

- 23.** Zakon o ratifikaciji Pogodbe o ustanovitvi Evropskega mehanizma za stabilnost med Kraljevino Belgijo, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Velikim vojvodstvom Luksemburg, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Portugalsko republiko, Republiko Slovenijo, Slovaško Republiko in Republiko Finsko (MPUEMS)

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 Pogodbe o ustanovitvi, Evropskega mehanizma za stabilnost med Kraljevino Belgijo, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Velikim vojvodstvom Luksemburg, Madžarsko, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Portugalsko republiko, Republiko Slovenijo, Slovaško republiko, Republiko Finsko (MPUEMS)

Razglaszam Zakon o ratifikaciji Pogodbe o ustanovitvi Evropskega mehanizma za stabilnost med Kraljevino Belgijo, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Velikim vojvodstvom Luksemburg, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Portugalsko republiko, Republiko Slovenijo, Slovaško republiko in Republiko Finsko (MPUEMS), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. aprila 2012.

Št. 003-02-3/2012-11
Ljubljana, dne 30. aprila 2012

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI POGODBE O USTANOVITVI EVROPSKEGA MEHANIZMA ZA STABILNOST MED KRALJEVINO BELGIJO, ZVEZNO REPUBLIKO NEMČIJO, REPUBLIKO ESTONIJO, IRSKO, HELENSKO REPUBLIKO, KRALJEVINO ŠPANIJO, FRANCOSKO REPUBLIKO, ITALIJANSKO REPUBLIKO, REPUBLIKO CIPER, VELIKIM VOJVODSTVOM LUKSEMBURG, MALTO, KRALJEVINO NIZOZEMSKO, REPUBLIKO AVSTRIJO, PORTUGALSKO REPUBLIKO, REPUBLIKO SLOVENIJO, SLOVAŠKO REPUBLIKO IN REPUBLIKO FINSKO (MPUEMS)

1. člen

Ratificira se Pogodba o ustanovitvi Evropskega mehanizma za stabilnost med Kraljevino Belgijo, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Velikim vojvodstvom Luksemburg, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Portugalsko republiko, Republiko Slovenijo, Slovaško republiko in Republiko Finsko, podpisana 2. februarja 2012 v Bruslju.

2. člen

Besedilo pogodbe se v izvorniku v slovenskem in angleškem jeziku glasi:*

* Besedilo pogodbe v angleškem, estonskem, finskem, francoskem, grškem, irskem, italijanskem, malteškem, nemškem, nizozemskem, portugalskem, slovaškem, španskem in švedskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

P O G O D B A

**O USTANOVITVI EVROPSKEGA MEHANIZMA
ZA STABILNOST MED KRALJEVINO BELGIJO,
ZVEZNO REPUBLIKO NEMČIJO, REPUBLIKO
ESTONIJO, IRSKO, HELENSKO REPUBLIKO,
KRALJEVINO ŠPANIJO, FRANCOSKO
REPUBLIKO, ITALIJANSKO REPUBLIKO,
REPUBLIKO CIPER, VELIKIM VOJVODSTVOM
LUKSEMBURG, MALTO, KRALJEVINO
NIZOZEMSKO, REPUBLIKO AVSTRIJO,
PORTUGALSKO REPUBLIKO, REPUBLIKO
SLOVENIJO, SLOVAŠKO REPUBLIKO
IN REPUBLIKO FINSKO**

POGODBENICE Kraljevina Belgija, Zvezna republika Nemčija, Republika Estonija, Irska, Helenska republika, Kraljevina Španija, Francoska republika, Italijanska republika, Republika Ciper, Veliko vojvodstvo Luksemburg, Malta, Kraljevina Nizozemska, Republika Avstrija, Portugalska republika, Republika Slovenija, Slovaška republika in Republika Finska (v nadaljnjem besedilu: države članice euroobmočja ali članice EMS) so se –

V PRIZADEVANJU, da bodo zagotovile finančno stabilnost v euroobmočju;

OB SKLICEVANJU na sklepe Evropskega sveta o vzpostavitvi evropskega mehanizma za stabilnost, sprejete 25. marca 2011;

OB UPOŠTEVANJU, DA:

(1) je Evropski svet 17. decembra 2010 sklenil, da morajo države članice euroobmočja vzpostaviti trajni mehanizem za stabilnost. Ta evropski mehanizem za stabilnost (v nadaljnjem besedilu: EMS) bo prevzel naloge, ki jih imata zdaj evropski instrument za finančno stabilnost (v nadaljnjem besedilu: EFSF) in evropski mehanizem za finančno stabilizacijo (v nadaljnjem besedilu: EFSM) ter se nanašajo na zagotavljanje finančne pomoči državam članicam euroobmočja, kadar je to potrebno;

(2) je Evropski svet 25. marca 2011 sprejel Sklep 2011/199/EU o spremembi člena 136 Pogodbe o delovanju Evropske unije glede mehanizma za stabilnost za države članice, katerih valuta je euro¹, s katerim se členu 136 doda naslednji odstavek: „Države članice, katerih valuta je euro, lahko vzpostavijo mehanizem za stabilnost, ki se sproži, kadar je to nujno potrebno za zaščito stabilnosti euroobmočja kot celote. Za odobritev potrebne finančne pomoči v okviru mehanizma bodo veljali strogi pogoji.“;

(3) so se z namenom povečanja učinkovitosti finančne pomoči in preprečitve tveganja širitve negativnih finančnih vplivov voditelji držav ali vlad držav članic, katerih valuta je euro 21. julija 2011 dogovorili, da bodo „povečali prožnost [ESM], povezano z ustreznimi pogoji“;

(4) bi moralo dosledno upoštevanje okvira Evropske unije, integriranega makroekonomskega nadzora, zlasti Pakta za stabilnost in rast, okvira za makroekonomska neravnotežja in pravil Evropske unije glede ekonomskega upravljanja, ostati prva obramba pred krizami zaupanja, ki vplivajo na stabilnost euroobmočja;

T R E A T Y

**ESTABLISHING THE EUROPEAN STABILITY
MECHANISM BETWEEN THE KINGDOM OF
BELGIUM, THE FEDERAL REPUBLIC OF
GERMANY, THE REPUBLIC OF ESTONIA,
IRELAND, THE HELLENIC REPUBLIC, THE
KINGDOM OF SPAIN, THE FRENCH REPUBLIC,
THE ITALIAN REPUBLIC, THE REPUBLIC
OF CYPRUS, THE GRAND DUCHY OF
LUXEMBOURG, MALTA, THE KINGDOM OF THE
NETHERLANDS, THE REPUBLIC OF AUSTRIA,
THE PORTUGUESE REPUBLIC, THE REPUBLIC
OF SLOVENIA, THE SLOVAK REPUBLIC AND
THE REPUBLIC OF FINLAND**

THE CONTRACTING PARTIES, the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Republic of Finland (the "euro area Member States" or "ESM Members");

COMMITTED TO ensuring the financial stability of the euro area;

RECALLING the Conclusions of the European Council adopted on 25 March 2011 on the establishment of a European stability mechanism;

WHEREAS:

(1) The European Council agreed on 17 December 2010 on the need for euro area Member States to establish a permanent stability mechanism. This European Stability Mechanism ("ESM") will assume the tasks currently fulfilled by the European Financial Stability Facility ("EFSF") and the European Financial Stabilisation Mechanism ("EFSM") in providing, where needed, financial assistance to euro area Member States.

(2) On 25 March 2011, the European Council adopted Decision 2011/199/EU amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro¹ adding the following paragraph to Article 136: "The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality".

(3) With a view to increasing the effectiveness of the financial assistance and to prevent the risk of financial contagion, the Heads of State or Government of the Member States whose currency is the euro agreed on 21 July 2011 to "increase [the] flexibility [of the ESM] linked to appropriate conditionality".

(4) Strict observance of the European Union framework, the integrated macro-economic surveillance, in particular the Stability and Growth Pact, the macroeconomic imbalances framework and the economic governance rules of the European Union, should remain the first line of defence against confidence crises affecting the stability of the euro area.

¹ UL L 91, 6. 4. 2011, str. 1.

¹ OJ L 91, 6. 4. 2011, p. 1.

(5) so se voditelji držav ali vlad držav članic, katerih valuta je euro, 9. decembra 2011 dogovorili, da se bodo trudili za močnejšo ekonomsko unijo, vključno z novim fiskalnim dogovorom in krepitvijo usklajevanja ekonomskih politik, ki naj bi se izvajalo na podlagi novega mednarodnega sporazuma, Pogodbe o stabilnosti, usklajevanju in upravljanju v ekonomski in monetarni uniji (v nadaljnjem besedilu: PSUU). PSUU bo pomagala razviti tesnejše usklajevanje v euroobmočju z namenom zagotoviti trajno, zdravo in vzdržljivo upravljanje javnih financ, ter se tako spoprijeti z enim od glavnih virov finančne nestabilnosti. Ta pogodba in PSUU sta komplementarni pri spodbujanju fiskalne odgovornosti in solidarnosti v okviru ekonomske in monetarne unije. Potrjeno in dogovorjeno je, da bo dodelitev pomoči v okviru novih programov iz EMS od 1. marca 2013 odvisna od tega, ali bo PSUU zadevna članica EMS ratificirala in, ko poteče rok za prenos iz člena 3(2) PSUU, od izpolnjevanja zahtev iz navedenega člena;

(6) lahko zaradi močne medsebojne povezanosti v euroobmočju resna tveganja za finančno stabilnost držav članic, katerih valuta je euro, ogrozijo finančno stabilnost celotnega euroobmočja. EMS lahko zato zagotovi pomoč za stabilnost pod strogimi pogoji, ki ustrezajo izbranemu instrumentu finančne pomoči, če je to nujno za zaščito finančne stabilnosti euroobmočja kot celote in njegovih držav članic. Začetni največji obseg posojil EMS znaša 500 milijard EUR, vključno z obstoječo pomočjo za stabilnost EFSF. Vendar pa se bo ustreznost skupnega največjega obsega posojil EMS in EFSF ponovno ocenila pred začetkom veljavnosti te pogodbe. Če bo to primerno, ga bo ob začetku veljavnosti te pogodbe svet guvernerjev EMS povečal v skladu s členom 10;

(7) bodo vse države članice euroobmočja postale članice EMS. Država članica Evropske unije, ki se pridruži euroobmočju, bi s tem morala postati članica EMS z vsemi pravicami in obveznostmi, ki ustrezajo pravicam in obveznostim pogodbenic;

