. členom konvencije odpovedala konvencijo, ali v primeru razpustitve Evropske vesoljske agencije v skladu s XXV. členom konvencije.

13. člen

Francoska vlada Evropsko vesoljsko agencijo in vse države podpisnice in pristopnice uradno obvesti o deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi, pristopu ali odpovedi.

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

Sestavljeno v Parizu 19. avgusta 2002 v enem izvorniku v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, ki se deponira pri francoski vladi in katerega overjene kopije ta vlada pošlje vsem podpisnicam.

3. člen

Za izvajanje sporazuma skrbi Urad Vlade Republike Slovenije za varovanje tajnih podatkov.

4. člen

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

Št. 040-05/24-13/11

Ljubljana, dne 23. oktobra 2024

EPA 1721-IX

Državni zbor
Republike Slovenije
Nataša Sukič
podpredsednica

32. Zakon o ratifikaciji Konvencije o ustanovitvi Evropske vesoljske agencije (MKEVA)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Konvencije o ustanovitvi Evropske vesoljske agencije (MKEVA)**

Razglašam Zakon o ratifikaciji Konvencije o ustanovitvi Evropske vesoljske agencije (MKEVA), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 23. oktobra 2024.

Št. 003-02-1/2024-211

Ljubljana, dne 31. oktobra 2024

Nataša Pirc Musar
predsednica
Republike Slovenije

Z A K O N**O RATIFIKACIJI KONVENCIJE O USTANOVITVI EVROPSKE VESOLJSKE AGENCIJE (MKEVA)**

1. člen

Ratificira se Konvencija o ustanovitvi Evropske vesoljske agencije, sestavljena v Parizu 30. maja 1975.

2. člen

Konvencija¹ se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

**Convention for the establishment of a
European Space Agency**

The States parties to this Convention,
CONSIDERING that the magnitude of the human, technical and financial resources required for activities in the space field is such that these resources lie beyond the means of any single European country,

CONSIDERING the Resolution adopted by the European Space Conference on 20 December 1972 and confirmed by the European Space Conference on 31 July 1973, which decided that a new organisation, called the 'European Space Agency', would be formed out of the European Space Research Organisation and the European Organisation for the Development and Construction of Space Vehicle Launchers, and that the aim would be to integrate the European national space programmes into a European space programme as far and as fast as reasonably possible,

DESIRING to pursue and to strengthen European cooperation, for exclusively peaceful purposes, in space research and technology and their space applications, with a view to their being used for scientific purposes and for operational space applications systems,

DESIRING, in order to achieve these aims, to establish a single European space organisation to increase the efficiency of the total of European space efforts by making better use of the resources at present devoted to space and to define a European space programme for exclusively peaceful purposes,
HAVE AGREED as follows:

*Article I***ESTABLISHMENT OF THE AGENCY**

1. A European organisation, called the 'European Space Agency', hereinafter referred to as 'the Agency', is hereby established.

2. The members of the Agency, hereinafter referred to as 'Member States', shall be the States which are parties to this Convention in accordance with Articles XX and XXII.

**Konvencija o ustanovitvi
Evropske vesoljske agencije**

Države pogodbenice te konvencije so se,
GLEDE NA TO, da obseg potrebnih kadrovskih, tehničnih in finančnih virov za dejavnosti na področju vesolja presega zmogljivosti posamezne evropske države,

OB UPOŠTEVANJU resolucije, ki jo je Evropska vesoljska konferenca sprejela 20. decembra 1972 in potrdila 31. julija 1973 in s katero je bilo določeno, da se z združitvijo Evropske organizacije za raziskovanje vesolja in Evropske organizacije za razvoj in gradnjo nosilnih vesoljskih plovil ustanovi nova organizacija z imenom »Evropska vesoljska agencija«, ter da je cilj vključitev evropskih nacionalnih vesoljskih programov v evropski vesoljski program, kolikor in kakor hitro je to razumno mogoče,

V ŽELJI, da se izključno za miroljubne namene vzpostavi in krepí evropsko sodelovanje pri vesoljskih raziskavah in tehnologiji ter njihovi uporabi v vesolju s ciljem, da se uporabijo v znanstvene namene in za operativne vesoljske namenske sisteme,

V ŽELJI, da se za doseganje teh ciljev ustanovi skupna evropska vesoljska organizacija, ki bo z boljšo uporabo virov, zdaj namenjenih za vesolje, povečala učinkovitost vseh evropskih prizadevanj v vesolju in opredelila evropski vesoljski program za izključno miroljubne namene,
DOGOVORILE:

*I. člen***USTANOVITEV AGENCIJE**

1. Ustanovi se evropska organizacija z imenom »Evropska vesoljska agencija«, v nadaljevanju: agencija.

2. Članice agencije, v nadaljevanju: države članice, so države pogodbenice te konvencije v skladu z XX. in XXII. členom.

¹ Besedilo konvencije v francoskem, italijanskem, nemškem, nizozemskem, španskem in švedskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje in evropske zadeve.

3. All Member States shall participate in the mandatory activities referred to in Article V, 1 a, and shall contribute to the fixed common costs of the Agency, referred to in Annex II.

4. The Headquarters of the Agency shall be situated in the Paris area.

Article II

PURPOSE

The purpose of the Agency shall be to provide for and to promote, for exclusively peaceful purposes, cooperation among European States in space research and technology and their space applications, with a view to their being used for scientific purposes and for operational space applications systems:

a. by elaborating and implementing a long-term European space policy, by recommending space objectives to the Member States, and by concerting the policies of the Member States with respect to other national and international organisations and institutions;

b. by elaborating and implementing activities and programmes in the space field;

c. by coordinating the European space programme and national programmes, and by integrating the latter progressively and as completely as possible into the European space programme, in particular as regards the development of applications satellites;

d. by elaborating and implementing the industrial policy appropriate to its programme and by recommending a coherent industrial policy to the Member States.

Article III

INFORMATION AND DATA

1. Member States and the Agency shall facilitate the exchange of scientific and technical information pertaining to the fields of space research and technology and their space applications, provided that a Member State shall not be required to communicate any information obtained outside the Agency if it considers that such communication would be inconsistent with the interests of its own security or its own agreements with third parties, or the conditions under which such information has been obtained.

2. In carrying out its activities under Article V, the Agency shall ensure that any scientific results shall be published or otherwise made widely available after prior use by the scientists responsible for the experiments. The resulting reduced data shall be the property of the Agency.

3. When placing contracts or entering into agreements, the Agency shall, with regard to the resulting inventions and technical data, secure such rights as may be appropriate for the protection of its interests, of those of the Member States participating in the relevant programme, and of those of persons and bodies under their jurisdiction. These rights shall include in particular the rights of access, of disclosure, and of use. Such inventions and technical data shall be communicated to the participating States.

4. Those inventions and technical data that are the property of the Agency shall be disclosed to the Member States and may be used for their own purposes by these Member States and by persons and bodies under their jurisdiction, free of charge.

5. The detailed rules for the application of the foregoing provisions shall be adopted by the Council, by a two-thirds majority of all Member States.

Article IV

EXCHANGE OF PERSONS

Member States shall facilitate the exchange of persons concerned with work within the competence of the Agency, consistent with the application to any person of their laws and regulations relating to entry into, stay in, or departure from, their territories.

3. Vse države članice sodelujejo pri obveznih dejavnostih, navedenih v pododstavku a prvega odstavka V. člena, in prispevajo k fiksnim skupnim stroškom agencije, navedenim v prilogi II.

4. Sedež agencije je na območju Pariza.

II. člen

NAMEN

Namen agencije je, da izključno v miroljubne namene zagotavlja in spodbuja sodelovanje med evropskimi državami na področju vesoljskih raziskav in tehnologije ter njihove uporabe v vesolju s ciljem, da se uporabijo v znanstvene namene in za operativne vesoljske sisteme za aplikacije, tako da:

a. pripravlja in izvaja dolgoročno evropsko vesoljsko politiko in priporoča vesoljske cilje državam članicam ter usklajuje politike držav članic glede na druge nacionalne in mednarodne organizacije in institucije;

b. pripravlja in izvaja dejavnosti in programe na področju vesolja;

c. usklajuje evropski vesoljski program in nacionalne programe ter jih postopno in čim bolj celovito vključuje v evropski vesoljski program, zlasti glede razvoja namenskih satelitov;

d. pripravlja in izvaja industrijsko politiko, primerno njenemu programu, in državam članicam priporoča usklajeno industrijsko politiko.

III. člen

INFORMACIJE IN PODATKI

1. Države članice in agencija omogočajo izmenjavo znanstvenih in tehničnih informacij o vesoljskih raziskavah in tehnologiji ter njihovi uporabi v vesolju pod pogojem, da državi članici ni treba sporočati informacij, ki jih je pridobila zunaj agencije, če meni, da to ni v interesu njene varnosti ali v skladu z njenimi sporazumi s tretjimi stranmi ali pogoji, pod katerimi je take informacije dobila.

2. Pri izvajanju svojih dejavnosti v skladu s V. členom agencija zagotovi, da se vsi znanstveni rezultati objavijo ali so kako drugače širše dostopni, potem ko so jih že uporabili znanstveniki, pristojni za poskuse. Pridobljeni povzeti podatki so last agencije.

3. Pri sklepanju pogodb ali sporazumov agencija v zvezi s tako nastalimi izumi in pridobljenimi tehničnimi podatki zagotovi ustrezne pravice za zaščito svojih interesov, interesov v programu sodelujočih držav članic ter interesov oseb in organov v njihovi pristojnosti. Te pravice zajemajo predvsem pravice do dostopa, razkrivanja in uporabe. S takimi izumi in tehničnimi podatki se seznanijo sodelujoče države.

4. Z izumi in tehničnimi podatki, ki so v lasti agencije, se seznanijo države članice in te države članice ter osebe in organi v njihovi pristojnosti jih lahko za svoje namene uporabljajo brezplačno.

5. Svet sprejme podrobna pravila za uporabo zgornjih določb z dvotretjinsko večino glasov vseh držav članic.

IV. člen

IZMENJAVA OSEB

V skladu s svojimi zakoni in predpisi o vstopu na svoje ozemlje, bivanju na njem ali odhodu z njega države članice omogočajo izmenjavo oseb, ki so povezani z delom v pristojnosti agencije.

Article V

ACTIVITIES AND PROGRAMMES

1. The activities of the Agency shall include mandatory activities, in which all Member States participate, and optional activities, in which all Member States participate apart from those that formally declare themselves not interested in participating therein.

a. With respect to the mandatory activities, the Agency shall:

i. ensure the execution of basic activities, such as education, documentation, studies of future projects and technological research work;

ii. ensure the elaboration and execution of a scientific programme including satellites and other space systems;

iii. collect relevant information and disseminate it to Member States, draw attention to gaps and duplication, and provide advice and assistance for the harmonisation of international and national programmes;

iv. maintain regular contact with the users of space techniques and keep itself informed of their requirements.

b. With respect to the optional activities, the Agency shall ensure, in accordance with the provisions of Annex III, the execution of programmes which may, in particular, include:

i. the design, development, construction, launching, placing in orbit, and control of satellites and other space systems;

ii. the design, development, construction, and operation of launch facilities and space transport systems.

2. In the area of space applications the Agency may, should the occasion arise, carry out operational activities under conditions to be defined by the Council by a majority of all Member States. When so doing the Agency shall:

a. place at the disposal of the operating agencies concerned such of its own facilities as may be useful to them;

b. ensure as required, on behalf of the operating agencies concerned, the launching, placing in orbit and control of operational application satellites;

c. carry out any other activity requested by users and approved by the Council.

The cost of such operational activities shall be borne by the users concerned.

3. With respect to the coordination and integration of programmes referred to in Article II c, the Agency shall receive in good time from Member States information on projects relating to new space programmes, facilitate consultations among the Member States, undertake any necessary evaluation and formulate appropriate rules to be adopted by the Council by a unanimous vote of all Member States. The objectives and procedures of the internationalisation of programmes are set out in Annex IV.

Article VI

FACILITIES AND SERVICES

1. For the execution of the programmes entrusted to it, the Agency:

a. shall maintain the internal capability required for the preparation and supervision of its tasks and, to this end, shall establish and operate such establishments and facilities as are required for its activities;

b. may enter into special arrangements for the execution of certain parts of its programmes by, or in cooperation with, national institutions of the Member States, or for the management by the Agency itself of certain national facilities.

2. In implementing their programmes, the Member States and the Agency shall endeavour to make the best use of their existing facilities and available services as a first priority, and to rationalise them; accordingly they shall not set up new facilities or services without having first examined the possibility of using the existing means.

V. člen

DEJAVNOSTI IN PROGRAMI

1. Dejavnosti agencije zajemajo obvezne dejavnosti, v katerih sodelujejo vse države članice, in izbirne dejavnosti, v katerih sodelujejo vse države članice, razen tistih, ki uradno izjavijo, da v njih ne želijo sodelovati.

a. V zvezi z obveznimi dejavnostmi agencija:

i. zagotavlja izvajanje osnovnih dejavnosti, kot so izobraževanje, dokumentiranje, študije prihodnjih projektov in tehnološko raziskovalno delo;

ii. zagotavlja pripravo in izvedbo znanstvenega programa, vključno s sateliti in drugimi vesoljskimi sistemi;

iii. zbira ustrezne informacije in jih sporoča državam članicam, opozarja na vrzeli in podvajanje ter svetuje in pomaga pri usklajevanju mednarodnih in nacionalnih programov;

iv. vzdržuje redne stike z uporabniki vesoljske tehnike in je na tekočem glede njihovih zahtev.

b. Za izvajanje izbirnih dejavnosti agencija v skladu z določbami III. člena zagotovi izvajanje programov, ki lahko vključujejo zlasti:

i. načrtovanje, razvoj, gradnjo, izstrelitev in umeščanje v orbito satelitov in drugih vesoljskih sistemov ter nadzor nad njimi;

ii. načrtovanje, razvoj, gradnjo in delovanje izstrelitvenih objektov in naprav ter vesoljskih prevoznih sistemov.

2. Na področju uporabe v vesolju lahko agencija, če se pojavi priložnost, izvaja operativne dejavnosti pod pogoji, ki jih določi svet z večino glasov vseh držav članic. Pri tem agencija:

a. daje zadevnim izvajalskim agencijam na voljo svoje objekte in naprave, ki so zanje koristni;

b. v imenu zadevnih izvajalskih agencij po potrebi zagotavlja izstrelitev operativnih namenskih satelitov in njihovo umeščanje v orbito ter nadzor nad njimi;

c. na zahtevo uporabnikov in po predhodni potrditvi sveta izvaja druge dejavnosti.

Stroške operativnih dejavnosti krijejo zadevni uporabniki.

3. Za usklajevanje in vključevanje programov iz pododstavka c II. člena države članice agenciji pravočasno pošljejo informacije o projektih, povezanih z novimi vesoljskimi programi, agencija omogoči posvetovanja med državami članicami, po potrebi oceni in oblikuje ustrezna pravila, ki jih svet sprejme s soglasjem vseh držav članic. Cilji in postopki internacionalizacije programov so določeni v prilogi IV.

VI. člen

OBJEKTI, NAPRAVE IN STORITVE

1. Agencija za izvajanje programov, ki so ji bili zaupani:

a. vzdržuje notranje zmogljivosti, potrebne za pripravo svojih nalog in nadzor nad njimi, ter v ta namen ustanovi in upravlja enote ter objekte in naprave, ki jih potrebuje za svoje dejavnosti;

b. lahko sklene posebne dogovore, da nekatere dele programov izvajajo nacionalne institucije držav članic same ali v sodelovanju z agencijo, ali da agencija upravlja nekatere nacionalne objekte in naprave.

2. Pri izvajanju svojih programov si države članice in agencija prizadevajo najprej čim bolj izkoristiti svoje obstoječe objekte in naprave ter razpoložljive storitve in jih uporabiti gospodarno; v skladu s tem ne uvajajo novih objektov in naprav ter storitev, ne da bi prej proučile možnost uporabe obstoječih zmogljivosti.