(8) bo EMS pri zagotavljanju pomoči za stabilnost zelo tesno sodeloval z Mednarodnim denarnim skladom (v nadaljnjem besedilu: MDS). Prizadevati si bo treba za dejavno udeležbo MDS v tehničnem in finančnem smislu. Pričakuje se, da bo država članica euroobmočja, ki zaprosi za finančno pomoč EMS, zaprosila za podobno pomoč MDS, kadar je to mogoče;

(9) bodo države članice Evropske unije, katerih valuta ni euro (v nadaljnjem besedilu: države članice, ki niso v euroobmočju) in poleg EMS na ad hoc podlagi sodelujejo v operacijah pomoči za stabilnost za države članice euroobmočja, povabljeni, da kot opazovalke sodelujejo na sestankih EMS, ko ta razpravlja o pomoči za stabilnost in spremljanju te pomoči. Pravočasno bodo dobile dostop do vseh informacij, z njimi pa se bo ustrezno posvetovalo;

(10) so predstavniki vlad držav članic Evropske unije 20. junija 2011 pooblastili pogodbenice te pogodbe, da Evropsko komisijo in Evropsko centralno banko (v nadaljnjem besedilu: ECB) zaprosijo za opravljanje nalog iz te pogodbe;

(11) je Euroskupina v svoji izjavi z dne 28. novembra 2010 navedla, da bodo v splošne pogoje vseh novih obveznic držav euroobmočja vključene standardizirane in enake klavzule o skupnem ukrepanju (Collective Action Clauses, v nadaljnjem besedilu: CAC), in sicer tako, da se ohrani likvidnost trga. Kakor je 25. marca 2011 zahteval Evropski svet, je Ekonomsko-finančni odbor oblikoval natančno pravno ureditev za vključitev CAC v vrednostne papirje držav euroobmočja;

(12) se bo v skladu s prakso MDS v izrednih primerih pretehtala ustrežna in sorazmerna oblika udeležbe zasebnega sektorja. – v primerih, v katerih pomoč za stabilnost spremljajo pogoji v obliki programa za makroekonomsko prilagoditev;

(5) On 9 December 2011 the Heads of State or Government of the Member States whose currency is the euro agreed to move towards a stronger economic union including a new fiscal compact and strengthened economic policy coordination to be implemented through an international agreement, the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union ("TSCG"). The TSCG will help develop a closer coordination within the euro area with a view to ensuring a lasting, sound and robust management of public finances and thus addresses one of the main sources of financial instability. This Treaty and the TSCG are complementary in fostering fiscal responsibility and solidarity within the economic and monetary union. It is acknowledged and agreed that the granting of financial assistance in the framework of new programmes under the ESM will be conditional, as of 1 March 2013, on the ratification of the TSCG by the ESM Member concerned and, upon expiration of the transposition period referred to in Article 3(2) TSCG on compliance with the requirements of that article.

(6) Given the strong interrelation within the euro area, severe risks to the financial stability of Member States whose currency is the euro may put at risk the financial stability of the euro area as a whole. The ESM may therefore provide stability support on the basis of a strict conditionality, appropriate to the financial assistance instrument chosen if indispensable to safeguard the financial stability of the euro area as a whole and of its Member States. The initial maximum lending volume of the ESM is set at EUR 500 000 million, including the outstanding EFSF stability support. The adequacy of the consolidated ESM and EFSF maximum lending volume will, however, be reassessed prior to the entry into force of this Treaty. If appropriate, it will be increased by the Board of Governors of the ESM, in accordance with Article 10, upon entry into force of this Treaty.

(7) All euro area Member States will become ESM Members. As a consequence of joining the euro area, a Member State of the European Union should become an ESM Member with full rights and obligations, in line with those of the Contracting Parties.

(8) The ESM will cooperate very closely with the International Monetary Fund ("IMF") in providing stability support. The active participation of the IMF will be sought, both at technical and financial level. A euro area Member State requesting financial assistance from the ESM is expected to address, wherever possible, a similar request to the IMF.

(9) Member States of the European Union whose currency is not the euro ("non euro area Member States") participating on an ad hoc basis alongside the ESM in a stability support operation for euro area Member States will be invited to participate, as observers, in the ESM meetings when this stability support and its monitoring will be discussed. They will have access to all information in a timely manner and be properly consulted.

(10) On 20 June 2011, the representatives of the Governments of the Member States of the European Union authorised the Contracting Parties of this Treaty to request the European Commission and the European Central Bank ("ECB") to perform the tasks provided for in this Treaty.

(11) In its statement of 28 November 2010, the Euro Group stated that standardised and identical Collective Action Clauses ("CACs") will be included, in such a way as to preserve market liquidity, in the terms and conditions of all new euro area government bonds. As requested by the European Council on 25 March 2011, the detailed legal arrangements for including CACs in euro area government securities were finalised by the Economic and Financial Committee.

(12) In accordance with IMF practice, in exceptional cases an adequate and proportionate form of private sector involvement shall be considered in cases where stability support is provided accompanied by conditionality in the form of a macro-economic adjustment programme.

(13) bo EMS podobno kot MDS zagotavljal pomoč za stabilnost članici EMS, če bo njen redni dostop do tržnega financiranja omejen ali če bo obstajalo tveganje njegove omejitve. V skladu s tem so voditelji držav ali vlad izjavili, da bodo imela posojila EMS podobno kot posojila MDS status prednostnega upnika, pri čemer ima MDS status prednostnega upnika pred EMS. Ta status začne veljati z dnem začetka veljavnosti te pogodbe. Če bo finančna pomoč EMS v obliki posojil EMS sledila Evropskemu programu finančne pomoči, ki obstaja na dan podpisa te pogodbe, bo imel EMS enako prednostno obravnavo kot vsa druga posojila in obveznosti članice EMS prejemnice pomoči z izjemo posojil MDS;

(14) bodo države članice euroobmočja podprle enakovredni upniški status EMS in drugih držav, ki poleg EMS dajejo dvostranska posojila;

(15) pogoji posojila EMS za države članice, za katere se uporablja program za makroekonomsko prilagoditev, vključno s tistimi iz člena 40 te pogodbe, krijejo stroške financiranja in poslovanja EMS ter bi morali biti usklajeni s pogoji posojila iz sporazumov o finančni pomoči, ki so bili podpisani med EFSF, Irsko in Central Bank of Ireland na eni strani ter EFSF, Portugalsko republiko in Banco de Portugal na drugi strani;

(16) bi morale biti za spore v zvezi z razlago in uporabo te pogodbe, ki nastanejo med pogodbenicami ali med pogodbenicami in EMS, v skladu s členom 273 Pogodbe o delovanju Evropske unije (v nadaljnjem besedilu: PDEU) pristojno Sodišče Evropske unije;

(17) bosta nadzor po izvedbi programa opravljala Evropska komisija in Svet Evropske unije v skladu s členoma 121 in 136 PDEU –

DOGOVORILE O NASLEDNJEM:

POGLAVJE 1 ČLANSTVO IN NAMEN

ČLEN 1

Ustanovitev in članice

1. Pogodbenice s to pogodbo ustanovljajo mednarodno finančno institucijo, imenovano Evropski mehanizem za stabilnost (v nadaljnjem besedilu: EMS).
2. Pogodbenice so članice EMS.

ČLEN 2

Nove članice

1. Članstvo v EMS je na voljo drugim državam članicam Evropske unije od začetka veljavnosti sklepa Sveta Evropske unije, sprejetega v skladu s členom 140(2) PDEU, da se odpravi odstopanje od uvedbe eura.
2. Nove članice EMS se v skladu s členom 44 sprejmejo pod enakimi pogoji kot obstoječe članice EMS.
3. Nova članica, ki pristopi k EMS po njegovi ustanovitvi, v zameno za kapitalski vložek prejme določeno število delnic v EMS, izračunano v skladu z razdelitvenim ključem iz člena 11.

(13) Like the IMF, the ESM will provide stability support to an ESM Member when its regular access to market financing is impaired or is at risk of being impaired. Reflecting this, Heads of State or Government have stated that the ESM loans will enjoy preferred creditor status in a similar fashion to those of the IMF, while accepting preferred creditor status of the IMF over the ESM. This status will be effective as of the date of entry into force of this Treaty. In the event of ESM financial assistance in the form of ESM loans following a European financial assistance programme existing at the time of the signature of this Treaty, the ESM will enjoy the same seniority as all other loans and obligations of the beneficiary ESM Member, with the exception of the IMF loans.

(14) The euro area Member States will support equivalent creditor status of the ESM and that of other States lending bilaterally in coordination with the ESM.

(15) ESM lending conditions for Member States subject to a macroeconomic adjustment programme, including those referred to in Article 40 of this Treaty, shall cover the financing and operating costs of the ESM and should be consistent with the lending conditions of the Financial Assistance Facility Agreements signed between the EFSF, Ireland and the Central Bank of Ireland on the one hand and the EFSF, the Portuguese Republic and Banco de Portugal on the other.

(16) Disputes concerning the interpretation and application of this Treaty arising between the Contracting Parties or between the Contracting Parties and the ESM should be submitted to the jurisdiction of the Court of Justice of the European Union, in accordance with Article 273 of the Treaty on the Functioning of the European Union ("TFEU").

(17) Post-programme surveillance will be carried out by the European Commission and by the Council of the European Union within the framework laid down in Articles 121 and 136 TFEU,

HAVE AGREED AS FOLLOWS:

CHAPTER 1 MEMBERSHIP AND PURPOSE

ARTICLE 1

Establishment and members

1. By this Treaty, the Contracting Parties establish among themselves an international financial institution, to be named the "European Stability Mechanism" ("ESM").
2. The Contracting Parties are ESM Members.

ARTICLE 2

New members

1. Membership in the ESM shall be open to the other Member States of the European Union as from the entry into force of the decision of the Council of the European Union taken in accordance with Article 140(2) TFEU to abrogate their derogation from adopting the euro.
2. New ESM Members shall be admitted on the same terms and conditions as existing ESM Members, in accordance with Article 44.
3. A new member acceding to the ESM after its establishment shall receive shares in the ESM in exchange for its capital contribution, calculated in accordance with the contribution key provided for in Article 11.