Article VII

INDUSTRIAL POLICY

1. The industrial policy which the Agency is to elaborate and apply by virtue of Article II *d* shall be designed in particular to:

a. meet the requirements of the European space programme and the coordinated national space programmes in a cost-effective manner;

b. improve the world-wide competitiveness of European industry by maintaining and developing space technology and by encouraging the rationalisation and development of an industrial structure appropriate to market requirements, making use in the first place of the existing industrial potential of all Member States;

c. ensure that all Member States participate in an equitable manner, having regard to their financial contribution, in implementing the European space programme and in the associated development of space technology; in particular the Agency shall, for the execution of its programmes, grant preference to the fullest extent possible to industry in all Member States, which shall be given the maximum opportunity to participate in the work of technological interest undertaken for the Agency;

d. exploit the advantages of free competitive bidding in all cases, except where this would be incompatible with other defined objectives of industrial policy.

Other objectives may be defined by the Council by a unanimous decision of all Member States.

The detailed arrangements for the attainment of these objectives shall be those set out in Annex V and in rules which shall be adopted by the Council by a two-thirds majority of all Member States and reviewed periodically.

2. For the execution of its programmes, the Agency shall make the maximum use of external contractors consistent with the maintenance of the internal capability referred to in Article VI, 1.

Article VIII

LAUNCHERS AND OTHER SPACE TRANSPORT SYSTEMS

1. When defining its missions, the Agency shall take into account the launchers or other space transport systems developed within the framework of its programmes, or by a Member State, or with a significant Agency contribution, and shall grant preference to their utilisation for appropriate payloads if this does not present an unreasonable disadvantage compared with other launchers or space transport means available at the envisaged time, in respect of cost, reliability and mission suitability.

2. If activities or programmes under Article V include the use of launchers or other space transport systems, the participating States shall, when the programme in question is submitted for approval or acceptance, inform the Council of the launcher or space transport system envisaged. If during the execution of a programme the participating States wish to use a launcher or space transport system other than the one originally adopted, the Council shall make a decision on this change in accordance with the same rules as those applied in respect of the initial approval or acceptance of the programme.

*Article IX*USE OF FACILITIES,
ASSISTANCE TO MEMBER STATES,
AND SUPPLY OF PRODUCTS

1. Provided that their use for its own activities and programmes is not thereby prejudiced, the Agency shall make its facilities available, at the cost of the State concerned, to any Member State that asks to use them for its own programmes. The Council shall determine, by a two-thirds majority of all Member States, the practical arrangements under which the facilities will be made available.

VII. člen

INDUSTRIJSKA POLITIKA

1. Industrijska politika, ki jo agencija pripravi in uporabi na podlagi pododstavka d II. člena, je namenjena predvsem za:

a. izpolnjevanje zahtev evropskega vesoljskega programa in usklajenih nacionalnih vesoljskih programov na stroškovno učinkovit način;

b. izboljšanje konkurenčnosti evropske industrije v svetu z ohranjanjem in razvojem vesoljske tehnologije ter s spodbujanjem racionalizacije in razvoja industrijske strukture, ki ustreza tržnim zahtevam, pri čemer se najprej uporabi obstoječi industrijski potencial vseh držav članic;

c. zagotavljanje, da vse države članice glede na svoj finančni prispevek enakopravno sodelujejo pri izvajanju evropskega vesoljskega programa in pri s tem povezanem razvoju vesoljske tehnologije; zlasti agencija za izvajanje svojih programov v največji možni meri daje prednost industriji v vseh državah članicah, tej pa se v največji možni meri omogoči sodelovanje pri delu tehnološkega pomena, ki se izvaja za agencijo;

d. izkoriščanje prednosti javnih razpisov v vseh primerih, razen kadar to ni združljivo z drugimi opredeljenimi cilji industrijske politike.

Svet lahko s soglasno odločitvijo vseh držav članic določi druge cilje.

Podrobnosti za doseganje teh ciljev določajo priloga V in pravila, ki jih sprejme svet z dvotretjinsko večino glasov vseh držav članic in jih redno pregleduje.

2. Agencija za izvajanje svojih programov v največji možni meri uporablja zunanje izvajalce v skladu z ohranjanjem notranjih zmogljivosti iz prvega odstavka VI. člena.

*VIII. člen*NOSILNE RAKETE IN DRUGI VESOLJSKI
PREVOZNI SISTEMI

1. Agencija pri določanju svojih nalog upošteva nosilne rakete ali druge vesoljske prevozne sisteme, ki jih je razvila v okviru svojih programov ali jih je razvila država članica ali so bili razviti s precejšnjim prispevkom agencije, in daje prednost njihovi uporabi za ustrezen koristni tovor, razen če je to glede na stroške, zanesljivost in primernost za nalogo nerazumna pomanjkljivost v primerjavi z drugimi ob predvidenem času razpoložljivimi nosilnimi raketami ali vesoljskimi prevoznimi sredstvi.

2. Če dejavnosti ali programi iz V. člena vključujejo uporabo nosilnih raket ali drugih vesoljskih prevoznih sistemov, sodelujoče države ob predložitvi takega programa v odobritev ali sprejetje obvestijo svet o predvideni nosilni raketi ali vesoljskem prevoznem sistemu. Če želijo sodelujoče države med izvajanjem programa uporabiti drugo nosilno raketo ali vesoljski prevozni sistem od prvotno sprejetega, svet o tej spremembi odloči v skladu z enakimi pravili, kot so bila uporabljena za prvotno odobritev ali sprejetje programa.

*IX. člen*UPORABA OBJEKTOV IN NAPRAV,
POMOČ DRŽAVAM ČLANICAM IN
DOBAVA IZDELKOV

1. Agencija da svoje objekte in naprave, če to ne vpliva na njihovo uporabo za dejavnosti in programe agencije, na voljo vsaki državi članici, ki zaprosi za njihovo uporabo za svoje programe, na stroške te države. Svet z dvotretjinsko večino glasov vseh držav članic določi praktična pravila, v skladu s katerimi bodo objekti in naprave na voljo.

2. If, outside the activities and programmes referred to in Article V but within the purpose of the Agency, one or more Member States wish to engage in a project, the Council may decide by a two-thirds majority of all Member States to make available the assistance of the Agency. The resulting cost to the Agency shall be met by the Member State or States concerned.

3. a. Products developed under a programme of the Agency shall be supplied to any Member State that has taken part in the funding of the programme in question and asks for such products to be supplied for its own purposes.

The Council shall determine by a two-thirds majority of all Member States the practical arrangements under which such products will be supplied and in particular the measures to be taken by the Agency in regard to its contractors to enable the requesting Member State to obtain those products.

b. This Member State may ask the Agency to state whether it considers that the prices proposed by the contractors are fair and reasonable and whether, under similar circumstances, it would consider them acceptable for the purposes of its own requirements.

c. The fulfilment of the requests referred to in this paragraph shall not involve the Agency in any additional costs, and all costs resulting from such requests shall be borne by the requesting Member State.

Article X ORGANS

The organs of the Agency shall be the Council, and the Director General assisted by a staff.

Article XI THE COUNCIL

1. The Council shall be composed of representatives of the Member States.

2. The Council shall meet as and when required, either at delegate level or at ministerial level. The meetings shall be held at the Agency's Headquarters unless the Council decides otherwise.

3. a. The Council shall elect for two years a Chairman and Vice-chairmen, who may be re-elected once for a further year. The Chairman shall direct the proceedings of the Council and ensure the preparation of its decisions; he shall inform the Member States of proposals for the execution of an optional programme; he shall assist in coordinating the activities of the organs of the Agency. He shall maintain liaison with the Member States, through their delegates to the Council, on general policy matters affecting the Agency and shall endeavour to harmonise their views thereon. In the interval between meetings, he shall advise the Director General and shall obtain from him all necessary information.

b. The Chairman shall be assisted by a Bureau, the composition of which shall be decided by the Council and which shall be convened by the Chairman. The Bureau shall advise the Chairman in the preparation of Council meetings.

4. When the Council meets at ministerial level it shall elect a chairman for the meeting. The next ministerial meeting shall be convened by him.

5. In addition to the functions set forth elsewhere in this Convention and in accordance with its provisions, the Council shall:

a. as regards the activities and programme referred to in Article V, 1 a (i) and (ii):

i. approve the activities and programme by a majority of all Member States; decisions to this effect may only be changed by new decisions adopted by a two-thirds majority of all Member States;

ii. determine, by a unanimous decision of all Member States, the level of resources to be made available to the Agency for the coming five-year period;

iii. determine, by a unanimous decision of all Member States, towards the end of the third year of each five-year peri-

2. Če ena država članica ali več držav članic želi sodelovati pri projektu, ki ne spada med dejavnosti in programe iz V. člena, vendar ustreza namenu agencije, lahko svet z dvotretjinsko večino glasov vseh držav članic odloči, da bo dal na voljo pomoč agencije. Nastale stroške agencije krije ta država članica ali te države članice.

3. a. Izdelki, razviti v okviru programa agencije, se dobavijo vsaki državi članici, ki je sodelovala pri financiranju tega programa in za svoje namene zaprosi za dobavo teh izdelkov.

Svet z dvotretjinsko večino glasov vseh držav članic določi pravila, v skladu s katerimi bodo ti izdelki dobavljeni, zlasti pa ukrepe, ki jih mora sprejeti agencija v zvezi s svojimi izvajalci, da država članica prosilka lahko dobi te izdelke.

b. Ta država članica lahko agencijo zaprosi, da navede, ali so po njenem mnenju cene, ki jih predlagajo izvajalci, poštene in razumne ter ali bi jih za namene svojih potreb v podobnih okoliščinah štela za sprejemljive.

c. Izpolnitev zahtev iz tega odstavka agenciji ne sme povzročiti nobenih dodatnih stroškov, vse stroške, ki izhajajo iz takih zahtev, pa krije država članica prosilka.

X. člen ORGANA

Organa agencije sta svet in generalni direktor, ki mu pomaga osebje.

XI. člen SVET

1. Svet sestavljajo predstavniki držav članic.

2. Svet se sestane po potrebi, na ravni delegatov ali ministrov. Svet se sestaja na sedežu agencije, razen če se ta ne odloči drugače.

3. a. Svet za dve leti izvoli predsednika in podpredsednika, ki sta lahko enkrat ponovno izvoljena za še eno leto. Predsednik vodi delo sveta in zagotavlja pripravo njegovih odločitev; države članice obvešča o predlogih za izvajanje izbirnega programa; pomaga pri usklajevanju dejavnosti organov agencije. Prek njihovih delegatov v svetu vzdržuje stike z državami članicami o vprašanih splošne politike, ki zadevajo agencijo, in si prizadeva za usklajevanje njihovih stališč. V času med sejami svetuje generalnemu direktorju in od njega pridobi vse potrebne informacije.

b. Predsedniku pomaga urad, katerega sestavo določi svet in ki ga skliče predsednik. Urad svetuje predsedniku pri pripravi sej sveta.

4. Ko se svet sestane na ravni ministrov, izvoli predsedujočega seji. Predsedujoči skliče naslednjo sejo na ravni ministrov.

5. Poleg nalog, ki so določene drugje v konvenciji, in v skladu z njenimi določbami svet:

a. v zvezi z dejavnostmi in programom iz točk (i) in (ii) *pododstavka a* prvega odstavka V. člena:

i. z večino glasov vseh držav članic potrjuje dejavnosti in program; te odločitve se lahko spremenijo samo z novimi odločitvami, sprejetimi z dvotretjinsko večino glasov vseh držav članic;

ii. s soglasno odločitvijo vseh držav članic določa višino virov, namenjenih agenciji za naslednje petletno obdobje;

iii. s soglasno odločitvijo vseh držav članic proti koncu tretjega leta vsakega petletnega obdobja in po pregledu stanja

od and after a review of the situation, the level of resources to be made available to the Agency for the new five-year period starting at the end of this third year;

b. as regards the activities referred to in Article V, 1 a (iii) and (iv):

i. define the policy to be followed by the Agency in pursuit of its purpose;

ii. adopt, by a two-thirds majority of all Member States, recommendations addressed to Member States;

c. as regards the optional programmes referred to in Article V, 1 b:

i. accept each programme by a majority of all Member States;

ii. determine, as appropriate, in the course of their implementation, the order of priority of programmes;

d. adopt the annual work plans of the Agency;

e. as regards the budgets as defined in Annex II:

i. adopt the annual general budget of the Agency by a two-thirds majority of all Member States;

ii. adopt each programme budget by a two-thirds majority of the participating States;

f. adopt, by a two-thirds majority of all Member States, the Financial Regulations and all other financial arrangements of the Agency;

g. keep under review expenditure on the mandatory and optional activities referred to in Article V, 1;

h. approve and publish the audited annual accounts of the Agency;

i. adopt the Staff Regulations by a two-thirds majority of all Member States;

j. adopt, by a two-thirds majority of all Member States, rules under which authorisation will be given, bearing in mind the peaceful purposes of the Agency, for the transfer outside the territories of the Member States of technology and products developed under the activities of the Agency or with its help;

k. decide on the admission of new Member States in accordance with Article XXII;

l. decide on the arrangements to be made in accordance with Article XXIV in the event of a Member State's denouncing this Convention or ceasing to be a member under Article XVIII;

m. take all other measures necessary for the fulfilment of the purpose of the Agency within the framework of this Convention.

6. a. Each Member State shall have one vote in the Council. However, a Member State shall not have the right to vote on matters concerning exclusively an accepted programme in which it does not take part.

b. A Member State shall have no vote in the Council if the amount of its arrears of contributions to the Agency in respect of all activities and programmes covered by Article V in which it participates exceeds the assessed amount of its contributions for the current financial year. Moreover, if the amount of a Member State's arrears of contributions to any one of the programmes under Article V, 1 a (ii) or V, 1 b in which it participates exceeds the assessed amount of its contributions to that programme for the current financial year, then that Member State shall have no vote in the Council on questions relating exclusively to that programme. In any such case, the Member State may nevertheless be authorised to vote in the Council if a two-thirds majority of all Member States considers that the non-payment of contributions is due to circumstances beyond its control.

c. The presence of delegates from a majority of all Member States shall be necessary to constitute a quorum at any meeting of the Council.

d. Except where this Convention provides otherwise, decisions of the Council shall be taken by a simple majority of Member States represented and voting.

e. In determining the unanimity or majorities provided for in this Convention, account shall not be taken of a Member State which has no vote.

določa višino virov, namenjenih agenciji v novem petletnem obdobju, ki se začne po koncu tega tretjega leta;

b. v zvezi z dejavnostmi iz točk (iii) in (iv) pododstavka a prvega odstavka V. člena:

i. določa politiko agencije za uresničevanje njenega namena;

ii. z dvotretjinsko večino glasov vseh držav članic sprejema priporočila državam članicam;

c. v zvezi z izbirnimi programi iz pododstavka b prvega odstavka V. člena:

i. z večino glasov vseh držav članic odobri vsak program;

ii. po potrebi določa prednostni vrstni red programov med njihovim izvajanjem;

d. sprejema letni delovni načrt agencije;

e. v zvezi s proračuni iz priloge II:

i. z dvotretjinsko večino glasov vseh držav članic sprejema splošni letni proračun agencije;

ii. z dvotretjinsko večino glasov sodelujočih držav sprejema proračun vsakega programa;

f. z dvotretjinsko večino glasov vseh držav članic sprejema finančne predpise in vsa druga finančna pravila agencije;

g. pregleduje izdatke obveznih in izbirnih dejavnosti iz prvega odstavka V. člena;

h. potrjuje in objavlja revidirane računovodske izkaze agencije;

i. z dvotretjinsko večino glasov vseh držav članic sprejema kadrovske predpise;

j. z dvotretjinsko večino glasov vseh držav članic sprejema pravila o dajanju pooblastil, pri čemer upošteva miroljubni namen agencije, za prenos tehnologije in izdelkov, razvitih v okviru dejavnosti agencije ali z njeno pomočjo, z ozemelj držav članic;

k. odloča o sprejemu novih držav članic v skladu z XXII. členom;

l. odloča o pravilih, ki se sprejmejo v skladu s XXIV. členom, če država članica odpove konvencijo ali preneha biti članica v skladu z XVIII. členom;

m. sprejema vse druge potrebne ukrepe za uresničevanje namena agencije v okviru te konvencije.