ČLEN 3

Namen

Namen EMS je zbiranje finančnih sredstev in zagotavljanje pomoči za stabilnost ob strogih pogojih, ki ustrezajo izbranemu instrumentu finančne pomoči v korist članic EMS, ki imajo resne finančne težave ali jim tovrstne težave grozijo, če je to nujno potrebno za zaščito finančne stabilnosti euroobmočja kot celote in njegovih držav članic. EMS je upravičen zbirati sredstva v ta namen z izdajo finančnih instrumentov ali sklepanjem finančnih ali drugih sporazumov ali dogovorov s članicami EMS, finančnimi institucijami ali drugimi tretjimi stranmi.

POGLAVJE 2
UPRAVLJANJE

ČLEN 4

Sestava in pravila glasovanja

1. EMS ima svet guvernerjev in svet direktorjev ter tudi generalnega direktorja in drugo potrebno osebje.

2. Odločitve sveta guvernerjev in sveta direktorjev se sprejmejo sporazumno, s kvalificirano ali navadno večino, kakor je določeno v tej pogodbi. Pri vseh odločitvah mora biti dosežena sklepčnost 2/3 članic z glasovalnimi pravicami, ki predstavljajo vsaj 2/3 glasovalnih pravic.

3. Za sporazumno sprejetje odločitve je potrebno soglasje članic, ki sodelujejo pri glasovanju. Vzdržani glasovi ne preprečijo sporazumnega sprejetja odločitve.

4. Z odstopanjem od odstavka 3 se uporabi nujni postopek glasovanja, če Komisija in ECB ugotovita, da bi nesprejetje nujne odločitve, potrebne za odobritev ali izvedbo finančne pomoči, kakor je opredeljeno v členih 13 do 18, ogrozilo ekonomsko in finančno vzdržnost euroobmočja. Za sporazumno sprejetje odločitve sveta guvernerjev iz točk (f) in (g) člena 5(6) in sveta direktorjev v skladu z navedenim nujnim postopkom se zahteva kvalificirana večina 85% oddanih glasov.

Kadar se uporabi nujni postopek iz prvega pododstavka, se sredstva iz rezervnega sklada in/ali vplačanega kapitala prenesejo v nujni rezervni sklad, s čimer se ustvari namenska rezerva iz katere se krijejo tveganja iz finančnih podpor, odobrenih v skladu z navedenim nujnim postopkom. Svet guvernerjev lahko sprejme odločitev, da nujni rezervni sklad ukine in njegova sredstva prenese nazaj v rezervni sklad ali vplačani kapital.

5. Za sprejetje odločitve s kvalificirano večino je potrebnih 80% oddanih glasov.

6. Za sprejetje odločitve z navadno večino je potrebna večina oddanih glasov.

7. Glasovalne pravice vsake članice EMS, ki jih izvaja njen predstavnik ali njegov namestnik v svetu guvernerjev ali svetu direktorjev, so enake številu delnic, ki so ji dodeljene v odobrenem delniškem kapitalu EMS, kakor je določeno v Prilogi II.

8. Če katera koli članica EMS ne plača dela zneska, ki ga mora plačati v skladu s svojimi obveznostmi v zvezi z vplačanimi delnicami ali vpoklici kapitala iz členov 8, 9 in 10 ali v zvezi s povračilom finančne pomoči iz člena 16 ali 17, potem ne more izvajati glasovalnih pravic, dokler ne izpolni svojih obveznosti. Prag pri glasovanju se temu ustrezno ponovno izračuna.

ARTICLE 3

Purpose

The purpose of the ESM shall be to mobilise funding and provide stability support under strict conditionality, appropriate to the financial assistance instrument chosen, to the benefit of ESM Members which are experiencing, or are threatened by, severe financing problems, if indispensable to safeguard the financial stability of the euro area as a whole and of its Member States. For this purpose, the ESM shall be entitled to raise funds by issuing financial instruments or by entering into financial or other agreements or arrangements with ESM Members, financial institutions or other third parties.

CHAPTER 2
GOVERNANCE

ARTICLE 4

Structure and voting rules

1. The ESM shall have a Board of Governors and a Board of Directors, as well as a Managing Director and other dedicated staff as may be considered necessary.

2. The decisions of the Board of Governors and the Board of Directors shall be taken by mutual agreement, qualified majority or simple majority as specified in this Treaty. In respect of all decisions, a quorum of 2/3 of the members with voting rights representing at least 2/3 of the voting rights must be present.

3. The adoption of a decision by mutual agreement requires the unanimity of the members participating in the vote. Abstentions do not prevent the adoption of a decision by mutual agreement.

4. By way of derogation from paragraph 3, an emergency voting procedure shall be used where the Commission and the ECB both conclude that a failure to urgently adopt a decision to grant or implement financial assistance, as defined in Articles 13 to 18, would threaten the economic and financial sustainability of the euro area. The adoption of a decision by mutual agreement by the Board of Governors referred to in points (f) and (g) of Article 5(6) and the Board of Directors under that emergency procedure requires a qualified majority of 85% of the votes cast.

Where the emergency procedure referred to in the first subparagraph is used, a transfer from the reserve fund and/or the paid-in capital to an emergency reserve fund is made in order to constitute a dedicated buffer to cover the risks arising from the financial support granted under that emergency procedure. The Board of Governors may decide to cancel the emergency reserve fund and transfer its content back to the reserve fund and/or paid-in capital.

5. The adoption of a decision by qualified majority requires 80% of the votes cast.

6. The adoption of a decision by simple majority requires a majority of the votes cast.

7. The voting rights of each ESM Member, as exercised by its appointee or by the latter's representative on the Board of Governors or Board of Directors, shall be equal to the number of shares allocated to it in the authorised capital stock of the ESM as set out in Annex II.

8. If any ESM Member fails to pay any part of the amount due in respect of its obligations in relation to paid-in shares or calls of capital under Articles 8, 9 and 10, or in relation to the reimbursement of the financial assistance under Article 16 or 17, such ESM Member shall be unable, for so long as such failure continues, to exercise any of its voting rights. The voting thresholds shall be recalculated accordingly.

ČLEN 5

Svet guvernerjev

1. Vsaka članica EMS imenuje guvernerja in njegovega namestnika. To imenovanje se lahko kadar koli prekliče. Guverner je član vlade članice EMS, pristojen za finance. Namestnik ima vsa pooblastila, da ukrepa v imenu guvernerja, kadar ta ni prisoten.

2. Svet guvernerjev odloči, da mu predseduje predsednik Euroskupine iz Protokola (št. 14) o Euroskupini, priloženega Pogodbi o Evropski uniji in PDEU, ali da izvoli med svojimi člani predsednika in podpredsednika za obdobje dveh let. Predsednik in podpredsednik sta lahko ponovno izvoljena. Če imenovanemu preneha funkcija, ki je potrebna za guvernerja, se takoj organizirajo nove volitve.

3. Član Evropske komisije, pristojen za ekonomske in monetarne zadeve, predsednik ECB ter predsednik Euroskupine (če ni predsednik ali guverner) lahko sodelujejo na sestankih sveta guvernerjev kot opazovalci.

4. Predstavniki držav članic, ki niso v euroobmočju in ki poleg EMS na ad hoc podlagi sodelujejo v operacijah pomoči za stabilnost za države članice euroobmočja, so tudi povabljeni, da kot opazovalci sodelujejo na sestankih sveta guvernerjev, ko ta razpravlja o pomoči za stabilnost in spremljanju te pomoči.

5. Svet guvernerjev lahko na ad hoc podlagi povabi druge osebe, vključno s predstavniki institucij ali organizacij, kot je MDS, da prisostvujejo sestankom kot opazovalci.

6. Svet guvernerjev sporazumno sprejme odločitve o:

(a) ukinitvi nujnega rezervnega sklada in prenosu njegovih sredstev nazaj v rezervni sklad ali vplačani kapital v skladu s členom 4(4);

(b) izdaji novih delnic pod drugimi pogoji kot po nominalni vrednosti v skladu s členom 8(2);

(c) vpoklicih kapitala v skladu s členom 9(1);

(d) spremembi odobrenega delniškega kapitala in prilagoditvi največjega obsega posojil EMS v skladu s členom 10(1);

(e) upoštevanju morebitne posodobitve ključa za vpis kapitala ECB v skladu s členom 11(3) in spremembe Priloge I v skladu s členom 11(6);

(f) pomoči za stabilnosti, ki jo zagotovi EMS, vključno s pogoji ekonomske politike, kot so navedeni v memorandumu o soglasju iz člena 13(3), ter izbiri instrumentov in določitvi finančnih in drugih pogojev v skladu s členi od 12 do 18;

(g) pooblastitvi Evropske komisije, da se v povezavi z ECB pogaja o strogih pogojih ekonomske politike, ki veljajo za vsako finančno pomoč, v skladu s členom 13(3);

(h) spremembi cenovne politike in smernic določanja cen za finančno pomoč v skladu s členom 20;

(i) spremembi seznama instrumentov finančne pomoči, ki jih lahko uporablja EMS, v skladu s členom 19;

(j) določitvi podrobnosti prenosa pomoči EFSF v EMS v skladu s členom 40;

(k) odobritvi vlog novih članic za članstvo v EMS v skladu s členom 44;

(l) prilagoditvah te pogodbe kot neposredni posledici pristopa novih članic, vključno s spremembami razdelitve kapitala med članicami EMS in izračunom take razdelitve kot neposredni posledici pristopa novih članic k EMS, v skladu s členom 44 in

ARTICLE 5

Board of Governors

1. Each ESM Member shall appoint a Governor and an alternate Governor. Such appointments are revocable at any time. The Governor shall be a member of the government of that ESM Member who has responsibility for finance. The alternate Governor shall have full power to act on behalf of the Governor when the latter is not present.

2. The Board of Governors shall decide either to be chaired by the President of the Euro Group, as referred to in Protocol (No 14) on the Euro Group annexed to the Treaty on the European Union and to the TFEU or to elect a Chairperson and a Vice-Chairperson from among its members for a term of two years. The Chairperson and the Vice-Chairperson may be re-elected. A new election shall be organised without delay if the incumbent no longer holds the function needed for being designated Governor.

3. The Member of the European Commission in charge of economic and monetary affairs and the President of the ECB, as well as the President of the Euro Group (if he or she is not the Chairperson or a Governor) may participate in the meetings of the Board of Governors as observers.

4. Representatives of non-euro area Member States participating on an *ad hoc* basis alongside the ESM in a stability support operation for a euro area Member State shall also be invited to participate, as observers, in the meetings of the Board of Governors when this stability support and its monitoring will be discussed.