6. a. Vsaka država članica ima v svetu en glas. Država članica pa nima pravice glasovati o zadevah, ki se nanašajo izključno na sprejeti program, pri katerem ne sodeluje.

b. Država članica nima glasovalne pravice v svetu, če znesek njenih neplačanih prispevkov agenciji za vse dejavnosti in programe iz V. člena, v katerih sodeluje, presega ocenjeni znesek njenih prispevkov za tekoče poslovno leto. Če znesek njenih neplačanih prispevkov za program iz točke (ii) pododstavka a prvega odstavka ali pododstavka b prvega odstavka V. člena, v katerem sodeluje, presega ocenjeni znesek njenih prispevkov za ta program za tekoče poslovno leto, država članica v svetu nima glasovalne pravice pri zadevah, ki se nanašajo izključno na ta program. V takem primeru se državi članici kljub temu lahko dovoli glasovanje v svetu, če dvotretjinska večina vseh držav članic meni, da je neplačilo prispevkov posledica okoliščin, na katere država članica nima vpliva.

c. Svet je sklepčen, če so na seji prisotni delegati večine vseh držav članic.

d. Svet sprejema odločitve z navadno večino zastopanih in glasujočih držav članic, razen če ta konvencija ne določa drugače.

e. Pri ugotavljanju soglasja ali večine se v skladu s konvencijo ne upošteva država članica, ki nima glasovalne pravice.

7. The Council shall adopt its own rules of procedure.

8. a. The Council shall establish a Science Programme Committee, to which it shall refer any matter relating to the mandatory scientific programme under Article V, 1 a (ii). It shall authorise that Committee to take decisions regarding that programme, subject always to the Council's functions of determining the level of resources and adopting the annual budget. The terms of reference of the Science Programme Committee shall be determined by the Council by a two-thirds majority of all Member States and in accordance with this Article.

b. The Council may establish such other subordinate bodies as may be necessary for the purpose of the Agency. The establishment and terms of reference of such bodies, and the cases in which they have powers of decision, shall be determined by the Council by a two-thirds majority of all Member States.

c. When a subordinate body examines a question relating exclusively to one of the optional programmes referred to in Article V, 1 b, non-participating States shall have no vote unless all participating States decide otherwise.

Article XII

DIRECTOR GENERAL AND STAFF

1. a. The Council shall, by a two-thirds majority of all Member States, appoint a Director General for a defined period and may, by the same majority, terminate his appointment.

b. The Director General shall be the chief executive officer of the Agency and its legal representative. He shall take all measures necessary for the management of the Agency, the execution of its programmes, the implementation of its policy and the fulfilment of its purpose, in accordance with the directives issued by the Council. He shall have authority over the establishments of the Agency. He shall, in regard to the financial administration of the Agency, act in accordance with the provisions of Annex II. He shall make an annual report to the Council, and this report shall be published. He may also submit proposals concerning activities and programmes as well as measures designed to ensure the fulfilment of the Agency's purpose. He attends meetings of the Agency without the right to vote.

c. The Council may postpone the appointment of the Director General for such period as it considers necessary either upon the entry into force of this Convention or in the event of a subsequent vacancy. In this event, it shall appoint a person to act in his place, who shall have such powers and responsibilities as the Council may determine.

2. The Director General shall be assisted by such scientific, technical, administrative and clerical staff as he may consider necessary, within the limits authorised by the Council.

3. a. Senior management staff, as defined by the Council, shall be appointed and may be dismissed by the Council on the recommendation of the Director General. Appointments and dismissals made by the Council shall require a two-thirds majority of all Member States.

b. Other staff members shall be appointed and may be dismissed by the Director General, acting on the authority of the Council.

c. All staff shall be recruited on the basis of their qualifications, taking into account an adequate distribution of posts among nationals of the Member States. Appointments and their termination shall be in accordance with the Staff Regulations.

d. Scientists who are not members of the staff and who carry out research in the establishments of the Agency shall be subject to the authority of the Director General and to any general rules adopted by the Council.

4. The responsibilities of the Director General and the staff in regard to the Agency shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Agency. Each Member State shall respect the international character of the responsibilities of the Director General and the staff, and shall not seek to influence them in the discharge of their duties.

7. Svet sprejme svoj poslovnik.

8. a. Svet ustanovi Odbor za znanstveni program, ki mu v obravnavo pošlje vse zadeve v zvezi z obveznim znanstvenim programom v skladu s točko (ii) pododstavka a prvega odstavka V. člena. Svet Odbor za znanstveni program pooblasti za sprejemanje odločitev o programu, vendar vedno ob upoštevanju, da svet določi znesek sredstev in sprejme letni proračun. Naloge Odbora za znanstveni program določi svet z dvotretjinsko večino glasov vseh držav članic in v skladu s tem členom.

b. Svet lahko ustanovi druga podrejena telesa, potrebna za uresničevanje namena agencije. O ustanovitvi takih teles, njihovih nalogah in pristojnosti odločanja odloča svet z dvotretjinsko večino glasov vseh držav članic.

c. Ko podrejeno telo obravnava zadevo, ki se nanaša izključno na enega od izbirnih programov iz pododstavka b prvega odstavka V. člena, država, ki ne sodeluje pri tem programu, nima glasovalne pravice, razen če se vse sodelujoče države članice ne odločijo drugače.

XII. člen

GENERALNI DIREKTOR IN OSEBJE

1. a. Svet z dvotretjinsko večino glasov vseh držav članic imenuje generalnega direktorja za določeno obdobje in ga lahko z enako večino tudi razreši.

b. Generalni direktor je izvršni direktor agencije in njen pravni zastopnik. Sprejema vse potrebne ukrepe za vodenje agencije, izvajanje njenih programov, izvajanje njene politike in uresničevanje njenega namena v skladu z navodili sveta. Pristojen je za enote agencije. V zvezi s finančnim upravljanjem agencije deluje v skladu z določbami priloge II. Svetu predloži letno poročilo, ki se javno objavi. Lahko tudi daje predloge v zvezi z dejavnostmi in programi ter ukrepi za uresničevanje namena agencije. Udeležuje se sej agencije, vendar pa nima glasovalne pravice.

c. Svet lahko imenovanje generalnega direktorja odloži za obdobje, ki se mu zdi potrebno, bodisi ob začetku veljavnosti te konvencije ali kadar koli pozneje, ko to mesto ni zasedeno. V tem primeru svet imenuje osebo, ki ga nadomešča in ima pooblastila in odgovornosti, kot jih določi svet.

2. Generalnemu direktorju pomaga znanstveno, tehnično, upravno in administrativno osebje, ki je po njegovem mnenju potrebno, vendar v okviru omejitev, ki jih odobri svet.

3. a. Vodstvo, kot ga določi svet, imenuje in razreši svet na priporočilo generalnega direktorja. Za imenovanja in razrešitve svet potrebuje dvotretjinsko večino glasov vseh držav članic.

b. Druge uslužbenke imenuje in razreši generalni direktor na podlagi pooblastila sveta.

c. Vsi uslužbenci se zaposlijo na podlagi kvalifikacij, pri čemer se upošteva ustrezna porazdelitev delovnih mest med državljani držav članic. Imenovanja in razrešitve so v skladu s kadrovskimi predpisi.

d. Znanstveniki, ki niso člani osebja in opravljajo raziskave v enotah agencije, so podrejeni generalnemu direktorju in zanje veljajo splošna pravila, ki jih sprejme svet.

4. Obveznosti generalnega direktorja in osebja v zvezi z agencijo so izključno mednarodne narave. Pri opravljanju svojih nalog ne smejo zahtevati niti prejemati navodil vlad ali katerega koli drugega organa zunaj agencije. Vsaka država članica spoštuje mednarodno naravo obveznosti generalnega direktorja in osebja ter ne poskuša vplivati nanje pri opravljanju njihovih nalog.

Article XIII

FINANCIAL CONTRIBUTIONS

1. Each Member State shall contribute to the costs of the activities and programme referred to in Article V, 1 *a* and, in accordance with Annex II, to the common costs of the Agency, in accordance with a scale adopted by the Council, by a two-thirds majority of all Member States, either every three years at the time of the review referred to in Article XI, 5 *a* (iii), or whenever the Council, by a unanimous vote of all Member States, decides to establish a new scale. The scale of contributions shall be based on the average national income of each Member State for the three latest years for which statistics are available. Nevertheless,

a. no Member State shall be required to pay contributions in excess of twenty-five percent of the total amount of contributions assessed by the Council to meet these costs;

b. the Council may, by a two-thirds majority of all Member States, decide in the light of any special circumstances of a Member State to reduce its contribution for a limited period. In particular, when the annual per capita income of a Member State is less than an amount to be decided by the Council by the same majority, this shall be considered as a special circumstance within the meaning of this provision.

2. Each Member State shall contribute to the costs of each optional programme covered by Article V, 1 *b*, unless it has formally declared itself not interested in participating therein and is therefore not a participant. Unless all participating States decide otherwise, the scale of contributions to a given programme shall be based on the average national income of each participating State for the three latest years for which statistics are available. This scale shall be revised either every three years or whenever the Council decides to establish a new scale in accordance with paragraph 1. However, no participating State shall, by the operation of this scale, be required to pay contributions in excess of twenty-five percent of the total amount of contributions to the programme concerned. Nevertheless, the percentage contribution to be made by each participating State shall be equivalent to at least twenty-five percent of its percentage contribution established under the provisions of paragraph 1, unless all the participating States decide otherwise when adopting the programme or during the execution of the programme.

3. The statistical systems to be used for establishing the scales of contribution referred to in paragraphs 1 and 2 shall be the same, and shall be determined in the Financial Regulations.

4. *a.* Any State that was not a party to the Convention for the establishment of a European Space Research Organisation or to the Convention for the establishment of a European Organisation for the Development and Construction of Space Vehicle Launchers and which becomes a party to this Convention shall make, in addition to its contributions, a special payment related to the current value of the assets of the Agency. The amount of this special payment shall be fixed by the Council by a two-thirds majority of all Member States.

b. Payments made in accordance with the provisions of sub-paragraph *a* shall be used to reduce the contributions of the other Member States unless the Council decides otherwise by a two-thirds majority of all Member States.

5. Contributions due under this Article shall be paid in accordance with Annex II.

6. Subject to any directions given by the Council, the Director General may accept gifts or legacies to the Agency provided that they are not subject to any conditions inconsistent with the purpose of the Agency.

Article XIV

COOPERATION

1. The Agency may, upon decisions of the Council taken by unanimous votes of all Member States, cooperate with other international organisations and institutions and with Govern-

XIII. člen

FINANČNI PRISPEVKI

1. Država članica prispeva za kritje stroškov dejavnosti in programa iz pododstavka *a* prvega odstavka V. člena in v skladu s priložo II za kritje skupnih stroškov agencije v skladu z lestvico, ki jo sprejme svet z dvotretjinsko večino glasov vseh držav članic vsaka tri leta ob pregledu iz točke (iii) pododstavka *a* petega odstavka XI. člena, ali ko svet s soglasno odločitvijo vseh držav članic določi novo lestvico. Lestvica prispevkov temelji na povprečnem nacionalnem dohodku vsake države članice za zadnja tri leta, za katera so na voljo statistični podatki. Ne glede na to,

a. nobeni državi članici ni treba plačati prispevkov, ki presegajo petindvajset odstotkov celotnega zneska prispevkov za kritje teh stroškov po oceni sveta;

b. svet lahko z dvotretjinsko večino glasov vseh držav članic odloči glede na posebne okoliščine države članice, da za omejeno obdobje zniža njen prispevek. Zlasti kadar je letni dohodek države članice na prebivalca nižji od zneska, ki ga z enako večino določi svet, se to šteje za posebno okoliščino v smislu te določbe.

2. Vsaka država članica prispeva za kritje stroškov vsakega izbirnega programa iz pododstavka *b* prvega odstavka V. člena, razen če je uradno izjavila, da ne želi sodelovati v njem, in zato v njem ne sodeluje. Razen če se vse sodelujoče države ne odločijo drugače, lestvica prispevkov za posamezni program temelji na povprečnem nacionalnem dohodku vsake sodelujoče države za zadnja tri leta, za katera so na voljo statistični podatki. Lestvica se pregleda vsaka tri leta ali ko se svet odloči uvesti novo lestvico v skladu s prvim odstavkom. Zaradi te lestvice pa nobeni državi članici ni treba plačati prispevkov, ki presegajo petindvajset odstotkov celotnega zneska prispevkov za zadevni program. Ne glede na to je odstotek, ki ga prispeva vsaka sodelujoča država, enak vsaj petindvajsetim odstotkom njenega prispevka, določenega v skladu z določbami prvega odstavka, razen če se vse države med sprejemanjem ali izvajanjem programa ne odločijo drugače.

3. Za določitev lestvice prispevkov iz prvega in drugega odstavka se uporabljajo enaki statistični sistemi, kot jih določajo finančni predpisi.

4. *a.* Država, ki ni bila pogodbenica Konvencije o ustanovitvi Evropske organizacije za raziskovanje vesolja ali Konvencije o ustanovitvi Evropske organizacije za razvoj in gradnjo nosilnih vesoljskih plovil ter postane pogodbenica te konvencije, poleg svojih prispevkov plača posebni znesek v višini trenutne vrednosti premoženja agencije. Znesek tega posebnega plačila določi svet z dvotretjinsko večino glasov vseh držav članic.

b. Prispevki drugih držav članic se znižajo za zneske, plačane v skladu z določbami pododstavka *a*, razen če svet z dvotretjinsko večino glasov vseh držav članic ne odloči drugače.

5. Prispevki, ki jih je treba plačati po tem členu, se plačajo v skladu s priložo II.

6. Generalni direktor lahko v skladu z navodili sveta sprejema darila ali zapuščino agenciji, če zanje ne veljajo pogoji, ki niso v skladu z namenom agencije.

XIV. člen

SODELOVANJE

1. Agencija lahko na podlagi odločitev sveta, sprejetih s soglasjem vseh držav članic, sodeluje z drugimi mednarodnimi organizacijami in institucijami ter vladami, organizacijami

nments, organisations and institutions of non-member States, and conclude agreements with them to this effect.

2. Such cooperation may take the form of participation by non-member States or international organisations in one or more of the programmes under Article V, 1 a (ii) and V, 1 b. Subject to the decisions to be taken under paragraph 1, the detailed arrangements for such cooperation shall be defined in each case by the Council by a two-thirds majority of the States participating in the programme in question. These arrangements may provide that a non-member State shall have a vote in the Council when the latter examines matters pertaining exclusively to the programme in which that State participates.

3. Such cooperation may also take the form of according associate membership to non-member States which undertake to contribute at least to the studies of future projects under Article V, 1 a (i). The detailed arrangements for each such associate membership shall be defined by the Council by a two-thirds majority of all Member States.

Article XV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

1. The Agency shall have legal personality.

2. The Agency, its staff members and experts, and the representatives of its Member States, shall enjoy the legal capacity, privileges and immunities provided for in Annex I.

3. Agreements concerning the Headquarters of the Agency and the establishments set up in accordance with Article VI shall be concluded between the Agency and the Member States on whose territories the Headquarters and establishments are situated.

Article XVI

AMENDMENTS

1. The Council may recommend to Member States amendments to this Convention and to Annex I thereto. Any Member State that wishes to propose an amendment shall notify the Director General thereof. The Director General shall inform the Member States of any amendment so notified at least three months before it is discussed by the Council.

2. Any amendment recommended by the Council shall enter into force thirty days after the Government of France has received notification of acceptance from all Member States. The Government of France shall notify all Member States of the date of entry into force of any such amendment.

3. The Council may, by a unanimous vote of all Member States, amend any of the other Annexes to this Convention, provided that such amendments do not conflict with the Convention. Any such amendment shall enter into force on a date to be decided by the Council by a unanimous vote of all Member States. The Director General shall inform all Member States of any such amendment and of the date on which it will enter into force.

Article XVII

DISPUTES

1. Any dispute between two or more Member States, or between any of them and the Agency, concerning the interpretation or application of this Convention or its Annexes, and likewise any dispute referred to in Article XXVI of Annex I, which is not settled by or through the Council, shall, at the request of any party to the dispute, be submitted to arbitration.

2. Unless the parties to the dispute decide otherwise, the arbitration procedure shall be in accordance with this Article and with additional rules to be adopted by the Council by a two-thirds majority of all Member States.

3. The Arbitration Tribunal shall consist of three members. Each party to the dispute shall nominate one arbitrator; the first two arbitrators shall nominate the third arbitrator, who shall be the chairman of the Arbitration Tribunal. The additional rules referred to in paragraph 2 shall determine the procedure to be followed if the nominations have not taken place within a specified time.

in institucijami držav nečlanic ter z njimi v ta namen sklepa sporazume.

2. Tako sodelovanje ima lahko obliko sodelovanja države nečlanice ali mednarodne organizacije v enem programu ali več programih v skladu s točko (ii) pododstavka a prvega odstavka in pododstavkom b prvega odstavka V. člena. Ob upoštevanju odločitev, sprejetih v skladu s prvim odstavkom, podrobnosti takega sodelovanja za vsak posamezen primer določi svet z dvotretjinsko večino glasov vseh sodelujočih držav v programu. Podrobnosti lahko določajo, da ima država nečlanica glasovalno pravico v svetu, ko ta obravnava zadeve, ki se nanašajo izključno na program, v katerem država sodeluje.

3. Tako sodelovanje je lahko tudi v obliki dodelitve pridruženega članstva državam nečlanicam, ki se zavežejo, da bodo prispevale vsaj k študijam prihodnjih projektov v skladu s točko (i) pododstavka a prvega odstavka V. člena. Podrobnosti vsakega pridruženega članstva določi svet z dvotretjinsko večino glasov vseh držav članic.

XV. člen

PRAVNI STATUS, PRIVILEGIJI IN IMUNITETE

1. Agencija je pravna oseba.

2. Agencija, njeno osebje in strokovnjaki ter predstavniki držav članic imajo pravno sposobnost, privilegije in imunitete, določene v prilogi I.

3. Sporazume o sedežu in enotah agencije, ustanovljenih v skladu s VI. členom, sklene agencija z državami članicami, na ozemlju katerih so sedež in enote.

XVI. člen

SPREMEMBE

1. Svet lahko državam članicam priporoči spremembe konvencije in priloge I. Država članica, ki želi predlagati spremembo, o tem uradno obvesti generalnega direktorja. Generalni direktor seznanj države članice s spremembo, o kateri je bil uradno obveščen, najmanj tri mesece pred njeno obravnavo na svetu.

2. Sprememba, ki jo priporoči svet, začne veljati trideset dni po tem, ko je francoska vlada prejela uradno obvestilo, da so spremembo sprejele vse države članice. Francoska vlada uradno obvesti vse države članice o dnevu začetka veljavnosti spremembe.

3. Svet lahko s soglasno odločitvijo vseh držav članic spremeni katero koli prilogo konvencije pod pogojem, da take spremembe niso v nasprotju s konvencijo. Svet s soglasno odločitvijo vseh držav članic določi dan začetka veljavnosti spremembe. Generalni direktor seznanj vse države članice s spremembo in dnem začetka njene veljavnosti.

XVII. člen

SPORI

1. Spori med dvema državama članicama ali več državami članicami ali med državo članico in agencijo glede razlage ali uporabe konvencije ali njenih prilog ter spori iz XXVI. člena priloge I, ki jih ne reši svet, se na zahtevo strani v sporu predložijo v arbitražo.

2. Če se strani v sporu ne odločijo drugače, se arbitražni postopek izvede v skladu s tem členom in dodatnimi pravili, ki jih sprejme svet z dvotretjinsko večino glasov vseh držav članic.

3. Arbitražno sodišče ima tri člane. Vsaka stran v sporu imenuje enega arbitra; prva dva arbitra imenujeta tretjega arbitra in ta predseduje arbitražnemu sodišču. Če imenovanja niso opravljena v navedenem roku, postopek določajo dodatna pravila iz drugega odstavka.

4. Member States or the Agency, not being parties to the dispute, may intervene in the proceedings with the consent of the Arbitration Tribunal if it considers that they have a substantial interest in the decision of the case.

5. The Arbitration Tribunal shall determine its seat and establish its own rules of procedure.

6. The award of the Arbitration Tribunal shall be made by a majority of its members, who may not abstain from voting. This award shall be final and binding on all parties to the dispute and no appeal shall lie against it. The parties shall comply with the award without delay. In the event of a dispute as to its meaning or scope, the Arbitration Tribunal shall interpret it at the request of any party to the dispute.

Article XVIII

NON-FULFILMENT OF OBLIGATIONS

Any Member State which fails to fulfil its obligations under this Convention shall cease to be a member of the Agency on a decision of the Council taken by a two-thirds majority of all Member States. The provisions of Article XXIV shall apply in such a case.

Article XIX

CONTINUITY OF RIGHTS AND OBLIGATIONS

On the date when this Convention enters into force, the Agency shall take over all rights and obligations of the European Space Research Organisation and of the European Organisation for the Development and Construction of Space Vehicle Launchers.

Article XX

SIGNATURE AND RATIFICATION

1. This Convention shall be open until 31 December 1975 for signature by the States which are members of the European Space Conference. The Annexes to this Convention shall form an integral part thereof.

2. This Convention shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of France.

3. After the entry into force of the Convention and pending the deposit of its instrument of ratification or acceptance, a signatory State may take part in the meetings of the Agency, without the right to vote.

Article XXI

ENTRY INTO FORCE

1. This Convention shall enter into force when the following States, being members of the European Space Research Organisation or the European Organisation for the Development and Construction of Space Vehicle Launchers, have signed it and have deposited with the Government of France their instruments of ratification or acceptance: the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Italian Republic, the Kingdom of the Netherlands, Spain, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland. For any State ratifying, accepting or acceding to this Convention after its entry into force, the Convention shall become effective on the date of deposit by such State of its instrument of ratification, acceptance or accession.

2. The Convention for the establishment of a European Space Research Organisation and the Convention for the establishment of a European Organisation for the Development and Construction of Space Vehicle Launchers shall terminate on the date of the entry into force of this Convention.

Article XXII

ACCESSION

1. After the entry into force of this Convention, any State may accede thereto following a decision of the Council taken by a unanimous vote of all Member States.

4. Države članice ali agencija, ki niso strani v sporu, lahko s soglasjem arbitražnega sodišča posredujejo v postopkih, če to meni, da je odločitev v zadevi v njihovem velikem interesu.

5. Arbitražno sodišče določi kraj svojega sedeža in svoj poslovnik.

6. Arbitražno sodišče svojo odločbo sprejme z večino glasov svojih članov, ki se glasovanja ne smejo vzdržati. Odločba je dokončna in zavezujoča za vse strani v sporu ter zoper njo ni mogoča pritožba. Strani brez odlašanja spoštujejo odločbo. Ob sporu v zvezi z njenim pomenom ali področjem uporabe arbitražno sodišče na zahtevo strani v sporu da razlago.

XVIII. člen

NEIZPOLNJEVANJE OBVEZNOSTI

Država članica, ki ne izpolnjuje obveznosti po tej konvenciji, preneha biti članica agencije na podlagi odločitve sveta, sprejete z dvotretjinsko večino glasov vseh držav članic. V takem primeru se uporabljajo določbe XXIV. člena.

XIX. člen

PREVZEM PRAVIC IN OBVEZNOSTI

Z dnem začetka veljavnosti konvencije agencija prevzame vse pravice in obveznosti Evropske organizacije za raziskovanje vesolja ter Evropske organizacije za razvoj in gradnjo nosilnih vesoljskih plovil.

XX. člen

PODPIS IN RATIFIKACIJA

1. Konvencija je do 31. decembra 1975 na voljo za podpis državam, ki so članice Evropske vesoljske konference. Priloge k tej konvenciji so njen sestavni del.

2. Konvencijo je treba ratificirati ali sprejeti. Listine o ratifikaciji ali sprejetju se deponirajo pri francoski vladi.

3. Po začetku veljavnosti konvencije in pred deponiranjem listine o njeni ratifikaciji ali sprejetju se država podpisnica lahko udeležuje sej agencije brez glasovalne pravice.

XXI. člen

ZAČETEK VELJAVNOSTI

1. Konvencija začne veljati, ko jo te države, ki so članice Evropske organizacije za raziskovanje vesolja ali Evropske organizacije za razvoj in gradnjo nosilnih vesoljskih plovil, podpišejo in pri francoski vladi deponirajo svojo listino o njeni ratifikaciji ali sprejetju: Kraljevina Belgija, Kraljevina Danska, Francoska republika, Zvezna republika Nemčija, Italijanska republika, Kraljevina Nizozemska, Španija, Kraljevina Švedska, Švicarska konfederacija ter Združeno kraljestvo Velike Britanije in Severne Irske. Za državo, ki ratificira ali sprejme konvencijo ali k njej pristopi po začetku njene veljavnosti, začne konvencija veljati z dnem, ko ta država deponira svojo listino o ratifikaciji, sprejetju ali pristopu.

2. Konvencija o ustanovitvi Evropske organizacije za raziskovanje vesolja in Konvencija o ustanovitvi Evropske organizacije za razvoj in gradnjo nosilnih vesoljskih plovil prenehata veljati z dnem, ko začne veljati ta konvencija.

XXII. člen

PRISTOP

1. Ko konvencija začne veljati, lahko država k njej pristopi na podlagi odločitve sveta, ki so jo soglasno sprejele vse države članice.

2. A State that wishes to accede to this Convention shall notify the Director General, who shall inform the Member States of this request at least three months before it is submitted to the Council for decision.

3. Instruments of accession shall be deposited with the Government of France.

Article XXIII

NOTIFICATIONS

The Government of France shall notify all signatory and acceding States of:

- a. the date of deposit of each instrument of ratification, acceptance or accession;
- b. the date of entry into force of this Convention and of amendments covered by Article XVI, 2;
- c. the denunciation of the Convention by a Member State.

Article XXIV

DENUNCIATION

1. After this Convention has been in force for six years, any Member State may denounce it by notifying the Government of France, which shall notify the other Member States and the Director General. The denunciation shall take effect at the end of the financial year following that during which it was notified to the Government of France. After the denunciation has taken effect, the State concerned shall remain bound to honour its due share of the payment appropriations corresponding to approved contract authority used both under the budgets to which it was contributing for the year in which the denunciation was notified to the Government of France, and under previous budgets.

2. A Member State denouncing the Convention shall indemnify the Agency for any loss of property on its territory, unless a special agreement can be concluded with the Agency for the continued use of this property by the Agency or the continuation of certain activities of the Agency on the territory of the said State. Any such special agreement shall determine in particular to what extent and on what conditions the provisions of this Convention shall continue to apply, after the denunciation has taken effect, to the continued use of this property and the continuation of these activities.

3. A Member State denouncing the Convention, and the Agency, shall jointly determine any additional obligations to be borne by the said State.

4. The State concerned shall retain the rights it has acquired up to the date on which the denunciation takes effect.

Article XXV

DISSOLUTION

1. The Agency shall be dissolved if the number of Member States becomes less than five. It may be dissolved at any time by agreement between the Member States.

2. In the event of dissolution the Council shall appoint a liquidation authority, which will negotiate with the States on whose territories the Headquarters and establishments of the Agency are situated at the time. The legal personality of the Agency shall subsist for the purposes of the liquidation.

3. Any surplus shall be distributed among those States that are members of the Agency at the time of the dissolution, in proportion to the contributions actually made by them from the dates of their becoming parties to this Convention. In the event of a deficit, this shall be met by the same States in proportion to their contributions as assessed for the financial year then current.

Article XXVI

REGISTRATION

Upon the entry into force of this Convention, the Government of France shall register it with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

2. Država, ki želi pristopiti h konvenciji, o tem uradno obvesti generalnega direktorja, ki s to prošnjo seznanj države članice najmanj tri mesece pred njeno predložitvijo svetu v odločanje.

3. Listine o pristopu se deponirajo pri francoski vladi.

XXIII. člen

URADNA OBVESTILA

Francoska vlada vse države podpisnice in pristopnice uradno obvesti o:

- a. dnevu deponiranja vsake listine o ratifikaciji, sprejetju ali pristopu;
- b. dnevu začetka veljavnosti konvencije in sprememb iz drugega odstavka XVI. člena;
- c. odpovedi konvencije s strani države članice.

XXIV. člen

ODPOVED

1. Potem ko je konvencija v veljavi šest let, jo država članica lahko odpove z uradnim obvestilom francoski vladi, ki nato uradno obvesti druge države članice in generalnega direktorja. Odpoved začne veljati ob koncu poslovnega leta po letu, v katerem je bila uradno obveščena francoska vlada. Ko odpoved začne veljati, je zadevna država še naprej dolžna plačevati svoj delež izdatkov za odobrena in porabljena sredstva v proračunih, h katerim je prispevala tako za leto, v katerem je bila francoska vlada uradno obveščena o njeni odpovedi, kot v prejšnjih proračunih.

2. Država članica, ki konvencijo odpove, agenciji povrne izgubo premoženja na svojem ozemlju, razen če se z agencijo lahko sklene poseben sporazum, na podlagi katerega agencija še naprej uporablja to premoženje ali se na ozemlju te države nadaljujejo nekatere dejavnosti agencije. Tak posebni sporazum določa zlasti obseg in pogoje nadaljnje uporabe določb konvencije za nadaljnjo uporabo premoženja ter nadaljevanje teh dejavnosti, potem ko odpoved začne veljati.

3. Država članica, ki konvencijo odpove, in agencija skupaj določita dodatne obveznosti te države.

4. Takšna država obdrži pravice, ki jih je pridobila do dne začetka veljavnosti odpovedi.

XXV. člen

RAZPUSTITEV

1. Agencija se razpusti, če ima manj kot pet držav članic. Države članice jo lahko kadar koli sporazumno razpustijo.

2. Če se agencija razpusti, svet imenuje likvidacijski organ, ki se pogaja z državami, na katerih ozemlju so takrat sedež in enote agencije. Agencija za namene likvidacije ostane pravna oseba.

3. Presežki se razdelijo med države, ki so ob razpustitvi članice agencije, in sicer sorazmerno z njihovimi dejanskimi prispevki od dneva, ko so postale pogodbenice te konvencije. Primanjkljaj krijejo iste članice, in sicer sorazmerno z njihovimi ocenjenimi prispevki za tekoče poslovno leto.

XXVI. člen

REGISTRACIJA

Ob začetku veljavnosti te konvencije jo francoska vlada registrira pri sekretariatu Združenih narodov v skladu s 102. členom Ustanovne listine Organizacije združenih narodov.

ANNEX I

PRIVILEGES AND IMMUNITIES

Article I

The Agency shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property, and to be a party to legal proceedings.

Article II

Without prejudice to Articles XXII and XXIII, the buildings and premises of the Agency shall be inviolable.

Article III

The archives of the Agency shall be inviolable.

Article IV

1. The Agency shall have immunity from jurisdiction and execution, except:

a. to the extent that it shall, by decision of the Council, have expressly waived such immunity in a particular case; the Council has the duty to waive this immunity in all cases where reliance upon it would impede the course of justice and it can be waived without prejudicing the interests of the Agency;

b. in respect of a civil action by a third party for damage arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Agency, or in respect of a motor traffic offence involving such a vehicle;

c. in respect of an enforcement of an arbitration award made under either Article XXV or Article XXVI;

d. in the event of the attachment, pursuant to a decision by the judicial authorities, of the salaries and emoluments owed by the Agency to a staff member.

2. The Agency's property and assets, wherever situated, shall be immune from any form of requisition, confiscation, expropriation and sequestration. They shall also be immune from any form of administrative or provisional judicial constraint, except insofar as may be temporarily necessary in connection with the prevention and investigation of accidents involving motor vehicles belonging to, or operated on behalf of, the Agency.

Article V

1. Within the scope of its official activities, the Agency, its property and income shall be exempt from direct taxes.

2. When purchases or services of substantial value and strictly necessary for the exercise of the official activities of the Agency are made or used by or on behalf of the Agency, and when the price of such purchases or services includes taxes or duties, appropriate measures shall, whenever possible, be taken by the Member States to grant exemption from such taxes or duties or to provide for their reimbursement.

Article VI

Goods imported or exported by the Agency or on its behalf, and strictly necessary for the exercise of its official activities, shall be exempt from all import and export duties and taxes and from all import or export prohibitions and restrictions.