5. Other persons, including representatives of institutions or organisations, such as the IMF, may be invited by the Board of Governors to attend meetings as observers on an *ad hoc* basis.

6. The Board of Governors shall take the following decisions by mutual agreement:

(a) to cancel the emergency reserve fund and transfer its content back to the reserve fund and/or paid-in capital, in accordance with Article 4(4);

(b) to issue new shares on terms other than at par, in accordance with Article 8(2);

(c) to make the capital calls, in accordance with Article 9(1);

(d) to change the authorised capital stock and adapt the maximum lending volume of the ESM, in accordance with Article 10(1);

(e) to take into account a possible update of the key for the subscription of the ECB capital, in accordance with Article 11(3), and the changes to be made to Annex I in accordance with Article 11(6);

(f) to provide stability support by the ESM, including the economic policy conditionality as stated in the memorandum of understanding referred to in Article 13(3), and to establish the choice of instruments and the financial terms and conditions, in accordance with Articles 12 to 18;

(g) to give a mandate to the European Commission to negotiate, in liaison with the ECB, the economic policy conditionality attached to each financial assistance, in accordance with Article 13(3);

(h) to change the pricing policy and pricing guideline for financial assistance, in accordance with Article 20;

(i) to change the list of financial assistance instruments that may be used by the ESM, in accordance with Article 19;

(j) to establish the modalities of the transfer of EFSF support to the ESM, in accordance with Article 40;

(k) to approve the application for membership of the ESM by new members, referred to in Article 44;

(l) to make adaptations to this Treaty as a direct consequence of the accession of new members, including changes to be made to the distribution of capital among ESM Members and the calculation of such a distribution as a direct consequence of the accession of a new member to the ESM, in accordance with Article 44; and

(m) prenosu nalog, naštetih v tem členu, na svet direktorjev.

7. Svet guvernerjev s kvalificirano večino sprejme odločitve o:

(a) določitvi podrobnih tehničnih pogojev pristopa nove članice k EMS v skladu s členom 44;

(b) tem, da mu predseduje predsednik Euroskupine, ali da s kvalificirano večino izvoli predsednika in podpredsednika sveta guvernerjev v skladu z odstavkom 2;

(c) sprejetju statuta EMS in poslovnika, ki se uporabljata za svet guvernerjev in svet direktorjev (vključno s pravico, da se ustanovijo odbori in pomožni organi), v skladu z odstavkom 9;

(d) določitvi seznama dejavnosti, ki niso združljive z nalogami direktorja ali njegovega namestnika, v skladu s členom 6(8);

(e) imenovanju generalnega direktorja in prenehanju njegove funkcije v skladu s členom 7;

(f) ustanovitvi drugih skladov v skladu s členom 24;

(g) ukrepov, ki jih je treba sprejeti za izterjavo dolga od članice EMS, v skladu s členom 25(2) in (3);

(h) odobritvi letnih računovodskih izkazov EMS v skladu s členom 27(1);

(i) imenovanju članov sveta revizorjev v skladu s členom 30(1);

(j) odobritvi zunanjih revizorjev v skladu s členom 29;

(k) odvzemu imunitete predsedniku sveta guvernerjev, guvernerju, namestniku guvernerja, direktorju, namestniku direktorja ali generalnemu direktorju v skladu s členom 35(2);

(l) določitvi sistema obdavčenja, ki se uporablja za osebje EMS, v skladu s členom 36(5);

(m) sporu v skladu s členom 37(2) in

(n) kateri koli drugi potrebni odločitvi, ki ni izrecno navedena v tej pogodbi.

8. Predsednik sklicuje in vodi sestanke sveta guvernerjev. Kadar je predsednik odsoten, jih vodi podpredsednik.

9. Svet guvernerjev sprejme svoj poslovnik in statut EMS.

ČLEN 6

Svet direktorjev

1. Vsak guverner izmed visoko usposobljenih ljudi na področju ekonomskih in finančnih zadev imenuje enega direktorja in enega namestnika direktorja. Ta imenovanja se lahko kadar koli preklicajo. Namestnik direktorja ima vsa pooblastila, da ukrepa v imenu direktorja, kadar ta ni prisoten.

2. Član Evropske komisije, pristojen za ekonomske in monetarne zadeve, in predsednik ECB lahko imenujeta vsak po enega opazovalca.

3. Predstavniki držav članic, ki niso v euroobmočju in ki poleg EMS na ad hoc podlagi sodelujejo v operacijah finančne pomoči za države članice euroobmočja, so tudi povabljeni, da kot opazovalci sodelujejo na sestankih sveta direktorjev, ko ta razpravlja o finančni pomoči in spremljanju te pomoči.

4. Svet guvernerjev lahko na ad hoc podlagi povabi druge osebe, vključno s predstavniki institucij ali organizacij, da sodelujejo na sestankih kot opazovalci.

5. Svet direktorjev sprejema odločitve s kvalificirano večino, razen če ni v tej pogodbi navedeno drugače. Odločitve, ki se sprejmejo na podlagi pooblastil sveta guvernerjev, se sprejmejo v skladu z ustreznimi pravili glasovanja iz člena 5(6) in (7).

(m) to delegate to the Board of Directors the tasks listed in this Article.

7. The Board of Governors shall take the following decisions by qualified majority:

(a) to set out the detailed technical terms of accession of a new member to the ESM, in accordance with Article 44;

(b) whether to be chaired by the President of the Euro Group or to elect, by qualified majority, the Chairperson and Vice-Chairperson of the Board of Governors, in accordance with paragraph 2;

(c) to set out by-laws of the ESM and the rules of procedure applicable to the Board of Governors and Board of Directors (including the right to establish committees and subsidiary bodies), in accordance with paragraph 9;

(d) to determine the list of activities incompatible with the duties of a Director or an alternate Director, in accordance with Article 6(8);

(e) to appoint and to end the term of office of the Managing Director, in accordance with Article 7;

(f) to establish other funds, in accordance with Article 24;

(g) on the actions to be taken for recovering a debt from an ESM Member, in accordance with Article 25(2) and (3);

(h) to approve the annual accounts of the ESM, in accordance with Article 27(1);

(i) to appoint the members of the Board of Auditors, in accordance with Article 30(1);

(j) to approve the external auditors, in accordance with Article 29;

(k) to waive the immunity of the Chairperson of the Board of Governors, a Governor, alternate Governor, Director, alternate Director or the Managing Director, in accordance with Article 35(2);

(l) to determine the taxation regime applicable to the ESM staff, in accordance with Article 36(5);

(m) on a dispute, in accordance with Article 37(2); and

(n) any other necessary decision not explicitly provided for by this Treaty.

8. The Chairperson shall convene and preside over the meetings of the Board of Governors. The Vice-Chairperson shall preside over these meetings when the Chairperson is unable to participate.

9. The Board of Governors shall adopt their rules of procedure and the by-laws of the ESM.

ARTICLE 6

Board of Directors

1. Each Governor shall appoint one Director and one alternate Director from among people of high competence in economic and financial matters. Such appointments shall be revocable at any time. The alternate Directors shall have full power to act on behalf of the Director when the latter is not present.

2. The Member of the European Commission in charge of economic and monetary affairs and the President of the ECB may appoint one observer each.

3. Representatives of non-euro area Member States participating on an *ad hoc* basis alongside the ESM in a financial assistance operation for a euro area Member State shall also be invited to participate, as observers, in the meetings of the Board of Directors when this financial assistance and its monitoring will be discussed.

4. Other persons, including representatives of institutions or organisations, may be invited by the Board of Governors to attend meetings as observers on an *ad hoc* basis.

5. The Board of Directors shall take decisions by qualified majority, unless otherwise stated in this Treaty. Decisions to be taken on the basis of powers delegated by the Board of Governors shall be adopted in accordance with the relevant voting rules set in Article 5(6) and (7).

6. Svet direktorjev brez poseganja v pooblastila sveta guvernerjev iz člena 5 zagotovi, da se EMS vodi v skladu s to pogodbo in statutom EMS, ki ga sprejme svet guvernerjev. Sprejema odločitve, kakor so določene v tej pogodbi ali za katere ga pooblasti svet guvernerjev.

7. Vsako prosto mesto v svetu direktorjev se nemudoma zapolni v skladu z odstavkom 1.

8. Svet guvernerjev določi, katere dejavnosti niso združljive z nalogami direktorja ali njegovega namestnika, statutom EMS in poslovníkom sveta direktorjev.

ČLEN 7

Generalni direktor

1. Svet guvernerjev imenuje generalnega direktorja izmed kandidatov, ki imajo državljanstvo članice EMS, ustrezne mednarodne izkušnje ter visoko stopnjo usposobljenosti v ekonomskih in finančnih zadevah. Dokler generalni direktor opravlja to funkcijo, ne more biti guverner, direktor ali namestnik guvernerja ali direktorja.

2. Mandat generalnega direktorja traja pet let. Enkrat je lahko ponovno izvoljen. Kadar tako odloči svet guvernerjev, generalnemu direktorju preneha njegova funkcija.

3. Generalni direktor vodi sestanke sveta direktorjev in sodeluje na sestankih sveta guvernerjev.

4. Generalni direktor je vodja osebja EMS. Odgovoren je za organizacijo, zaposlovanje in odpuščanje osebja v skladu s kadrovskimi predpisi, ki jih mora sprejeti svet direktorjev.

5. Generalni direktor je pravni zastopnik EMS in pod vodstvom sveta direktorjev skrbi za tekoče poslovanje EMS.

POGLAVJE 3 KAPITAL EMS

ČLEN 8

Odobreni delniški kapital

1. Odobreni delniški kapital je 700 milijard EUR. Razdeljen je na sedem milijonov delnic z nominalno vrednostjo 100 000 EUR na delnico, ki so na voljo za vpis glede na prvotni razdelitveni ključ, določen v členu 11 in izračunan v Prilogi I.

2. Odobreni delniški kapital je razdeljen na vplačane delnice in delnice na vpoklic. Začetna skupna nominalna vrednost vplačanih delnic je 80 milijard EUR. Delnice začetno vpisanega odobrenega delniškega kapitala se izdajo v nominalni vrednosti. Druge delnice se izdajo v nominalni vrednosti, razen če svet guvernerjev ne odloči, da jih v posebnih okoliščinah izda pod drugimi pogoji.

3. Delnice odobrenega delniškega kapitala se na noben način ne obremenijo ali zastavijo in niso prenosljive, razen kadar se prenesejo zaradi prilagoditve razdelitvenega ključa v skladu s členom 11 v obsegu, ki zagotavlja, da razdelitev delnic ustreza prilagojenemu ključu.

4. Članice EMS se brezpogojno in nepreklicno zavezujejo, da bodo prispevale k odobrenemu delniškemu kapitalu v skladu z razdelitvenim ključem iz Priloge I. Pravočasno izpolnijo vse vpoklice kapitala v skladu s pogoji iz te pogodbe.

5. Odgovornost posamezne članice EMS je v vseh okoliščinah omejena z njenim deležem odobrenega delniškega kapitala po njegovi emisijski vrednosti. Nobena članica EMS zaradi članstva ni odgovorna za obveznosti EMS. Če postane katera od članic EMS upravičena do finančne pomoči EMS ali prejema tako pomoč, to ne vpliva na njeno obveznost članice EMS, da prispeva k odobrenemu delniškemu kapitalu v skladu s to pogodbo.

6. Without prejudice to the powers of the Board of Governors as set out in Article 5, the Board of Directors shall ensure that the ESM is run in accordance with this Treaty and the by-laws of the ESM adopted by the Board of Governors. It shall take decisions as provided for in this Treaty or which are delegated to it by the Board of Governors.

7. Any vacancy in the Board of Directors shall be immediately filled in accordance with paragraph 1.

8. The Board of Governors shall lay down what activities are incompatible with the duties of a Director or an alternate Director, the by-laws of the ESM and rules of procedure of the Board of Directors.

ARTICLE 7

Managing Director

1. The Managing Director shall be appointed by the Board of Governors from among candidates having the nationality of an ESM Member, relevant international experience and a high level of competence in economic and financial matters. Whilst holding office, the Managing Director may not be a Governor or Director or an alternate of either.

2. The term of office of the Managing Director shall be five years. He or she may be re-appointed once. The Managing Director shall, however, cease to hold office when the Board of Governors so decides.

3. The Managing Director shall chair the meetings of the Board of Directors and shall participate in the meetings of the Board of Governors.

4. The Managing Director shall be chief of the staff of the ESM. He or she shall be responsible for organising, appointing and dismissing staff in accordance with staff rules to be adopted by the Board of Directors.

5. The Managing Director shall be the legal representative of the ESM and shall conduct, under the direction of the Board of Directors, the current business of the ESM.

CHAPTER 3 CAPITAL

ARTICLE 8

Authorised capital stock

1. The authorised capital stock shall be EUR 700 000 million. It shall be divided into seven million shares, having a nominal value of EUR 100 000 each, which shall be available for subscription according to the initial contribution key provided for in Article 11 and calculated in Annex I.

2. The authorised capital stock shall be divided into paid-in shares and callable shares. The initial total aggregate nominal value of paid-in shares shall be EUR 80 000 million. Shares of authorised capital stock initially subscribed shall be issued at par. Other shares shall be issued at par, unless the Board of Governors decides to issue them in special circumstances on other terms.

3. Shares of authorised capital stock shall not be encumbered or pledged in any manner whatsoever and they shall not be transferable, with the exception of transfers for the purposes of implementing adjustments of the contribution key provided for in Article 11 to the extent necessary to ensure that the distribution of shares corresponds to the adjusted key.

4. ESM Members hereby irrevocably and unconditionally undertake to provide their contribution to the authorised capital stock, in accordance with their contribution key in Annex I. They shall meet all capital calls on a timely basis in accordance with the terms set out in this Treaty.

5. The liability of each ESM Member shall be limited, in all circumstances, to its portion of the authorised capital stock at its issue price. No ESM Member shall be liable, by reason of its membership, for obligations of the ESM. The obligations of ESM Members to contribute to the authorised capital stock in accordance with this Treaty are not affected if any such ESM Member becomes eligible for, or is receiving, financial assistance from the ESM.

ČLEN 9

Vpoklici kapitala

1. Svet guvernerjev lahko kadar koli vpokliče odobreni nevplačani kapital in določi ustrezno časovno obdobje, v katerem ga članice EMS plačajo.

2. Svet direktorjev lahko vpokliče odobreni nevplačani kapital z odločitvijo z navadno večino, da ponovno vzpostavi raven vplačanega kapitala, če se zaradi prevzeta izgub znesek tega kapitala zmanjša pod raven, določeno v členu 8(2), kakor jo lahko spremeni svet guvernerjev po postopku iz člena 10, in določi ustrezno časovno obdobje, v katerem ga članice EMS plačajo.

3. Generalni direktor pravočasno vpokliče odobreni nevplačani kapital, če je to potrebno, zato da EMS izpolni redne ali druge plačilne obveznosti do svojih upnikov. Generalni direktor o takem vpoklicu obvesti svet direktorjev in svet guvernerjev. Kadar se ugotovi morebitno pomanjkanje sredstev EMS, generalni direktor čim prej vpokliče kapital, da ima EMS na dan zapadlosti dovolj sredstev za poplačilo upnikov. Članice EMS se s tem nepreklicno in brezpogojno zavezujejo, da bodo plačale vsak vpoklic kapitala, ki ga od njih zahteva generalni direktor, v skladu s tem odstavkom, tak zahtevka pa se plača v sedmih dneh od prejema.

4. Svet direktorjev sprejme podrobne pogoje, ki se v skladu s tem členom uporabljajo za vpoklice kapitala.

ČLEN 10

Spremembe odobrenega delniškega kapitala

1. Svet guvernerjev redno in vsaj vsakih pet let pregleda največji obseg posojil in ustreznost odobrenega delniškega kapitala EMS. Lahko se odloči spremeniti odobreni delniški kapital ter v skladu s tem spremeni člen 8 in Prilogo II. Taka odločitev začne veljati po tem, ko članice EMS obvestijo depozitarja, da so njihovi veljavni notranji postopki končani. Nove delnice se dodelijo članicam EMS v skladu z razdelitvenim ključem, določenim v členu 11 in Prilogi I.

2. Svet direktorjev sprejme podrobne pogoje, ki se uporabljajo za vse ali nekatere spremembe kapitala v skladu z odstavkom 1.

3. Ko postane država članica Evropske unije nova članica EMS, se odobreni delniški kapital EMS samodejno poveča, tako da se takrat veljavni ustrežni zneski pomnožijo z razmerjem – znotraj razširjenega razdelitvenega ključa, določenega v členu 11 – med ponderjem nove članice EMS in ponderjem obstoječih članic EMS.

ČLEN 11

Razdelitveni ključ

1. Razdelitveni ključ za vpis odobrenega delniškega kapitala EMS ob upoštevanju odstavkov 2 in 3 temelji na ključu, po katerem nacionalne centralne banke članic EMS vpisujejo kapital ECB v skladu s členom 29 Protokola (št. 4) o statutu Evropskega sistema centralnih bank in Evropske centralne banke (v nadaljnjem besedilu: statut ESCB), ki je priložen Pogodbi o Evropski uniji in PDEU.

2. Razdelitveni ključ za vpis odobrenega delniškega kapitala EMS je določen v Prilogi I.

3. Razdelitveni ključ za vpis odobrenega delniškega kapitala EMS se prilagodi:

a) če postane država članica Evropske unije nova članica EMS in se odobreni delniški kapital EMS samodejno poveča, kakor je določeno v členu 10(3), ali

ARTICLE 9

Capital calls

1. The Board of Governors may call in authorised unpaid capital at any time and set an appropriate period of time for its payment by the ESM Members.

2. The Board of Directors may call in authorised unpaid capital by simple majority decision to restore the level of paid-in capital if the amount of the latter is reduced by the absorption of losses below the level established in Article 8(2), as may be amended by the Board of Governors following the procedure provided for in Article 10, and set an appropriate period of time for its payment by the ESM Members.

3. The Managing Director shall call authorised unpaid capital in a timely manner if needed to avoid the ESM being in default of any scheduled or other payment obligation due to ESM creditors. The Managing Director shall inform the Board of Directors and the Board of Governors of any such call. When a potential shortfall in ESM funds is detected, the Managing Director shall make such capital call(s) as soon as possible with a view to ensuring that the ESM shall have sufficient funds to meet payments due to creditors in full on their due date. ESM Members hereby irrevocably and unconditionally undertake to pay on demand any capital call made on them by the Managing Director pursuant to this paragraph, such demand to be paid within seven days of receipt.

4. The Board of Directors shall adopt the detailed terms and conditions which shall apply to calls on capital pursuant to this Article.

ARTICLE 10

Changes in authorised capital stock

1. The Board of Governors shall review regularly and at least every five years the maximum lending volume and the adequacy of the authorised capital stock of the ESM. It may decide to change the authorised capital stock and amend Article 8 and Annex II accordingly. Such decision shall enter into force after the ESM Members have notified the Depository of the completion of their applicable national procedures. The new shares shall be allocated to the ESM Members according to the contribution key provided for in Article 11 and in Annex I.

2. The Board of Directors shall adopt the detailed terms and conditions which shall apply to all or any capital changes made under paragraph 1.

3. Upon a Member State of the European Union becoming a new ESM Member, the authorised capital stock of the ESM shall be automatically increased by multiplying the respective amounts then prevailing by the ratio, within the adjusted contribution key provided for in Article 11, between the weighting of the new ESM Member and the weighting of the existing ESM Members.

ARTICLE 11

Contribution key

1. The contribution key for subscribing to ESM authorised capital stock shall, subject to paragraphs 2 and 3, be based on the key for subscription, by the national central banks of ESM Members, of the ECB's capital pursuant to Article 29 of Protocol (No 4) on the Statute of the European System of Central Banks and of the European Central Bank (the "ESCB Statute") annexed to the Treaty on European Union and to the TFEU.

2. The contribution key for the subscription of the ESM authorised capital stock is specified in Annex I.

3. The contribution key for the subscription of the ESM authorised capital stock shall be adjusted when:

(a) a Member State of the European Union becomes a new ESM Member and the ESM's authorised capital stock automatically increases, as specified in Article 10(3); or

b) ko se konča 12-letni začasni popravek, ki se uporablja za članice EMS, določen v skladu s členom 42.

4. Svet guvernerjev se lahko odloči, da bo upošteval morebitne posodobitve ključa za vpis kapitala ECB iz odstavka 1, kadar se razdelitveni ključ prilagodi v skladu z odstavkom 3 ali kadar se odobreni delniški kapital spremeni, kakor je določeno v členu 10(1).