Article VII

1. For the purpose of Articles V and VI, the official activities of the Agency shall include its administrative activities, including its operations in connection with the social security scheme, and activities undertaken in the field of space research and technology and their space applications in pursuance of the purpose of the Agency as defined in the Convention.

2. The extent to which other applications of such research and technology and activities carried out under Articles V, 2 and IX of the Convention may be considered part of the Agency's official activities shall be decided in each case

PRILOGA I

PRIVILEGIJI IN IMUNITETE

I. člen

Agencija je pravna oseba. Ima predvsem sposobnost sklepati pogodbe, pridobivati premočno in nepremično premoženje in razpolagati z njim ter biti stranka v sodnih postopkih.

II. člen

Brez vpliva na XXII. in XXIII. člen so zgradbe in prostori agencije nedotakljivi.

III. člen

Arhiv agencije je nedotakljiv.

IV. člen

1. Agencija uživa imuniteto v sodnih in izvršilnih postopkih, razen:

a. kadar se z odločitvijo sveta v posamezni zadevi izrecno odreče imuniteti; svet mora to imuniteto odreči v vseh zadevah, v katerih bi ovirala sodni postopek in ki se lahko odreče brez poseganja v interese agencije;

b. v zvezi s civilno tožbo, ki jo vloži tretja stran ob škodi zaradi nesreče, ki jo je povzročilo motorno vozilo, ki je v lasti agencije ali se upravlja v njenem imenu, ali v zvezi s kršitvijo cestno-prometnih predpisov, v kateri je takšno vozilo udeleženo;

c. v zvezi z izvrševanjem arbitražne odločbe iz XXV. ali XXVI. člena;

d. ob izvršbi na plačo in druge prejemke, ki jih agencija izplačuje uslužbencu, v skladu z odločbo sodnega organa.

2. Premoženje in sredstva agencije ne glede na njihovo lokacijo uživajo imuniteto pred zaplembo, zasegom, razlastitvijo in sekvestracijo. Uživajo tudi imuniteto pred vsemi oblikami upravnih ali začasnih sodnih ukrepov, razen če so ti začasno potrebni za preprečitev in preiskavo nesreč z motornimi vozili, ki so v lasti agencije ali se upravlja v njenem imenu.

V. člen

1. Pri opravljanju uradnih dejavnosti so agencija, njeno premoženje in dohodki oproščeni plačila neposrednih davkov.

2. Če agencija kupi ali uporabi blago ali storitve večje vrednosti, potrebne za opravljanje svojih uradnih dejavnosti, ali so ti kupljeni ali uporabljeni v njenem imenu in cena tega blaga ali storitev vključuje davke ali dajatve, države članice, kadar je to mogoče, sprejmejo ustrezne ukrepe za oprostitev plačila takih davkov ali dajatev ali za njihovo vračilo.

VI. člen

Blago, ki ga uvozi ali izvozi agencija ali je uvoženo ali izvoženo v njenem imenu in je nujno potrebno za opravljanje njenih uradnih dejavnosti, je izvzeto iz vseh uvoznih in izvoznih dajatev in davkov ter iz vseh uvoznih ali izvoznih prepovedi in omejitev.

VII. člen

1. Za namene V. in VI. člena uradne dejavnosti agencije vključujejo njeno administrativno delo, vključno z ukrepi v zvezi s sistemom socialne varnosti, in dejavnosti na področju vesoljskih raziskav in tehnologije ter njihove uporabe v vesolju pri uresničevanju namena agencije, kot ga določa konvencija.

2. Obseg, v katerem se lahko druge vrste uporabe takih raziskav in tehnologije ter dejavnosti, izvedenih v skladu z drugim odstavkom V. člena in IX. členom konvencije, štejejo za del uradnih dejavnosti agencije, določi v vsakem posameznem

by the Council after consultation with the competent authorities of the Member States concerned.

3. The provisions of Articles V and VI shall not apply to taxes and duties that are no more than charges for public utility services.

Article VIII

No exemption shall be granted under Articles V or VI in respect of goods purchased or imported, or services provided, for the personal benefit of the staff members of the Agency.

Article IX

1. Goods acquired under Article V or imported under Article VI shall not be sold or given away except in accordance with conditions laid down by the Member States which have granted exemptions.

2. The transfer of goods and services between the Headquarters and the establishments of the Agency, and between its various establishments, or, for the purpose of implementing a programme of the Agency, between them and a national institution of a Member State, shall be free of charges or restrictions of any kind; if necessary, the Member States shall take all appropriate measures to grant exemption from or reimbursement of such charges or to lift such restrictions.

Article X

The circulation of publications and other information material sent by or to the Agency shall not be restricted in any way.

Article XI

The Agency may receive and hold any kind of funds, currency, cash or securities; it may dispose of them freely for any purpose provided for in the Convention and hold accounts in any currency to the extent required to meet its obligations.

Article XII

1. For its official communications and the transfer of all its documents, the Agency shall enjoy treatment not less favourable than that accorded by each Member State to other international organisations.

2. No censorship shall be applied to official communications of the Agency by whatever means of communication.

Article XIII

Member States shall take all appropriate measures to facilitate the entry into, stay in, or departure from their territories of staff members of the Agency.

Article XIV

1. Representatives of Member States shall, while exercising their functions and in the course of their journeys to and from the place of meeting, enjoy the following privileges and immunities:

a. immunity from arrest and detention, and from seizure of their personal luggage;

b. immunity from jurisdiction, even after the termination of their mission, in respect of acts, including words spoken and written, done by them in the exercise of their functions; this immunity shall not apply, however, in the case of a motor traffic offence committed by a representative of a Member State, nor in the case of damage caused by a motor vehicle belonging to or driven by him;

c. inviolability for all their official papers and documents;

d. the right to use codes and to receive documents or correspondence by special courier or sealed bag;

e. exemption for themselves and their spouses from all measures restricting entry and from aliens' registration formalities;

f. the same facilities in the matter of currency and exchange control as are accorded to the representatives of foreign governments on temporary official missions;

primeru svet po posvetovanju s pristojnimi organi zadevnih držav članic.

3. Določbe V. in VI. člena se ne uporabljajo za davke in dajatve, ki niso nič drugega kot dajatve za komunalne storitve javnih podjetij.

VIII. člen

Za blago, ki se kupi ali uvozi za osebno uporabo uslužbenecv agencije, ali storitve, ki se zagotovijo za osebno uporabo uslužbencem agencije, ne veljajo oprostitve iz V. ali VI. člena.

IX. člen

1. Blago, pridobljeno v skladu s V. členom ali uvoženo v skladu s VI. členom, se ne sme prodati ali podariti, razen pod pogoji, ki jih določijo države članice, ki so odobrile oprostitve.

2. Prenos blaga in storitev med sedežem in enotami agencije ter med njenimi enotami ali za izvajanje programa agencije med njenimi enotami in nacionalno institucijo države članice se oprosti plačila dajatev in zanj ne veljajo nobene omejitve; države članice po potrebi sprejmejo ustrezne ukrepe za oprostitvev plačila ali vračilo takšnih dajatev ali odpravo takšnih omejitev.

X. člen

Za pošiljanje publikacij in drugega informativnega gradiva, ki ga pošilja agencija ali se pošilja agenciji, ne veljajo nobene omejitve.

XI. člen

Agencija lahko dobi in ima katera koli sredstva, valuto, gotovino ali vrednostne papirje; z njimi lahko prosto razpolaga za vse s konvencijo predvidene namene in lahko ima račune v kateri koli valuti v obsegu, potrebnem za izpolnjevanje svojih obveznosti.

XII. člen

1. Agencija ima pri pošiljanju uradnih sporočil in prenosu vseh svojih dokumentov pravico do vsaj tako ugodne obravnave, kot jo posamezna država članica zagotavlja drugim mednarodnim organizacijam.

2. Uradna sporočila agencije, prenesena po katerih koli sredstvih sporočanja, se ne cenzurirajo.

XIII. člen

Države članice sprejmejo vse ustrezne ukrepe za lažji vstop uslužbenecv agencije na svoje ozemlje, njihovo bivanje na njem ali njihov odhod z njega.

XIV. člen

1. Pri opravljanju svojih dolžnosti in na potovanjih na kraj srečanja ali z njega predstavniki držav članic uživajo te privilegije in imunitete:

a. imuniteto pred prijetjem in odvzemom prostosti ter pred zasegom osebne prtljage;

b. sodno imuniteto tudi po koncu njihove naloge v zvezi z dejanji, vključno z izrečenimi in zapisanimi besedami, ki so jih storili pri opravljanju svojih dolžnosti; vendar ta imuniteta ne velja za kršitev cestno-prometnih predpisov, ki jo stori predstavnik države članice, in ne za škodo, povzročeno z motornim vozilom, ki je v njegovi lasti ali ga je on vozil;

c. nedotakljivost vseh svojih uradnih listin in dokumentov;

d. pravico uporabljati šifre in prejemati dokumente ali korespondenco po posebnem kurirju ali v zapečateni pošiljki;

e. oprostitvev zase in soproga ali soproga pri ukrepih omejevanja vstopa in formalnostih prijave tujcev;

f. enake olajšave v zvezi z valutnim in deviznim nadzorom, kot jih imajo predstavniki tujih vlad na začasni uradni napotitvi;

g. the same customs facilities as regards their personal luggage as are accorded to diplomatic agents.

2. Privileges and immunities are accorded to representatives of Member States, not for their personal advantage, but in order to ensure complete independence in the exercise of their functions in connection with the Agency. Consequently, a Member State has the duty to waive the immunity of a representative wherever retaining it would impede the course of justice and it can be waived without prejudicing the purposes for which it was accorded.

Article XV

In addition to the privileges and immunities provided for in Article XVI, the Director General of the Agency and, when the office is vacant, the person appointed to act in his place, shall enjoy the privileges and immunities to which diplomatic agents of comparable rank are entitled.

Article XVI

The staff members of the Agency:

a. shall have, even after they have left the service of the Agency, immunity from jurisdiction in respect of acts, including words written and spoken, done by them in the exercise of their functions; this immunity shall not apply, however, in the case of a motor traffic offence committed by a staff member of the Agency, nor in the case of damage caused by a motor vehicle belonging to or driven by him;

b. shall be exempt from all obligations in respect of military service;

c. shall enjoy inviolability for all their official papers and documents;

d. shall enjoy the same facilities as regards exemption from all measures restricting immigration and governing aliens' registration as are normally accorded to staff members of international organisations, and members of their families forming part of their households shall enjoy the same facilities;

e. shall enjoy the same privileges in respect of exchange regulations as are normally accorded to staff members of international organisations;

f. shall, in time of international crisis, enjoy the same facilities as to repatriation as diplomatic agents, and the members of their families forming part of their households shall enjoy the same facilities;

g. shall have the right to import duty-free their furniture and personal effects at the time of first taking up their post in the Member State concerned, and the right on the termination of their functions in that Member State to export free of duty their furniture and personal effects, subject, in both cases, to the conditions considered necessary by the Member State on whose territory the right is exercised.

Article XVII

Experts other than the staff members referred to in Article XVI, in the exercise of their functions in connection with the Agency or in carrying out missions for the Agency, shall enjoy the following privileges and immunities, to the extent that these are necessary for the exercise of their functions, including during journeys made in the exercise of their functions and in the course of such missions:

a. immunity from jurisdiction in respect of acts, including words written and spoken, done by them in the exercise of their functions, except in the case of a motor traffic offence committed by an expert, or in the case of damage caused by a motor vehicle belonging to or driven by him; experts shall continue to enjoy this immunity after they have ceased to be employed by the Agency;

b. inviolability for all their official papers and documents;

c. the same facilities as regards monetary and exchange regulations and as regards their personal luggage as are accorded to the officials of foreign governments on temporary official missions.

g. enake carinske olajšave za osebno prtljago, kot jih imajo diplomati.

2. Predstavniki držav članic ne uživajo privilegijev in imunitet zaradi osebne koristi, ampak zaradi zagotavljanja njihove popolne neodvisnosti pri opravljanju dolžnosti v zvezi z agencijo. Zato mora država članica odreči imuniteto predstavniku, če bi ta ovirala sodni postopek in ki se lahko odreče brez poseganja v namene, za katere je bila priznana.

XV. člen

Poleg privilegijev in imunitet iz XVI. člena generalni direktor agencije, in ko njegov položaj ni zaseden, oseba, ki je bila imenovana, da ga nadomešča, uživata enake privilegije in imunitete kot diplomati primerljivega razreda.

XVI. člen

Uslužbenci agencije:

a. uživajo sodno imuniteto tudi po koncu svoje zaposlitve v agenciji v zvezi z dejanji, vključno z izrečenimi in zapisanimi besedami, ki so jih storili pri opravljanju svojih dolžnosti; vendar ta imuniteta ne velja za kršitev cestno-prometnih predpisov, ki jo stori uslužbenec agencije, in ne za škodo, povzročeno z motornim vozilom, ki je v njegovi lasti ali ga je on vozil;

b. so oproščeni vseh obveznosti v zvezi z vojaško službo;

c. uživajo nedotakljivost vseh svojih uradnih listin in dokumentov;

d. skupaj s svojimi družinskimi člani, ki živijo z njimi v istem gospodinjstvu, uživajo enake olajšave, kot jih običajno uživajo uslužbenci mednarodnih organizacij, glede izvzetja iz vseh ukrepov, ki omejujejo priseljevanje in urejajo prijavo tujcev;

e. uživajo enake privilegije glede deviznih predpisov, kot jih običajno uživajo uslužbenci mednarodnih organizacij;

f. skupaj s svojimi družinskimi člani, ki živijo z njimi v istem gospodinjstvu, uživajo v mednarodnih krizah enake olajšave glede vračanja v domovino kot diplomati;

g. imajo pravico brez carine uvoziti svoje pohištvo in osebne predmete, ko prvič začnejo službovati v zadevni državi članici, in pravico brez carine izvoziti svoje pohištvo in osebne predmete, ko prenehajo službovati v tej državi članici, vendar v obeh primerih v skladu z zahtevami, ki jih za potrebne šteje država članica, na ozemlju katere se ta pravica uresničuje.

XVII. člen

Strokovnjaki, ki niso uslužbenci iz XVI. člena, pri opravljanju dolžnosti v zvezi z agencijo ali pri opravljanju nalog za agencijo uživajo te privilegije in imunitete, če so ti potrebni za opravljanje njihovih dolžnosti, vključno s potovanji, ki so del opravljanja njihovih dolžnosti, ali takšnimi nalogami:

a. sodno imuniteto v zvezi z dejanji, vključno z izrečenimi in zapisanimi besedami, ki so jih storili pri opravljanju svojih dolžnosti, razen kršitve cestno-prometnih predpisov, ki jo je storil strokovnjak, ali škode, povzročene z motornim vozilom, ki je v lasti strokovnjaka ali ga je on vozil; strokovnjaki tudi po prenehanju svoje zaposlitve v agenciji še naprej uživajo to imuniteto;

b. nedotakljivost vseh svojih uradnih listin in dokumentov;

c. enake olajšave glede denarnih in deviznih predpisov ter osebne prtljage, kot jih uživajo predstavniki tujih vlad na začasnih uradnih napotitvah.

Article XVIII

1. Subject to the conditions and following the procedure laid down by the Council, the Director General and the staff members of the Agency shall be subject to a tax, for the benefit of the Agency, on salaries and emoluments paid by the Agency. Such salaries and emoluments shall be exempt from national income tax; but the Member States shall retain the right to take these salaries and emoluments into account for the purpose of assessing the amount of taxation to be applied to income from other sources.

2. The provisions of paragraph 1 shall not apply to annuities and pensions paid by the Agency to its former Directors General and staff members.

Article XIX

Articles XVI and XVIII shall apply to all categories of staff members to which the Staff Regulations of the Agency apply. The Council shall decide the categories of experts to which Article XVII shall apply. The names, titles and addresses of the staff members and experts referred to in the present Article shall be communicated from time to time to the Member States.

Article XX

In the event that it establishes its own social security scheme, the Agency, its Director General and staff members shall be exempt from all compulsory contributions to national social security bodies, subject to agreements concluded with the Member States in accordance with Article XXVIII.

Article XXI

1. The privileges and immunities provided for in this Annex are not granted to the Director General, staff members and experts of the Agency for their personal advantage. They are provided solely to ensure, in all circumstances, the unimpeded functioning of the Agency and the complete independence of the persons to whom they are accorded.