5. Ko je razdelitveni ključ za vpis odobrenega delniškega kapitala EMS prilagojen, članice EMS med seboj prenašajo odobreni delniški kapital v obsegu, ki je potreben za zagotavljanje, da razdelitev odobrenega delniškega kapitala ustreza prilagojenemu ključu.

6. Pri vsaki prilagoditvi v skladu s tem členom se z odločitvijo sveta guvernerjev spremeni Priloga I.

7. Svet direktorjev sprejme vse druge ukrepe, ki so potrebni za uporabo tega člena.

POGLAVJE 4 POSLOVANJE EMS

ČLEN 12 Načela

1. EMS lahko zagotovi pomoč za stabilnost članici EMS pod strogimi pogoji, ki ustrezajo izbranemu instrumentu finančne pomoči, če je to nujno potrebno za zaščito finančne stabilnosti euroobmočja kot celote in njegovih držav članic. Taki pogoji lahko segajo od programa za makroekonomsko prilagoditev do neprekinjenega upoštevanja predhodno določenih pogojev.

2. Brez poseganja v člen 19 se lahko pomoč EMS za stabilnost odobri z instrumenti, navedenimi v členih od 14 do 18.

3. Klavzule o skupnem ukrepanju se od 1. januarja 2013 vključijo na način, ki zagotavlja enake pravne učinke, v vse nove vrednostne papirje držav euroobmočja z rokom zapadlosti več kot eno leto.

ČLEN 13

Postopek za odobritev pomoči za stabilnost

1. Članica EMS lahko prošnjo za pomoč za stabilnost naslovi na predsednika sveta guvernerjev. V prošnji navede instrumente finančne pomoči, ki jih je treba obravnavati. Ob prejemu take prošnje predsednik sveta guvernerjev naloži Evropski komisiji v povezavi z ECB naslednje naloge:

(a) oceno tveganja za finančno stabilnost euroobmočja kot celote ali njegovih držav članic, razen če je ECB v skladu s členom 18(2) že predložila analizo;

(b) oceno, ali je javni dolg vzdržen. Pričakuje se, da se ta ocena, kadar je to mogoče in ustrezno, opravi v sodelovanju z MDS;

(c) oceno dejanske ali potencialne finančne potrebe zadevne članice EMS.

2. Na podlagi prošnje članice EMS in ocene iz odstavka 1 lahko svet guvernerjev odloči, da načeloma odobri pomoč za stabilnost zadevni članici EMS v obliki finančne pomoči.

3. Če se sprejme odločitev v skladu z odstavkom 2, svet guvernerjev naloži Evropski komisiji, da – v sodelovanju z ECB, in kadar je mogoče, skupaj z MDS – s pogajanjem z zadevno članico EMS sklene memorandum o soglasju (v nadaljnjem besedilu: MoS), v katerem so podrobno navedeni pogoji, ki veljajo za finančno pomoč. Vsebina MoS odraža resnost pomanjkljivosti, ki jih je treba nasloviti, in izbran instrument finančne pomoči. Hkrati generalni direktor EMS pripravi predlog sporazuma o finančni pomoči, vključno s finančnimi in drugimi pogoji ter izbiro instrumentov, ki ga sprejme svet guvernerjev.

(b) the twelve year temporary correction applicable to an ESM Member established in accordance with Article 42 ends.

4. The Board of Governors may decide to take into account possible updates to the key for the subscription of the ECB's capital referred to in paragraph 1 when the contribution key is adjusted in accordance with paragraph 3 or when there is a change in the authorised capital stock, as specified in Article 10(1).

5. When the contribution key for the subscription of the ESM authorised capital stock is adjusted, the ESM Members shall transfer among themselves authorised capital stock to the extent necessary to ensure that the distribution of authorised capital stock corresponds to the adjusted key.

6. Annex I shall be amended upon decision by the Board of Governors upon any adjustment referred to in this Article.

7. The Board of Directors shall take all other measures necessary for the application of this Article.

CHAPTER 4 OPERATIONS

ARTICLE 12 Principles

1. If indispensable to safeguard the financial stability of the euro area as a whole and of its Member States, the ESM may provide stability support to an ESM Member subject to strict conditionality, appropriate to the financial assistance instrument chosen. Such conditionality may range from a macro-economic adjustment programme to continuous respect of pre-established eligibility conditions.

2. Without prejudice to Article 19, ESM stability support may be granted through the instruments provided for in Articles 14 to 18.

3. Collective action clauses shall be included, as of 1 January 2013, in all new euro area government securities, with maturity above one year, in a way which ensures that their legal impact is identical.

ARTICLE 13

Procedure for granting stability support

1. An ESM Member may address a request for stability support to the Chairperson of the Board of Governors. Such a request shall indicate the financial assistance instrument(s) to be considered. On receipt of such a request, the Chairperson of the Board of Governors shall entrust the European Commission, in liaison with the ECB, with the following tasks:

(a) to assess the existence of a risk to the financial stability of the euro area as a whole or of its Member States, unless the ECB has already submitted an analysis under Article 18(2);

(b) to assess whether public debt is sustainable. Wherever appropriate and possible, such an assessment is expected to be conducted together with the IMF;

(c) to assess the actual or potential financing needs of the ESM Member concerned.

2. On the basis of the request of the ESM Member and the assessment referred to in paragraph 1, the Board of Governors may decide to grant, in principle, stability support to the ESM Member concerned in the form of a financial assistance facility.

3. If a decision pursuant to paragraph 2 is adopted, the Board of Governors shall entrust the European Commission – in liaison with the ECB and, wherever possible, together with the IMF – with the task of negotiating, with the ESM Member concerned, a memorandum of understanding (an "MoU") detailing the conditionality attached to the financial assistance facility. The content of the MoU shall reflect the severity of the weaknesses to be addressed and the financial assistance instrument chosen. In parallel, the Managing Director of the ESM shall prepare a proposal for a financial assistance facility agreement, including the financial terms and conditions and the choice of instruments, to be adopted by the Board of Governors.

MoS mora biti popolnoma skladen z ukrepi usklajevanja ekonomske politike iz PDEU, zlasti z vsemi akti prava Evropske unije, vključno z vsemi mnenji, opozorili, priporočili ali sklepi, naslovljenimi na zadevno članico EMS.

4. Evropska komisija podpiše MoS v imenu EMS, če so predhodno izpolnjeni pogoji iz odstavka 3 in ga je svet guvernerjev odobril.

5. Svet direktorjev odobri sporazum o finančni pomoči, v katerem so navedene podrobnosti o finančnih vidikih pomoči za stabilnost, ki bo odobrena, in izplačilu prvega obroka pomoči, kadar je to ustrezno.

6. EMS vzpostavi ustrezen opozorilni sistem za zagotovitev, da pravočasno prejme vsa povračila, ki jih mora članica EMS plačati v okviru pomoči za stabilnost.

7. Evropska komisija je – v sodelovanju z ECB in skupaj z MDS, kadar je to mogoče – pooblaščen za spremljanje izpolnjevanja pogojev, ki veljajo za finančno pomoč.

ČLEN 14

Preventivna finančna pomoč EMS

1. Svet guvernerjev se lahko odloči, da bo odobril preventivno finančno pomoč v obliki preventivne pogojene kreditne linije ali v obliki kreditne linije pod razširjenimi pogoji v skladu s členom 12(1).

2. Pogoji, ki veljajo za preventivno finančno pomoč EMS, so podrobno določeni v MoS v skladu s členom 13(3).

3. Finančni pogoji preventivne finančne pomoči EMS so opredeljeni v sporazumu o preventivni finančni pomoči, ki ga podpiše generalni direktor.

4. Svet direktorjev sprejme podrobne smernice o načinih izvajanja preventivne finančne pomoči EMS.

5. Svet direktorjev se sporazumno odloči o predlogu generalnega direktorja, in sicer potem ko prejme poročilo Evropske komisije v skladu s členom 13(7), o tem, ali naj se kreditna linija še naprej ohrani.

6. Ko članica EMS prvič črpa sredstva (prek posojila ali nakupa na primarnem trgu), se svet direktorjev sporazumno odloči o predlogu generalnega direktorja in na podlagi ocene, ki jo je opravila Evropska komisija v sodelovanju z ECB, ali kreditna linija še vedno zadostuje ali je potrebna druga oblika finančne pomoči.

ČLEN 15

Finančna pomoč za dokapitalizacijo finančnih institucij iz članice EMS

1. Svet guvernerjev se lahko odloči za odobritev finančne pomoči v obliki posojil članici EMS za poseben namen dokapitalizacije finančnih institucij iz te članice EMS.

2. Pogoji, ki veljajo za finančno pomoč za dokapitalizacijo finančnih institucij iz članice EMS, so podrobno določeni v MoS v skladu s členom 13(3).

3. Finančni pogoji, ki veljajo za finančno pomoč za dokapitalizacijo finančnih institucij iz članice EMS, se določijo v sporazumu o finančni pomoči, ki ga podpiše generalni direktor, brez poseganja v člena 107 in 108 PDEU.

4. Svet direktorjev sprejme podrobne smernice o podrobnostih izvajanja finančne pomoči za dokapitalizacijo finančnih institucij članice EMS.

The MoU shall be fully consistent with the measures of economic policy coordination provided for in the TFEU, in particular with any act of European Union law, including any opinion, warning, recommendation or decision addressed to the ESM Member concerned.

4. The European Commission shall sign the MoU on behalf of the ESM, subject to prior compliance with the conditions set out in paragraph 3 and approval by the Board of Governors.

5. The Board of Directors shall approve the financial assistance facility agreement detailing the financial aspects of the stability support to be granted and, where applicable, the disbursement of the first tranche of the assistance.

6. The ESM shall establish an appropriate warning system to ensure that it receives any repayments due by the ESM Member under the stability support in a timely manner.

7. The European Commission – in liaison with the ECB and, wherever possible, together with the IMF – shall be entrusted with monitoring compliance with the conditionality attached to the financial assistance facility.

ARTICLE 14

ESM precautionary financial assistance

1. The Board of Governors may decide to grant precautionary financial assistance in the form of a precautionary conditioned credit line or in the form of an enhanced conditions credit line in accordance with Article 12(1).

2. The conditionality attached to the ESM precautionary financial assistance shall be detailed in the MoU, in accordance with Article 13(3).

3. The financial terms and conditions of the ESM precautionary financial assistance shall be specified in a precautionary financial assistance facility agreement, to be signed by the Managing Director.

4. The Board of Directors shall adopt the detailed guidelines on the modalities for implementing the ESM precautionary financial assistance.