2. The Director General has the duty to waive any relevant immunity in all cases wherever retaining it would impede the course of justice and it can be waived without prejudicing the interests of the Agency. In the case of the Director General, the Council is competent to waive such immunity.

Article XXII

1. The Agency shall cooperate at all times with the competent authorities of Member States in order to facilitate the proper administration of justice, to ensure the observance of police regulations and regulations concerning the handling of explosives and inflammable material, public health, labour inspection or other similar national legislation, and to prevent any abuse of the privileges, immunities and facilities provided for in this Annex.

2. The procedure for the cooperation referred to in paragraph 1 may be laid down in the complementary agreements referred to in Article XXVIII.

Article XXIII

Each Member State shall retain the right to take all precautionary measures in the interests of its security.

Article XXIV

No Member State shall be obliged to accord the privileges and immunities referred to in Articles XIV, XV, XVI b, e and g and XVII c, to its own nationals or persons who, at the moment of taking up their duties in that Member State, are permanent residents thereof.

Article XXV

1. When concluding written contracts, other than those concluded in accordance with the Staff Regulations, the Agency shall provide for arbitration. The arbitration clause or the special

XVIII. člen

1. V skladu s pogoji in pravili postopka, ki jih določi svet, so generalni direktor in uslužbenci agencije zavezanci za plačilo davka od plače in drugih prejemkov, ki jih prejmejo od agencije, v korist agencije. Take plače in drugi prejemki so izvzeti iz davka od dohodka; vendar države članice zadržijo pravico do upoštevanja teh plač in drugih prejemkov za namene odmere zneska obdavčitve dohodka iz drugih virov.

2. Določbe prvega odstavka se ne uporabljajo za rente in pokojnine, ki jih agencija plačuje svojim nekdanjim generalnim direktorjem in uslužbencem.

XIX. člen

Za vse skupine uslužbencev, za katere se uporabljajo kadrovske predpisi agencije, se uporabljata XVI. in XVIII. člen. Svet določi skupine strokovnjakov, za katere se uporablja XVII. člen. Imena, nazivi in naslovi uslužbencev in strokovnjakov iz tega člena se občasno sporočijo državam članicam.

XX. člen

Če vzpostavi svoj sistem socialne varnosti, so agencija, njen generalni direktor in njeni uslužbenci oproščeni plačila obveznih prispevkov nacionalnim organom socialne varnosti ob upoštevanju sporazumov, sklenjenih z državami članicami v skladu z XXVIII. členom.

XXI. člen

1. Privilegiji in imunitete iz te priloge se generalnemu direktorju, uslužbencem in strokovnjakom agencije ne priznajo v njihovo osebno korist. V vseh okoliščinah so namenjeni samo za zagotavljanje nemotenega delovanja agencije in popolne neodvisnosti oseb, ki so jim priznani.

2. Generalni direktor se mora odreči imuniteti v vseh primerih, v katerih bi ta ovirala sodni postopek in ki se ji lahko odreče brez poseganja v interese agencije. Za odrek imunitete generalnemu direktorju je pristojen svet.

XXII. člen

1. Agencija ves čas sodeluje s pristojnimi organi držav članic, da omogoči pravilnost sodnega postopka, spoštovanje policijskih predpisov in predpisov o ravnanju z eksplozivnimi sredstvi in vnetljivim materialom, nacionalne zakonodaje o javnem zdravju, inšpekciji dela ali podobnem ter prepreči zlorabo privilegijev, imunitet in olajšav, določenih v tej prilogi.

2. Postopek sodelovanja iz prvega odstavka lahko določajo dopolnilni sporazumi iz XXVIII. člena.

XXIII. člen

Država članica ohrani pravico do sprejetja vseh previdnostnih ukrepov, potrebnih za njeno varnost.

XXIV. člen

Državi članici ni treba priznati privilegijev in imunitet iz XIV. in XV. člena, pododstavkov b, e in g XVI. člena ter pododstavka c XVII. člena svojim državljanom ali osebam, ki imajo ob prevzemu nalog v tej državi članici v njej tudi stalno prebivališče.

XXV. člen

1. Pri sklepanju pisnih pogodb, razen tistih, ki se sklepajo v skladu s kadrovske predpisi, agencija predvidi arbitražni postopek. V klavzuli ali posebnem sporazumu o arbitraži, skle-

arbitration agreement concluded to this end shall specify the law applicable and the country where the arbitrators sit. The arbitration procedure shall be that of that country.

2. The enforcement of the arbitration award shall be governed by the rules in force in the State on whose territory the award is to be executed.

Article XXVI

Any Member State may submit to the international Arbitration Tribunal referred to in Article XVII of the Convention any dispute:

- a. arising out of damage caused by the Agency;
- b. involving any other non-contractual responsibility of the Agency;
- c. involving the Director General, a staff member or an expert of the Agency and in which the person concerned can claim immunity from jurisdiction under Articles XV, XVI a or XVII a, if this immunity is not waived in accordance with Article XXI. In such disputes where the claim for immunity from jurisdiction arises under Articles XVI a or XVII a, the responsibility of the Agency shall in such arbitration be substituted for that of the persons referred to in those Articles.

Article XXVII

The Agency shall make suitable provision for the satisfactory settlement of disputes arising between the Agency and the Director General, staff members or experts in respect of their conditions of service.

Article XXVIII

The Agency may, on a decision of the Council, conclude with one or more Member States complementary agreements to give effect to the provisions of this Annex as regards such State or States, and other arrangements to ensure the efficient functioning of the Agency and the safeguarding of its interests.

njenem za ta namen, sta navedena pravo, ki se uporablja, in država, v kateri se arbitri sestanejo. Uporablja se arbitražni postopek te države.

2. Izvrševanje arbitražne odločbe urejajo veljavni predpisi države, na ozemlju katere se ta odločba izvrši.

XXVI. člen

Država članica lahko pred mednarodnim arbitražnim sodiščem iz XVII. člena konvencije sproži spor:

- a. zaradi škode, ki jo je povzročila agencija;
- b. glede katere koli druge nepogodbene obveznosti agencije;
- c. v katerem je udeležen generalni direktor, uslužbenec ali strokovnjak agencije in v katerem se zadevna oseba lahko sklicuje na sodno imuniteto v skladu s XV. členom, pododstavkom a XVI. člena ali pododstavkom a XVII. člena, če ta imuniteta ni bila odrečena v skladu z XXI. členom. V sporih, v katerih sklicevanje na sodno imuniteto izhaja iz pododstavka a XVI. člena ali pododstavka a XVII. člena, odgovornost agencije pri taki arbitraži nadomesti odgovornost oseb iz teh členov.

XXVII. člen

Agencija ustrezno poskrbi za zadovoljivo reševanje sporov med agencijo in generalnim direktorjem, uslužbenci ali strokovnjaki v zvezi z njihovo zaposlitvijo.

XXVIII. člen

Na podlagi odločitve sveta lahko agencija z eno državo članico ali več državami članicami sklene dopolnilne sporazume za izvajanje določb te priloge v tej državi ali teh državah in druge dogovore za učinkovito delovanje agencije in varovanje njenih interesov.

ANNEX II

FINANCIAL PROVISIONS

Article I – General principles

The financial management of the Agency shall serve the purposes set out in Article II of the Convention and support the implementation of the long-term European space policy approved by the Council. The Agency shall apply internationally recognised accounting standards and follow the principles of sound financial management, economy and efficiency in the planning and management of resources, transparency, accountability and control of the use of public funds, affordability and equity in the mobilisation of Member States resources. The financial system reflects the multiyear character of the Agency's activities and programmes. It shall be subject to efficient internal control and independent audit.

Financial planning, budgeting and accounting including Member States' contributions shall be expressed in euro, the currency for reporting and transactions.

The financial year of the Agency shall run from the first of January to the thirty-first of December following.

Article II – Planning

1. The Director General shall establish such planning tools as deemed useful to allow the optimization of the use of the Agency's resources, to ensure the continuous consolidation of programme implementation and the preparation of corresponding funding by Member States. Such plans include but are not limited to:

- a long term plan covering ten years, including all approved and foreseen programmes and activities, together with the estimated financial contributions and expenditures;
- annual and multiyear cost plans, established on the basis of the obligations of the Member States for the approved activities and programmes and on the agreements entered into with other funding entities; such plans will cover the common costs foreseen in Article I. 3 and XIII. 1 of the Convention.

2. The above plans shall be revised and submitted to the Council or the subordinated bodies delegated by it, at least once a year in due time for the approval of the budgets or whenever necessary, in accordance with the Financial Regulations.

Article III – Funding

1. The Agency's annual budgets provide Member States and other funding entities with the annual instrument by which to progressively meet their multi-annual obligations while ensuring the continuous execution of the Agency's approved programmes and activities. They shall be the binding basis for the call-up of contributions by Member States.

2. All costs (including capital costs for the use of common infrastructure) related to activities and programmes outside the scope of Article V. 1 of the Convention, such as those foreseen in Article V. 2 and IX of the Convention, shall be borne by the requesting party, unless otherwise decided by Council.

3. The Director General shall establish appropriate accounting and reporting for Member States and other funding entities, to ensure the transparency and traceability of their respective funding status in the relevant activities and programmes.

Article IV – Budgets

1. The Director General shall, on the basis of the plans mentioned in Article II. 2 above, prepare and submit to the Council the following draft budgets, containing the funding requests for the following year:

- a. a draft general budget for the mandatory activities referred to in Article V. 1 a of the Convention;
- b. draft budgets associated to the general budget, if created, as foreseen in the Financial Regulations;
- c. draft budgets for the optional programmes referred to in Article V. 1 b of the Convention.

PRILOGA II

FINANČNE DOLOČBE

I. člen – Splošna načela

Finančno poslovanje agencije izpolnjuje namene iz II. člena konvencije in podpira izvajanje dolgoročne evropske politike o vesolju, ki jo potrди svet. Agencija uporablja mednarodno priznane računovodske standarde in upošteva načela dobrega finančnega poslovanja, gospodarnosti in učinkovitosti pri načrtovanju in upravljanju virov, pri preglednosti, odgovornosti ter nadzoru nad uporabo javnih sredstev, pri zmogljivostih financiranja držav članic in uravnoveženosti pri črpanju njihovih virov. Finančni sistem je prilagojen večletni naravi dejavnosti in programov agencije. Zanj veljata učinkovit notranji nadzor in neodvisna revizija.

Finančno in proračunsko načrtovanje ter računovodenje, vključno s prispevki držav članic, so v evrih, ki so tudi valuta za poročanje in transakcije.

Poslovno leto agencije se začne prvega januarja in traja do enaintridesetega decembra istega leta.

II. člen – Načrtovanje

1. Generalni direktor uvede orodja za načrtovanje, ki so koristna za optimizacijo uporabe virov agencije, zagotavljanje neprekinjene konsolidacije izvedbe programov in pripravo ustreznega financiranja s strani držav članic. Ti načrti med drugim vključujejo:

- dolgoročni načrt za deset let, ki vključuje vse potrjene in predvidene programe in dejavnosti, skupaj z ocenjenimi finančnimi prispevki in izdatki;
- letne in večletne načrte stroškov, pripravljene na podlagi obveznosti držav članic za potrjene dejavnosti in programe ter na podlagi sporazumov z drugimi subjekti, ki zagotavljajo finančna sredstva; takšni načrti zajemajo skupne stroške, predvidene v tretjem odstavku I. člena in prvem odstavku XIII. člena konvencije.

2. Ti načrti se v skladu s finančnimi predpisi pregledajo in predložijo svetu ali njegovim podrejenim telesom najmanj enkrat na leto, in sicer pravočasno za potrditev proračunov ali po potrebi.

III. člen – Financiranje

1. Letni proračuni agencije so za države članice in druge subjekte, ki zagotavljajo finančna sredstva, letni instrument, s katerim postopno izpolnjujejo svoje večletne obveznosti in hkrati zagotavljajo neprekinjeno izvajanje potrjenih programov in dejavnosti agencije. So zavezujoča podlaga za vplačila prispevkov držav članic.

2. Vse stroške (vključno z investicijskimi stroški za uporabo skupne infrastrukture), povezane z dejavnostmi in programi, ki ne spadajo v prvi odstavek V. člena konvencije in jih predvidevata drugi odstavek V. člena in IX. člen konvencije, krije stran prosilka, razen če svet ne odloči drugače.

3. Generalni direktor za države članice in druge subjekte, ki zagotavljajo finančna sredstva, uvede ustrezno računovodenje in poročanje, da zagotovi preglednost in sledljivost njihovega financiranja dejavnosti in programov.

IV. člen – Proračuni

1. Na podlagi načrtov iz drugega odstavka II. člena generalni direktor pripravi osnutke proračunov, ki vsebujejo zahteve za financiranje za naslednje leto, in jih predloži svetu:

- a. osnutek splošnega proračuna za obvezne dejavnosti iz pododstavka a prvega odstavka V. člena konvencije;
- b. morebitne osnutke proračunov, povezanih s splošnim proračunom, kot jih predvidevajo finančni predpisi;
- c. osnutke proračunov za izbirne programe iz pododstavka b prvega odstavka V. člena konvencije.

2. The draft budgets for a given year shall be submitted to Council for approval before the end of the previous financial year. The modalities for budget revisions and any interim measures required in the event of non-approval of budgets prior to the start of the financial year shall be provided for in the Financial Regulations.

3. Other budgets shall be presented to Council for programmes and activities funded by other entities.

Article V – Treasury

The Agency's cash resources from Member States shall be managed by the Director General as a general treasury. Interest earned shall be credited to each Member State in accordance with rules established in the Financial Regulations.

Article VI – Accounting

1. The Agency's financial and cost accounting system constitutes the main financial record of the Agency's activities and operations. It supports the efficient management and control of the Agency's resources through the accurate and timely recording of financial transactions and the identification and measurement of costs.

2. The Agency's financial accounting system shall follow generally accepted accounting principles and apply international public sector accounting standards for the publication of its annual financial statements.

3. The Director General will ensure that the accounts provide a reliable and complete record of the Agency's annual financial performance and a faithful reflection of its financial position at the end of each financial year.

4. By 31 October of each year, the Director General shall submit to Council for approval and discharge for his management, the audited annual financial statements of the previous year.

Article VII – Contributions

1. The funding for the activities and programmes foreseen in Article V of the Convention shall be met by Member States contributions assessed in accordance with Article XIII of the Convention.

2. When a State accedes to the Convention in accordance with Article XXII thereof, the contributions of the other Member States shall be reassessed. A new scale, which shall take effect on a date to be decided by the Council, shall be established on the basis of the national income statistics for the years used in calculating the existing scale.

3. The arrangements by which contributions are to be made, which shall ensure the proper funding of the Agency, shall be determined in the Financial Regulations.

4. The Director General shall notify Member States of the amount of their contributions and of the dates on which payments shall be made.

Article VIII – Internal control

The Director General shall implement an overall system of internal control with the purpose of monitoring performance and the achievement of objectives, assessing the economy, efficiency and effectiveness of operations and verifying their regularity and compliance with applicable rules and regulations.

Article IX – External control

1. The Agency's accounts, its financial statements and financial management, shall be examined by an independent Audit Commission. The Council shall designate, by a two-thirds majority of all Member States, the Member States which, in rotation on an equitable basis, shall be invited to nominate auditors preferably from among their experienced audit officials, to serve on this Commission. One member of the Audit Commission shall serve as Chairman during the penultimate year of his mandate.

2. The purpose of the audit, shall be to verify and to certify that the annual financial statements are in accordance

2. Osnutki proračunov za posamezno leto se pred koncem prejšnjega poslovnega leta predložijo svetu v potrditev. Finančni predpisi določajo način spreminjanja proračunov in začasne ukrepe, ki so potrebni, če proračun pred začetkom poslovnega leta ni potrjen.

3. Svetu se predložijo drugi proračuni za programe in dejavnosti, ki jih financirajo drugi subjekti.

V. člen – Upravljanje denarnih sredstev

Generalni direktor kot skupna sredstva upravlja denarna sredstva agencije, ki jih vplačajo države članice. Nastale obresti se v skladu s pravili iz finančnih predpisov knjižijo v dobro posamezne države članice.

VI. člen – Računovodenje

1. Finančni sistem in sistem stroškovnega računovodstva agencije sta glavni finančni evidenci dejavnosti in operacij agencije. S točnim in pravočasnim evidentiranjem finančnih transakcij ter opredelitvijo in merjenjem stroškov podpira učinkovito upravljanje virov agencije ter nadzor nad njimi.

2. Finančni računovodski sistem agencije upošteva splošno sprejeta računovodska načela in uporablja mednarodne računovodske standarde javnega sektorja za objavo svojih letnih računovodskih izkazov.

3. Generalni direktor zagotovi, da so poslovne knjige zanesljiva in popolna evidenca letnih finančnih dejavnosti agencije ter zvest prikaz njenega finančnega stanja ob koncu vsakega poslovnega leta.

4. Vsako leto do 31. oktobra generalni direktor svetu predloži v potrditev in kot razrešnico vodstvu revidirane letne računovodske izkaze za prejšnje leto.

VII. člen – Prispevki

1. Dejavnosti in programi, predvideni v V. členu konvencije, se financirajo s prispevki držav članic, ocenjenimi v skladu s XIII. členom konvencije.

2. Ko država pristopi h konvenciji v skladu z XXII. členom konvencije, se ponovno ocenijo prispevki drugih držav članic. Nova lestvica, ki začne veljati z dnem, ki ga določi svet, se določi na podlagi statističnih podatkov o nacionalnem dohodku za leta, ki so bila upoštevana pri izračunu obstoječe lestvice.

3. Finančni predpisi urejajo plačevanje prispevkov, tako da se zagotovi pravilno financiranje agencije.

4. Generalni direktor države članice uradno obvesti o znesku njihovih prispevkov in datumih plačila.

VIII. člen – Notranji nadzor

Generalni direktor uvede celovit sistem notranjega nadzora za spremljanje uspešnosti in doseganja ciljev, ocenjevanje gospodarnosti, učinkovitosti in uspešnosti operacij ter preverjanje njihove pravilnosti in skladnosti z veljavnimi pravili in predpisi.

IX. člen – Zunanji nadzor

1. Neodvisna revizijska komisija pregleda poslovne knjige, računovodske izkaze in finančno poslovanje agencije. Svet z dvotretjinsko večino glasov vseh držav članic imenuje države članice, ki so v pravičnem vrstnem zaporedju povabljene, da imenujejo za člane komisije revizorje, če je le mogoče, izmed svojih izkušenih revizorjev v javni upravi. Predsedujoči revizijski komisiji je eden njenih članov, ki mu teče predzadnje leto mandata.

2. Namen revizije je preveriti, ali so letni finančni izkazi v skladu s poslovnimi knjigami in evidencami agencije ter ali so

with the books and records of the Agency, and that they are lawful and correct. Following the end of each financial year, the Commission shall draw up a report, which shall be adopted by the majority of its members and thereupon transmitted to the Council. The Commission shall also report on the economic management of the Agency's financial resources.

3. The Audit Commission shall discharge such other functions as are set out in the Financial Regulations and shall have access at any time to all books of account and records deemed necessary for the performance of the audit. Access to classified information shall be subject to the applicable rules and regulations.

Article X – Financial Regulations

The detailed rules for the implementation of this Annex II and of the other relevant provisions of the Convention shall be provided for in the Financial Regulations, as approved by Council.

zakoniti in točni, ter navedeno potrditi. Po koncu posameznega poslovnega leta komisija sestavi poročilo, ki ga sprejme z večino glasov svojih članov in nato predloži svetu. Komisija poroča tudi o ekonomskem upravljanju finančnih virov agencije.

3. Revizijska komisija opravlja tudi druge naloge, ki jih določajo finančni predpisi, in ima vedno dostop do vseh poslovnih knjig in evidenc, potrebnih za revizijo. Dostop do tajnih podatkov urejajo ustrezna pravila in predpisi.

X. člen – Finančni predpisi

Podrobna pravila za izvajanje priloge II in drugih ustreznih določb konvencije določajo finančni predpisi, ki jih potrdi svet.

ANNEX III

OPTIONAL PROGRAMMES COVERED BY
ARTICLE V, 1 *b* OF THE CONVENTION*Article I*

1. If a proposal for the carrying out of an optional programme covered by Article V, 1 *b* of the Convention is made, the Chairman of the Council shall communicate it to all Member States for examination.

2. Once the Council has, in accordance with Article XI, 5 *c* (*i*) of the Convention, accepted the carrying out of an optional programme within the framework of the Agency, any Member State that does not intend to take part in the programme shall, within three months, formally declare that it is not interested in participating therein; the participating States shall draw up a Declaration which, subject to Article III, 1, shall set out their undertaking in respect of:

- a. the phases of the programme;
- b. the conditions under which it is to be carried out, including the timing, the indicative financial envelope and sub-envelopes relating to phases of the programme, and any other provisions for its management and execution;
- c. the scale of contributions determined in accordance with Article XIII, 2 of the Convention;
- d. the duration and amount of the first binding financial commitment.

3. The Declaration shall be transmitted to the Council for information, together with draft implementing rules submitted to it for approval.

4. If a participating State is unable to accept the provisions set out in the Declaration and implementing rules within the time limit laid down in the Declaration, it shall cease to be a participating State. Other Member States may subsequently become participating States by accepting these provisions in accordance with conditions to be determined with the participating States.

Article II

1. The programme shall be executed in accordance with the provisions of the Convention and, unless otherwise stipulated in this Annex or in the implementing rules, with the rules and procedures in force in the Agency. Decisions of the Council shall be taken in accordance with this Annex and the implementing rules. Failing any specific provisions in this Annex or in the implementing rules, the voting rules laid down in the Convention or the rules of procedure of the Council shall apply.

2. Decisions on the start of a new phase shall be taken by a two-thirds majority of all participating States, provided that this majority represents at least two-thirds of the contributions to the programme. If the decision to start a new phase cannot be taken, the participating States that wish, nevertheless, to continue with the programme shall consult among themselves and determine arrangements for such continuation. They shall report accordingly to the Council, which shall take any measures that may be required.

Article III

1. If the programme includes a project definition phase, the participating States shall, at the end of the phase, reassess the cost of the programme. If the reassessment shows that there is a cost overrun greater than 20 % of the indicative financial envelope referred to in Article I, any participating State may withdraw from the programme. The participating States that wish, nevertheless, to continue with the programme shall consult among themselves and determine the arrangements for such continuation. They shall report accordingly to the Council, which shall take any measures that may be required.

PRILOGA III

IZBIRNI PROGRAMI IZ
PODODSTAVKA b PRVEGA ODSTAVKA V. ČLENA
KONVENCIJE*I. člen*

1. Predsednik sveta pošlje predlog za izvedbo izbirnega programa iz pododstavka b prvega odstavka V. člena vsem državam članicam, da ga proučijo.

2. Ko je svet v skladu s točko (i) pododstavka c petega odstavka XI. člena konvencije sprejel izvajanje izbirnega programa v okviru agencije, država članica, ki ne namerava sodelovati v tem programu, v treh mesecih uradno izjavi, da ne želi sodelovati v programu; sodelujoče države v skladu s prvim odstavkom III. člena sestavijo izjavo, v kateri opredelijo:

- a. faze programa;
- b. pogoje izvedbe programa, vključno s časovnico, okvirno finančno ovojnico in podovojnicami za faze programa, ter druge določbe o vodenju in izvajanju programa;
- c. lestvico prispevkov, določeno v skladu z drugim odstavkom XIII. člena konvencije;
- d. trajanje in višino prve zavezujoče finančne obveznosti.

3. Izjava se pošlje svetu v vednost skupaj z osnutkom izvedbenih pravil, ki se mu predloži v potrditev.

4. Če sodelujoča država ne more sprejeti določb v izjavi in izvedbenih pravilih v roku, navedenem v izjavi, preneha biti sodelujoča država. Druge države članice lahko nato postanejo sodelujoče države, tako da sprejmejo te določbe v skladu s pogoji, ki jih določijo sodelujoče države.

II. člen

1. Program se izvede v skladu z določbami konvencije, in če ta priloga ali izvedbena pravila ne določajo drugače, v skladu z veljavnimi pravili in postopki v agenciji. Odločitve sveta se sprejemajo v skladu s to prilogo in izvedbenimi pravili. Če v prilogi ali izvedbenih pravilih ni specifičnih določb, se uporabljajo pravila glasovanja iz konvencije ali poslovnika sveta.

2. Odločitve o začetku nove faze se sprejmejo z dvotrejtinsko večino glasov vseh sodelujočih držav pod pogojem, da ta večina predstavlja najmanj dve tretjini prispevkov za program. Če ni mogoče sprejeti odločitve o začetku nove faze, se sodelujoče države, ki kljub temu želijo nadaljevati program, posvetujejo med seboj in določijo pogoje za njegovo nadaljevanje. O tem poročajo svetu, ki sprejme vse potrebne ukrepe.

III. člen

1. Če program vključuje fazo določitve projekta, sodelujoče države ob koncu faze ponovno ocenijo stroške programa. Če ponovna ocena pokaže več kot 20 % višji znesek stroškov od okvirne finančne ovojnice iz I. člena, lahko katera koli sodelujoča država preneha sodelovati v programu. Sodelujoče države, ki kljub temu želijo nadaljevati program, se posvetujejo med seboj in določijo pogoje za njegovo nadaljevanje. O tem poročajo svetu, ki sprejme vse potrebne ukrepe.

2. During each phase, as defined in the Declaration, the Council shall, by a two-thirds majority of all participating States, adopt annual budgets within the relevant financial envelope or sub-envelopes.

3. The Council shall lay down a procedure enabling the financial envelope or sub-envelopes to be revised in the event of price-level variations.

4. When the financial envelope or a financial sub-envelope has to be revised for reasons other than those referred to in paragraphs 1 and 3, the participating States shall apply the following procedure:

a. No participating State shall be entitled to withdraw from the programme unless the cumulative cost overrun is greater than 20% of the initial financial envelope, or of the revised envelope defined in accordance with the procedure laid down in paragraph 1.

b. If the cumulative cost overrun is greater than 20% of the relevant financial envelope, any participating State may withdraw from the programme. Those States that wish, nevertheless, to continue with the programme shall consult among themselves, determine the arrangements for such continuation and report accordingly to the Council, which shall take any measures that may be required.

Article IV

The Agency, acting on behalf of the participating States, shall be the owner of the satellites, space systems and other items produced under the programme as well as of the facilities and equipment acquired for its execution. Any transfer of ownership shall be decided on by the Council.

Article V

1. Denunciation of the Convention by a Member State shall entail the withdrawal of that Member State from all the programmes in which it participates. Article XXIV of the Convention shall apply to the rights and obligations arising out of these programmes.

2. Discontinuations under Article II, 2 and withdrawals under Article III, 1 and III, 4 b shall take effect on the date on which the Council receives the information referred to in those articles.

3. A participating State that decides not to continue with a programme under Article II, 2, or withdraws from a programme under Article III, 1 and III, 4 b, shall retain the rights acquired by the participating States up to the effective date of its withdrawal. Thereafter, no further right or obligation shall arise from the remaining part of the programme in which it no longer participates. It shall remain bound to finance its share of the payment appropriations corresponding to contract authority approved under the budget for the current or previous financial years and relating to the programme phase whose execution is in progress. However, the participating States may unanimously agree, in the Declaration, that a State which decides not to continue with, or withdraws from, a programme shall be bound to finance its total share of the initial envelope or the sub-envelopes of the programme.

Article VI

1. The participating States may decide to discontinue a programme by a two-thirds majority of all participating States representing at least two-thirds of the contributions to the programme.

2. The Agency shall notify the participating States of the completion of the programme in accordance with the implementing rules; these implementing rules shall cease to be in force upon receipt of such notification.

2. V vsaki fazi, kot so določene v izjavi, svet z dvotretjinsko večino glasov vseh sodelujočih držav sprejme letne proračune v posamezni finančni ovojnici ali podovojnicah.

3. Svet določi postopek, ki omogoča spremembe finančne ovojnice ali podovojnic, če se spremenijo cene.

4. Ko je treba finančno ovojnico ali podovojnico spremeniti iz razlogov, ki niso navedeni v prvem in tretjem odstavku, sodelujoče države uporabijo ta postopek:

a. nobena sodelujoča država ni upravičena prenehati sodelovati v programu, razen če skupni stroški presežajo 20% prvotne finančne ovojnice ali spremenjene ovojnice, določene v skladu s postopki iz prvega odstavka;

b. če skupni stroški presežajo 20% ustrezne finančne ovojnice, katere koli sodelujoča država lahko preneha sodelovati v programu. Tiste države, ki kljub temu želijo nadaljevati program, se posvetujejo med seboj, določijo pogoje za njegovo nadaljevanje ter o tem poročajo svetu, ki sprejme vse potrebne ukrepe.

IV. člen

Agencija, ki deluje v imenu sodelujočih držav, je lastnica satelitov, vesoljskih sistemov in drugih predmetov, narejenih v okviru programa, ter objektov, naprav in opreme za njegovo izvedbo. O prenosu lastništva odloča svet.

V. člen

1. Če država članica konvencijo odpove, preneha njeno sodelovanje v vseh programih, v katerih je sodelovala. Za pravice in obveznosti na podlagi teh programov se uporablja XXIV. člen konvencije.

2. Prekinitev iz drugega odstavka II. člena in prenehanje iz prvega odstavka III. člena in pododstavka b četrtega odstavka III. člena začneta veljati z dnem, ko svet prejme informacije iz teh členov.

3. Sodelujoča država, ki se odloči, da ne bo več nadaljevala programa v skladu z drugim odstavkom II. člena, ali se odloči prenehati sodelovati v programu v skladu s prvim odstavkom III. člena in pododstavkom b četrtega odstavka III. člena, obdrži pravice, ki jih pridobijo sodelujoče države, do dne začetka veljavnosti prenehanja sodelovanja. Potem nima več nobene pravice ali obveznosti na podlagi preostalega dela programa, v katerem ne sodeluje več. Še naprej je dolžna financirati svoj delež izdatkov, ki ustreza odobrenim in porabljenim sredstvom za plačila v proračunu za tekoče poslovno leto ali prejšnja poslovna leta ter se nanaša na fazo programa, katere izvajanje je v teku. Sodelujoče države pa se lahko z izjavo soglasno odločijo, da je država, ki se odloči za prekinitev programa ali prenehanje sodelovanja v programu, še naprej dolžna financirati svoj celotni delež prvotne ovojnice ali podovojnic programa.

VI. člen

1. Za prekinitev programa se sodelujoče države lahko odločijo z dvotretjinsko večino glasov vseh sodelujočih držav, ki k programu prispevajo najmanj dve tretjini vseh prispevkov.

2. Agencija uradno obvesti sodelujoče države o dokončanju programa v skladu z izvedbenimi pravili; ob prejemu takega uradnega obvestila izvedbena pravila prenehajo veljati.

ANNEX IV

INTERNATIONALISATION OF NATIONAL PROGRAMMES

Article I

The principal objective of the internationalisation of national programmes shall be that each Member State shall make available for participation by other Member States, within the framework of the Agency, any new civil space project which it intends to undertake, either alone or in collaboration with another Member State. With this end in view:

a. each Member State shall notify to the Director General of the Agency any such project before the beginning of its phase B (project definition phase);

b. the timing and content of proposals for participation in a project should make it possible for other Member States to undertake a significant share of the work involved; an early indication shall be given to the Agency of any reasons which make this impracticable and of any conditions which the initiating Member State may wish to place on the allocation of work to other Member States;

c. the initiating Member State shall explain the arrangements it proposes for the technical management of the project and indicate the reasons for them;

d. the initiating Member State shall use its best endeavours to accommodate all reasonable responses, subject to agreement being reached, within the time scale demanded by project decisions, on the level of the cost and the way in which the cost and work are shared; it shall subsequently submit a formal proposal under Annex III where the project is to be executed in accordance with the terms of that Annex;

e. the execution of a project within the framework of the Agency shall not be excluded merely because that project has failed to attract the participation of other Member States to the extent originally proposed by the initiating Member State.