5. The Board of Directors shall decide by mutual agreement on a proposal from the Managing Director and after having received a report from the European Commission in accordance with Article 13(7), whether the credit line should be maintained.

6. After the ESM Member has drawn funds for the first time (via a loan or a primary market purchase), the Board of Directors shall decide by mutual agreement on a proposal from the Managing Director and based on an assessment conducted by the European Commission, in liaison with the ECB, whether the credit line continues to be adequate or whether another form of financial assistance is needed.

ARTICLE 15

Financial assistance for the re-capitalisation of financial institutions of an ESM Member

1. The Board of Governors may decide to grant financial assistance through loans to an ESM Member for the specific purpose of re-capitalising the financial institutions of that ESM Member.

2. The conditionality attached to financial assistance for the re-capitalisation of an ESM Member's financial institutions shall be detailed in the MoU, in accordance with Article 13(3).

3. Without prejudice to Articles 107 and 108 TFEU, the financial terms and conditions of financial assistance for the re-capitalisation of an ESM Member's financial institutions shall be specified in a financial assistance facility agreement, to be signed by the Managing Director.

4. The Board of Directors shall adopt the detailed guidelines on the modalities for implementing financial assistance for the re-capitalisation of an ESM Member's financial institutions.

5. Kadar je to ustrezno, se svet direktorjev sporazumno odloči o predlogu generalnega direktorja, in sicer potem ko prejme poročilo Evropske komisije v skladu s členom 13(7), o izplačilu obrokov finančne pomoči po izplačilu prvega obroka.

ČLEN 16 Posojila EMS

1. Svet guvernerjev se lahko odloči, da bo članici EMS v skladu s členom 12 odobril finančno pomoč v obliki posojila.

2. Pogoji, ki veljajo za posojila EMS, so navedeni v programu za makroekonomsko prilagoditev, določenem v MoS v skladu s členom 13(3).

3. Finančni in drugi pogoji vsakega posojila EMS se določijo v sporazumu o finančni pomoči, ki ga podpiše generalni direktor.

4. Svet direktorjev sprejme podrobne smernice o podrobnostih izvajanja posojil EMS.

5. Svet direktorjev se sporazumno odloči o predlogu generalnega direktorja, in sicer potem ko prejme poročilo Evropske komisije v skladu s členom 13(7), o izplačilu obrokov finančne pomoči po izplačilu prvega obroka.

ČLEN 17 Ukrepi pomoči na primarnem trgu

1. Svet guvernerjev se lahko odloči za nakup obveznic članice EMS na primarnem trgu v skladu s členom 12 in s ciljem povečanja stroškovne učinkovitosti finančne pomoči.

2. Pogoji, ki veljajo za ukrepe pomoči na primarnem trgu, so podrobno določeni v MoS v skladu s členom 13(3).

3. Finančni in drugi pogoji nakupa obveznic se določijo v sporazumu o finančni pomoči, ki ga podpiše generalni direktor.

4. Svet direktorjev sprejme podrobne smernice o podrobnostih izvajanja ukrepov pomoči na primarnem trgu.

5. Svet direktorjev se sporazumno odloči o predlogu generalnega direktorja, in sicer potem ko prejme poročilo Evropske komisije v skladu s členom 13(7), o izplačilu finančne pomoči državi članici prejemnici pomoči prek operacij na primarnem trgu.

ČLEN 18 Ukrepi pomoči na sekundarnem trgu

1. Svet guvernerjev se lahko odloči za operacije na sekundarnem trgu v zvezi z obveznicami članice EMS v skladu s členom 12(1).

2. Odločitve o posredovanju na sekundarnem trgu z namenom preprečitve širjenja negativnih vplivov so sprejete na podlagi analize ECB, ki priznava obstoj izrednih okoliščin na finančnem trgu in tveganja za finančno stabilnost.

3. Pogoji, ki veljajo za ukrepe pomoči na sekundarnem trgu, so podrobno določeni v MoS v skladu s členom 13(3).

4. Finančni in drugi pogoji za izvajanje operacij na sekundarnem trgu se določijo v sporazumu o finančni pomoči, ki ga podpiše generalni direktor.

5. Svet direktorjev sprejme podrobne smernice o načinih izvajanja ukrepov pomoči na sekundarnem trgu.

5. Where applicable, the Board of Directors shall decide by mutual agreement, on a proposal from the Managing Director and after having received a report from the European Commission in accordance with Article 13(7), the disbursement of the tranches of the financial assistance subsequent to the first tranche.

ARTICLE 16 ESM loans

1. The Board of Governors may decide to grant financial assistance in the form of a loan to an ESM Member, in accordance with Article 12.

2. The conditionality attached to the ESM loans shall be contained in a macro-economic adjustment programme detailed in the MoU, in accordance with Article 13(3).

3. The financial terms and conditions of each ESM loan shall be specified in a financial assistance facility agreement, to be signed by the Managing Director.

4. The Board of Directors shall adopt the detailed guidelines on the modalities for implementing ESM loans.

5. The Board of Directors shall decide by mutual agreement, on a proposal from the Managing Director and after having received a report from the European Commission in accordance with Article 13(7), the disbursement of the tranches of the financial assistance subsequent to the first tranche.

ARTICLE 17 Primary market support facility

1. The Board of Governors may decide to arrange for the purchase of bonds of an ESM Member on the primary market, in accordance with Article 12 and with the objective of maximising the cost efficiency of the financial assistance.

2. The conditionality attached to the primary market support facility shall be detailed in the MoU, in accordance with Article 13(3).

3. The financial terms and conditions under which the bond purchase is conducted shall be specified in a financial assistance facility agreement, to be signed by the Managing Director.

4. The Board of Directors shall adopt the detailed guidelines on the modalities for implementing the primary market support facility.

5. The Board of Directors shall decide by mutual agreement, on a proposal from the Managing Director and after having received a report from the European Commission in accordance with Article 13(7), the disbursement of financial assistance to a beneficiary Member State through operations on the primary market.

ARTICLE 18 Secondary market support facility

1. The Board of Governors may decide to arrange for operations on the secondary market in relation to the bonds of an ESM Member in accordance with Article 12(1).

2. Decisions on interventions on the secondary market to address contagion shall be taken on the basis of an analysis of the ECB recognising the existence of exceptional financial market circumstances and risks to financial stability.

3. The conditionality attached to the secondary market support facility shall be detailed in the MoU, in accordance with Article 13(3).

4. The financial terms and conditions under which the secondary market operations are to be conducted shall be specified in a financial assistance facility agreement, to be signed by the Managing Director.

5. The Board of Directors shall adopt the detailed guidelines on the modalities for implementing the secondary market support facility.

6. Svet direktorjev se na predlog generalnega direktorja sporazumno odloči o začetku izvajanja operacij na sekundarnem trgu.

ČLEN 19

Pregled seznama instrumentov finančne pomoči

Svet guvernerjev lahko pregleda seznam instrumentov finančne pomoči iz členov od 14 do 18 ter se odloči, da ga spremeni.

ČLEN 20

Politika določanja cen

1. Pri odobritvi pomoči za stabilnost si EMS prizadeva v celoti pokriti svoje stroške financiranja in poslovanja, prav tako pa vključi ustrezno maržo.

2. Za vse instrumente finančne pomoči se določanje cen podrobno opredeli v smernicah za določanje cen, ki jih sprejme svet guvernerjev.

3. Svet guvernerjev lahko pregleda politiko določanja cen.

ČLEN 21

Zadolževanje

1. EMS je pooblaščen, da se za doseg svojega namena zadolži na kapitalskih trgih pri bankah, finančnih institucijah ali drugih osebah ali institucijah.

2. Podrobnosti zadolževanja določi generalni direktor v skladu s podrobnimi smernicami, ki jih sprejme svet direktorjev.

3. EMS uporablja ustrezno orodje za upravljanje tveganja, ki ga redno pregleduje svet direktorjev.

POGLAVJE 5 FINANČNO UPRAVLJANJE EMS

ČLEN 22

Naložbena politika

1. Generalni direktor izvaja previdno naložbeno politiko EMS v skladu s smernicami, ki jih sprejme in redno pregleduje svet direktorjev, da se tako EMS zagotovi najvišja kreditna sposobnost. EMS ima pravico, da del donosa svojega naložbenega portfelja uporabi za kritje svojih operativnih in upravnih stroškov.

2. Dejavnosti EMS so v skladu z načeli dobrega finančne-ga poslovanja in obvladovanja tveganja.

ČLEN 23

Dividendna politika

1. Svet direktorjev se lahko z navadno večino odloči izplačati dividendo članicam EMS, če znesek vplačanega kapitala in sredstva rezervnega sklada presegajo raven, ki je potrebna, da EMS ohrani svojo posojilno sposobnost, in prihodki iz naložb niso potrebni za zagotovitev plačila obveznosti upnikom. Dividende se razdelijo sorazmerno s prispevki v vplačani kapital ob upoštevanju možnega predčasnega vplačila iz člena 41(3).

2. Dokler EMS ne zagotovi finančne pomoči nobeni svoji članici, se prihodki iz investiranega vplačanega kapitala EMS po odbitku operativnih stroškov vrnejo članicam EMS glede na njihove ustrezne prispevke v vplačanem kapitalu pod pogojem, da je ciljna dejanska posojilna sposobnost v celoti na voljo.

3. Generalni direktor izvaja dividendno politiko EMS v skladu s smernicami, ki jih sprejme svet direktorjev.

6. The Board of Directors shall decide by mutual agreement, on a proposal from the Managing Director, to initiate operations on the secondary market.

ARTICLE 19

Review of the list of financial assistance instruments

The Board of Governors may review the list of financial assistance instruments provided for in Articles 14 to 18 and decide to make changes to it.

ARTICLE 20

Pricing policy

1. When granting stability support, the ESM shall aim to fully cover its financing and operating costs and shall include an appropriate margin.

2. For all financial assistance instruments, pricing shall be detailed in a pricing guideline, which shall be adopted by the Board of Governors.

3. The pricing policy may be reviewed by the Board of Governors.

ARTICLE 21

Borrowing operations

1. The ESM shall be empowered to borrow on the capital markets from banks, financial institutions or other persons or institutions for the performance of its purpose.

2. The modalities of the borrowing operations shall be determined by the Managing Director, in accordance with detailed guidelines to be adopted by the Board of Directors.