Article II

Member States shall use their best endeavours to ensure that the bilateral and multilateral space projects which they undertake with non-member States do not prejudice the scientific, economic or industrial objectives of the Agency. In particular, they shall:

a. inform the Agency of such projects, in so far as they judge that this would not prejudice the projects;

b. discuss with the other Member States projects so communicated, with the object of establishing the scope for wider participation. If wider participation proves possible, the procedures laid down in Article I, b to e shall apply.

PRILOGA IV

INTERNACIONALIZACIJA NACIONALNIH PROGRAMOV

I. člen

Glavni cilj internacionalizacije nacionalnih programov je, da vsaka država članica drugim državam članicam omogoči sodelovanje v okviru agencije v novem civilnem vesoljskem projektu, ki ga namerava izvesti samostojno ali v sodelovanju z drugo državo članico. S tem namenom:

a. država članica uradno obvesti generalnega direktorja agencije o takem projektu pred začetkom njegove faze B (faza določitve projekta);

b. časovnica in vsebina predlogov za sodelovanje v projektu drugim državam članicam omogočita prevzeti precejšnji del dela; agenciji se dovolj zgodaj sporočijo razlogi, zaradi katerih to ne bi bilo praktično, in zahteve, ki jih država članica kot pobudnica projekta želi uveljaviti pri delitvi dela pri drugih državah članicah;

c. država članica kot pobudnica projekta pojasni svoje predloge za tehnično vodenje projekta in pri tem navede razloge;

d. si država članica kot pobudnica projekta po najboljših močeh prizadeva upoštevati vse razumne odgovore, pod pogojem, da je sporazum sklenjen v časovnem okviru, kot ga zahtevajo projektne odločitve, glede stroškov ter načina delitve stroškov in dela; država članica kot pobudnica projekta nato predloži uradni predlog v skladu s prilogo III o kraju izvedbe projekta v skladu s pogoji priloge III;

e. izvedba projekta v okviru agencije ni izključena samo zaradi tega, ker projekt k sodelovanju ni pritegnil drugih držav članic v obsegu, ki ga je prvotno predlagala država članica kot pobudnica projekta.

II. člen

Države članice si po najboljših močeh prizadevajo zagotoviti, da dvo- in večstranski vesoljski projekti, ki jih izvajajo skupaj z državami nečlanicami, ne vplivajo na znanstvene, gospodarske ali industrijske cilje agencije. Še zlasti:

a. o takšnih projektih obvestijo agencijo, če presodijo, da to ne bo vplivalo na projekte;

b. o tako sporočenih projektih razpravljajo z drugimi državami članicami, da opredelijo širši krog sodelujočih. Če je mogoče razširiti krog sodelujočih, se uporabijo postopki iz pododstavkov od b do e I. člena.

ANNEX V

INDUSTRIAL POLICY

Article I

1. In implementing the industrial policy referred to in Article VII of the Convention, the Director General shall act in conformity with the provisions of this Annex and with the directives of the Council.

2. The Council shall keep under review the industrial potential and industrial structure in relation to the Agency's activities, and in particular:

- a. the general structure of industry, and industrial groupings;
- b. the degree of specialisation desirable in industry and methods of achieving it;
- c. the coordination of relevant national industrial policies;
- d. interaction with any relevant industrial policies of other international bodies;
- e. the relationship between industrial production capacity and potential markets;
- f. the organisation of contacts with industry, in order to be able to monitor and, where appropriate, adapt the Agency's industrial policy.

Article II

1. In the placing of all contracts, the Agency shall give preference to industry and organisations of the Member States. However, within each optional programme covered by Article V, 1 b of the Convention, particular preference shall be given to industry and organisations in the participating States.

2. The Council shall determine whether and to what extent the Agency may derogate from the above preference clause.

3. The question whether an enterprise should be considered to belong to one of the Member States shall be settled in the light of the following criteria: location of the enterprise's registered office, decision-making centres and research centres, and territory on which the work is to be carried out. In doubtful cases the Council shall decide whether an enterprise shall be considered to belong to one of the Member States, or not.

Article III

1. The Director General shall, at an early stage in the contract action and before invitations to tender are sent out, submit for the approval of the Council his proposal on the procurement policy to be followed, for any contract which either:

- a. has an estimated value above limits which shall be defined in the rules concerning industrial policy and which will depend on the nature of the work; or
- b. is, in the opinion of the Director General, not adequately covered by the rules concerning industrial policy or by additional guidelines established by the Council, or might give rise to a conflict with those rules or guidelines.

2. The additional guidelines referred to in paragraph 1 b shall be established from time to time by the Council if it considers them helpful for the purpose of distinguishing those areas where prior submission under paragraph 1 is necessary.

3. The Agency's contracts shall be awarded directly by the Director General without further reference to the Council except in the following cases:

- a. when the evaluation of the offers received suggests a recommendation for the choice of a contractor which would be contrary either to the prior instructions issued by the Council under the terms of paragraph 1, or to any general guidelines on industrial policy adopted as a result of the Council's studies under Article I, 2; the Director General shall then submit the case to the Council for decision, explaining why he considers a deviation to be necessary and indicating also whether another decision by the Council would constitute, technically, operationally or otherwise, an advisable alternative;
- b. where the Council has decided for specific reasons to undertake a review before a contract is awarded.

PRILOGA V

INDUSTRIJSKA POLITIKA

I. člen

1. Pri izvajanju industrijske politike iz VII. člena konvencije generalni direktor ravna v skladu z določbami te priloge in navodili sveta.

2. Svet spremlja razvoj industrijskega potenciala in industrijske strukture na področju dejavnosti agencije, in sicer zlasti:

- a. splošne strukture industrije in industrijskih združenj;
- b. stopnjo zelene specializacije v industriji in načine, kako jo doseči;
- c. usklajevanje ustreznih nacionalnih industrijskih politik;
- d. povezave z ustreznimi industrijskimi politikami drugih mednarodnih teles;
- e. odnos med zmogljivostjo industrijske proizvodnje in potencialnimi trgi;
- f. vzpostavljanje stikov z industrijo z namenom spremljanja in po potrebi prilagajanja industrijske politike agencije.

II. člen

1. Pri oddaji vseh naročil agencija daje prednost industriji in organizacijam držav članic. V okviru posameznega izbirnega programa iz pododstavka b prvega odstavka V. člena konvencije imajo še zlasti prednost industrija in organizacije sodelujočih držav.

2. Svet določi, ali agencija sme odstopati od te preferenčne klavzule in v kakšnem obsegu.

3. Za odgovor, ali podjetje pripada eni od držav članic, se upoštevajo ta merila: lokacija sedeža podjetja, centrov odločanja in raziskovalnih centrov ter ozemlje, na katerem naj bi se opravljalo delo. Ob dvomu svet odloči, ali podjetje pripada eni od držav članic ali ne.

III. člen

1. Generalni direktor v zgodnji fazi oddaje naročila in pred objavo javnega naročila predloži svetu v potrditev svoj predlog politike naročanja za vsako naročilo:

- a. katerega ocenjena vrednost presega omejitve, ki so določene s pravili o industrijski politiki in odvisne od narave dela, ali
- b. ki po mnenju generalnega direktorja ni ustrezno urejeno s pravili o industrijski politiki ali dodatnimi smernicami sveta ali je lahko v nasprotju s takšnimi pravili ali smernicami.

2. Svet občasno uvede dodatne smernice iz pododstavka b prvega odstavka, če meni, da so v pomoč pri opredelitvi področij, za katera je potreben predhodni predlog v skladu s prvim odstavkom.

3. Naročila agencije oddaja neposredno generalni direktor brez nadaljnega sodelovanja sveta, razen če:

- a. se na podlagi ocene prejetih ponudb priporoča izbira ponudnika v nasprotju s predhodnimi navodili sveta v skladu s prvim odstavkom ali s splošnimi smernicami o industrijski politiki, sprejetimi na podlagi študij sveta v skladu z drugim odstavkom I. člena; generalni direktor nato predloži zadevo svetu v odločanje in pojasni, zakaj meni, da je odstopanje potrebno, ter navede, ali bi bilo iz tehničnih, operativnih ali drugih razlogov priporočljivo, da svet sprejme drugo odločitev;

- b. se svet iz specifičnega razloga odloči za pregled pred oddajo naročila.

4. The Director General shall report to the Council, at regular intervals to be specified, on the contracts awarded during the previous period, and on the contract actions planned for the subsequent period, in order that the Council may monitor the implementation of the Agency's industrial policy.

Article IV

The geographical distribution of all the Agency's contracts shall be governed by the following general rules:

1. A Member State's overall return coefficient shall be the ratio between its percentage share of the total value of all contracts awarded among all Member States and its total percentage contributions. However, in the calculation of this overall return coefficient, no account shall be taken of contracts placed in, or contributions made by, Member States in a programme undertaken:

a. under Article VIII of the Convention for the establishment of a European Space Research Organisation, provided that the relevant Arrangement contains provisions to this effect or that all participating States subsequently unanimously so agree;

b. under Article V, 1 b of the present Convention provided that all original participating States unanimously so agree.

2. For the purpose of calculating return coefficients, weighting factors shall be applied to the value of contracts on the basis of their technological interest. These weighting factors shall be defined by the Council. Within a single contract having a significant value, more than one weighting factor may be applied.

3. Ideally the distribution of contracts placed by the Agency should result in all countries having an overall return coefficient of 1.

4. The return coefficients shall be computed quarterly and shown cumulatively for the purpose of the formal reviews referred to in paragraph 5.

5. Formal reviews of the geographical distribution of contracts shall take place every five years, with an interim review before the end of the third year.

6. The distribution of contracts between formal reviews of the situation should be such that, at the time of each formal review, the cumulative overall return coefficient of each Member State does not substantially deviate from the ideal value. At the time of each formal review, the Council may revise the lower limit for the cumulative return coefficient for the subsequent period, provided that it shall never be lower than 0.8.

7. Separate assessments shall be made, and reported to the Council, of the return coefficients for various categories of contract to be defined by it, in particular advanced research and development contracts and contracts for project-related technology. The Director General shall discuss these assessments with the Council, at regular intervals to be specified, and in particular at the interim review, with the aim of identifying the action needed to redress any imbalances.

Article V

If, between two formal reviews, a trend is identified indicating that the overall return coefficient of any Member State is likely to be below the lower limit defined according to Article IV, 6, the Director General shall submit to the Council proposals in which the need to remedy the situation takes precedence over the Agency's rules governing the placing of contracts.

Article VI

Any decision taken on industrial policy grounds which has the effect of excluding a particular firm or organisation of a Member State from competing for the Agency's contracts in a particular field shall require the agreement of that Member State.

4. Generalni direktor v rednih časovnih presledkih, ki jih je treba določiti, poroča svetu o naročilih, oddanih v prejšnjem obdobju, in o načrtovanih naročilih za naslednje obdobje, da svet lahko spremlja izvajanje industrijske politike agencije.

IV. člen

Geografsko porazdelitev pogodb agencije urejajo v nadaljevanju navedena splošna pravila:

1. Koeficient celotnega povračila državi članici je razmerje med njenim odstotkom skupne vrednosti vseh pogodb, sklenjenih med vsemi državami članicami, in njenim skupnim prispevkom v odstotkih. Za izračun koeficienta celotnega povračila pa se ne upoštevajo pogodbe, sklenjene v državah članicah v okviru programa, ali prispevki držav članic v okviru programa:

a. skladnega z VIII. členom Konvencije o ustanovitvi Evropske organizacije za raziskovanje vesolja, pod pogojem, da takšen dogovor vključuje določbe za ta namen ali posledično to soglasno potrdijo vse sodelujoče države;

b. skladnega s pododstavkom b prvega odstavka V. člena te konvencije, pod pogojem, da to soglasno potrdijo vse prvotno sodelujoče države.

2. Za izračun koeficienta povračila se vrednost pogodbe ponderira glede na njen tehnološki pomen. Ponderje določi svet. Za eno pogodbo večje vrednosti se lahko uporabi več kot en ponder.

3. Pri porazdelitvi pogodb, ki jih sklene agencija, je v idealnem primeru v vseh državah vrednost koeficienta celotnega povračila 1.

4. Koeficienti povračila se izračunajo vsako četrletje in se skupaj navedejo za namene uradnih pregledov iz petega odstavka.

5. Uradni pregledi geografske porazdelitve pogodb se opravijo vsakih pet let z vmesnim pregledom pred koncem tretjega leta.

6. Med uradnimi pregledi stanja mora biti geografska porazdelitev pogodb taka, da ob vsakem uradnem pregledu skupni koeficient celotnega povračila vsake države članice znatno ne odstopa od idealne vrednosti. Ob vsakem uradnem pregledu lahko svet spremeni vrednost spodnje omejitve skupnega koeficienta povračila za naslednje obdobje, pod pogojem, da vrednost omejitev nikoli ni nižja od 0,8.

7. Za različne skupine pogodb, ki jih določi svet, zlasti pogodbe za napredne raziskave in razvoj ter tehnologijo, povezano s projektom, se pripravijo ločene ocene koeficientov povračil in o ocenah se poroča svetu. Generalni direktor o teh ocenah razpravlja s svetom v rednih časovnih presledkih, ki se določijo, in predvsem ob vmesnem pregledu, da se določijo ukrepi, potrebni za odpravo nesorazmerij.

V. člen

Če se med dvema uradnima pregledoma ugotovi trend, ki kaže, da bo koeficient celotnega povračila državi članici verjetno nižji od vrednosti spodnje omejitve, določene v skladu s šestim odstavkom IV. člena, generalni direktor svetu predloži predloge, v katerih ima izboljšanje stanja prednost pred pravili agencije o oddaji naročil.

VI. člen

Država članica mora soglašati z vsako odločitvijo, ki je bila sprejeta na podlagi industrijske politike in zaradi katere določeno podjetje ali organizacija države članice ne more oddati ponudbe za naročilo agencije na določenem področju.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorised thereto, have signed this Convention.

DONE at Paris, on 30 May 1975, in the German, English, Spanish, French, Italian, Dutch and Swedish languages, all these texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of France, which shall transmit certified copies to all signatory and acceding States.

Texts of this Convention drawn up in other official languages of the Member States of the Agency shall be authenticated by a unanimous decision of all Member States. Such texts shall be deposited in the archives of the Government of France, which shall transmit certified copies to all signatory and acceding States.

V POTRDITEV TEGA so spodaj podpisani, ki so bili za to pravilno pooblaščen, podpisali konvencijo.

SESTAVLJENO v Parizu 30. maja 1975 v nemškem, angleškem, španskem, francoskem, italijanskem, nizozemskem in švedskem jeziku, pri čemer so vsa besedila enako verodostojna, v enem izvorniku, ki se deponira v arhivu francoske vlade, ki pošlje overjene kopije vsem državam podpisnicam in pristopnicam.

Verodostojnost besedil konvencije, sestavljenih v drugih uradnih jezikih držav članic agencije, se potrdi s soglasno odločitvijo vseh držav članic. Takšna besedila se deponirajo v arhivu francoske vlade, ki pošlje overjene kopije vsem državam podpisnicam in pristopnicam.

3. člen

Za izvajanje konvencije skrbi ministrstvo, pristojno za gospodarstvo.

4. člen

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

Št. 630-02/24-2/11

Ljubljana, dne 23. oktobra 2024

EPA 1722-IX

Državni zbor
Republike Slovenije
Nataša Sukič
podpredsednica

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

33. Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Republike Hrvaške o solidarnostnih ukrepih za zagotovitev zanesljivosti oskrbe s plinom

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 in evropske zadeve

s p o r o č a,

da je 29. januarja 2024 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Hrvaške o solidarnostnih ukrepih za zagotovitev zanesljivosti oskrbe s plinom, podpisan v Zagrebu 14. julija 2023 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 13/23 (Uradni list RS, št. 134/23).

Ljubljana, dne 12. avgusta 2024

Ministrstvo za zunanje in evropske zadeve

34. Obvestilo o začetku veljavnosti Konvencije o Mednarodni organizaciji za pomorske navigacijske pripomočke

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 in evropske zadeve

s p o r o č a,

da je 22. avgusta 2024 začela veljati Konvencija o Mednarodni organizaciji za pomorske navigacijske pripomočke, sestavljena v Parizu 27. januarja 2021 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 1/23.

Ljubljana, dne 10. oktobra 2024

Ministrstvo za zunanje in evropske zadeve

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