3. The ESM shall use appropriate risk management tools, which shall be reviewed regularly by the Board of Directors.

CHAPTER 5 FINANCIAL MANAGEMENT

ARTICLE 22

Investment policy

1. The Managing Director shall implement a prudent investment policy for the ESM, so as to ensure its highest creditworthiness, in accordance with guidelines to be adopted and reviewed regularly by the Board of Directors. The ESM shall be entitled to use part of the return on its investment portfolio to cover its operating and administrative costs.

2. The operations of the ESM shall comply with the principles of sound financial and risk management.

ARTICLE 23

Dividend policy

1. The Board of Directors may decide, by simple majority, to distribute a dividend to the ESM Members where the amount of paid-in capital and the reserve fund exceed the level required for the ESM to maintain its lending capacity and where proceeds from the investment are not required to avoid a payment shortfall to creditors. Dividends are distributed *pro rata* to the contributions to the paid-in capital, taking into account the possible acceleration referred to in Article 41(3).

2. As long as the ESM has not provided financial assistance to one of its members, the proceeds from the investment of the ESM paid-in capital shall be returned to the ESM Members according to their respective contributions to the paid-in capital, after deductions for operational costs, provided that the targeted effective lending capacity is fully available.

3. The Managing Director shall implement the dividend policy for the ESM in accordance with guidelines to be adopted by the Board of Directors.

ČLEN 24

Rezervni in drugi skladi

1. Svet guvernerjev ustanovi rezervni sklad in po potrebi druge sklade.

2. Brez poseganja v člen 23 se neto prihodek iz poslovanja EMS in prihodek iz finančnih sankcij, ki jih plačajo članice EMS v okviru postopka večstranskega nadzora, postopka v zvezi s čezmernim primanjkljajem in postopka v zvezi z makroekonomskimi neravnotežji iz PDEU, preneseta v rezervni sklad.

3. Sredstva iz rezervnega sklada se investirajo v skladu s smernicami, ki jih sprejme svet direktorjev.

4. Svet direktorjev po potrebi sprejme pravila za ustanovitev, upravljanje in uporabo drugih skladov.

ČLEN 25

Kritje izgub

1. Izgube iz poslovanja EMS gredo v breme:

- (a) prvič, rezervnega sklada;
- (b) drugič, vplačanega kapitala in
- (c) nazadnje, ustreznega zneska odobrenega nevplačanega kapitala, ki se vpokliče v skladu s členom 9(3).

2. Če članica EMS ne izvede zahtevanega plačila pri vpoklicu kapitala v skladu s členom 9(2) ali (3), dobijo vse članice EMS spremenjen poziv za vplačilo višjega zneska kapitala, da se tako zagotovi, da EMS prejme celoten znesek potrebnega vplačanega kapitala. Svet guvernerjev sprejme odločitev o ustreznem ukrepanju za zagotovitev, da zadevna članica EMS v primernem roku poravnava svoj dolg do EMS. Svet guvernerjev ima pravico zahtevati plačilo zamudnih obresti na zapadli znesek.

3. Ko članica EMS poravnava svoj dolg do EMS iz odstavka 2, se presežni kapital vrne preostalom članicam EMS v skladu s pravili, ki jih sprejme svet guvernerjev.

ČLEN 26

Proračun

Svet direktorjev vsako leto odobri proračun EMS.

ČLEN 27

Letni računovodski izkazi

1. Svet guvernerjev odobri letne računovodske izkaze EMS.

2. EMS objavi letno poročilo z revidiranimi računovodskimi izkazi, članicam EMS pa pošlje vsake tri mesece poenostavljen izkaz stanja in izkaz poslovnega izida, v katerem so prikazani rezultati poslovanja.

ČLEN 28

Notranja revizija

Služba notranje revizije se ustanovi v skladu z mednarodnimi standardi.

ČLEN 29

Zunanja revizija

Revizijo računovodskih izkazov EMS opravijo neodvisni zunanji revizorji, ki jih odobri svet guvernerjev in so odgovorni za potrditev letnih finančnih izkazov. Zunanji revizorji so pooblaščen za pregled vseh poslovnih knjig in računovodskih izkazov EMS ter za pridobivanje celovitih informacij o njegovih transakcijah.

ARTICLE 24

Reserve and other funds

1. The Board of Governors shall establish a reserve fund and, where appropriate, other funds.

2. Without prejudice to Article 23, the net income generated by the ESM operations and the proceeds of the financial sanctions received from the ESM Members under the multilateral surveillance procedure, the excessive deficit procedure and the macro-economic imbalances procedure established under the TFEU shall be put aside in a reserve fund.

3. The resources of the reserve fund shall be invested in accordance with guidelines to be adopted by the Board of Directors.

4. The Board of Directors shall adopt such rules as may be required for the establishment, administration and use of other funds.

ARTICLE 25

Coverage of losses

1. Losses arising in the ESM operations shall be charged:

- (a) firstly, against the reserve fund;
- (b) secondly, against the paid-in capital; and
- (c) lastly, against an appropriate amount of the authorised unpaid capital, which shall be called in accordance with Article 9(3).

2. If an ESM Member fails to meet the required payment under a capital call made pursuant to Article 9(2) or (3), a revised increased capital call shall be made to all ESM Members with a view to ensuring that the ESM receives the total amount of paid-in capital needed. The Board of Governors shall decide an appropriate course of action for ensuring that the ESM Member concerned settles its debt to the ESM within a reasonable period of time. The Board of Governors shall be entitled to require the payment of default interest on the overdue amount.

3. When an ESM Member settles its debt to the ESM, as referred to in paragraph 2, the excess capital shall be returned to the other ESM Members in accordance with rules to be adopted by the Board of Governors.

ARTICLE 26

Budget

The Board of Directors shall approve the ESM budget annually.

ARTICLE 27

Annual accounts

1. The Board of Governors shall approve the annual accounts of the ESM.

2. The ESM shall publish an annual report containing an audited statement of its accounts and shall circulate to ESM Members a quarterly summary statement of its financial position and a profit and loss statement showing the results of its operations.

ARTICLE 28

Internal Audit

An internal audit function shall be established according to international standards.

ARTICLE 29

External audit

The accounts of the ESM shall be audited by independent external auditors approved by the Board of Governors and responsible for certifying the annual financial statements. The external auditors shall have full power to examine all books and accounts of the ESM and obtain full information about its transactions.

ČLEN 30

Svet revizorjev

1. Svet revizorjev je sestavljen iz petih članov, ki jih imenuje svet guvernerjev na podlagi njihove usposobljenosti na področju revidiranja in financ, vanj so vključeni tudi dva člana iz vrhovnih revizijskih institucij članic EMS – ki se izmenjujeta po načelu kroženja – in en član iz Evropskega računskega sodišča.

2. Člani sveta revizorjev so neodvisni. Ne smejo zahtevati ali sprejemati navodil od organov upravljanja EMS, članic EMS ali drugih javnih ali zasebnih organov.

3. Svet revizorjev pripravlja neodvisne revizije. Pregleda računovodske izkaze EMS ter preveri pravilnost poslovnih računov in bilance stanja. Ima neomejen dostop do vseh dokumentov EMS, ki jih potrebuje za opravljanje svojih nalog.

4. Svet revizorjev lahko o svojih ugotovitvah kadar koli obvesti svet direktorjev. Enkrat letno pripravi poročilo in ga predloži svetu guvernerjev.

5. Svet guvernerjev omogoči nacionalnim parlamentom, vrhovnim revizijskim institucijam članic EMS in Evropskemu računskemu sodišču dostop do letnega poročila.

6. Vse zadeve, povezane s tem členom, so podrobno opredeljene v statutu EMS.

POGLAVJE 6
SPLOŠNE DOLOČBE

ČLEN 31

Sedež

1. Sedež in glavna uprava EMS sta v Luksemburgu.

2. EMS lahko ustanovi urad za zvezo v Bruslju.

ČLEN 32

Pravni status, imunitete in privilegiji

1. Da se EMS omogoči dosego njegovega namena, se mu na ozemlju vsake njegove članice podelijo pravni status, imunitete in privilegiji, določeni v tem členu. EMS si prizadeva za priznanje svojega pravnega statusa ter svojih imunitet in privilegijev na drugih ozemljih, na katerih opravlja funkcije ali ima premoženje.

2. EMS ima polno pravno osebnost; ima neomejeno pravno in poslovno sposobnost za:

- (a) pridobivanje premoženja in nepremičnin ter razpolaganje z njimi;
- (b) sklepanje pogodb;
- (c) sodelovanje v pravnih postopkih kot stranka in
- (d) sklenitev sporazuma o sedežu in/ali protokolov, če je to potrebno, za zagotovitev, da so njegov pravni status, privilegiji in imunitete priznani ter se izvajajo.

3. EMS, njegovo premoženje, instrumenti financiranja in sredstva uživajo ne glede na to, kje so in kdo jih ima, imuniteto pred vsako obliko sodnega postopka, razen če se EMS izrecno ne odreče imuniteti za namen katerega koli postopka ali v skladu s pogoji katere koli pogodbe, vključno z dokumentacijo instrumentov financiranja.

4. Premoženje, instrumenti financiranja in sredstva EMS uživajo ne glede na to, kje so in kdo jih ima, imuniteto glede preiskovanja, odvzema, zaplembe, razlastitve ali vsake druge oblike izvršilnega, sodnega, upravnega ali zakonskega odvzema, zasega ali izvršbe.

5. Arhiv EMS in vsa dokumentacija, ki pripada EMS ali jo ta hrani, sta nedotakljiva.

6. Prostori EMS so nedotakljivi.

ARTICLE 30

Board of Auditors

1. The Board of Auditors shall consist of five members appointed by the Board of Governors for their competence in auditing and financial matters and shall include two members from the supreme audit institutions of the ESM Members – with a rotation between the latter – and one from the European Court of Auditors.

2. The members of the Board of Auditors shall be independent. They shall neither seek nor take instructions from the ESM governing bodies, the ESM Members or any other public or private body.

3. The Board of Auditors shall draw up independent audits. It shall inspect the ESM accounts and verify that the operational accounts and balance sheet are in order. It shall have full access to any document of the ESM needed for the implementation of its tasks.

4. The Board of Auditors may inform the Board of Directors at any time of its findings. It shall, on an annual basis, draw up a report to be submitted to the Board of Governors.

5. The Board of Governors shall make the annual report accessible to the national parliaments and supreme audit institutions of the ESM Members and to the European Court of Auditors.

6. Any matter relating to this Article shall be detailed in the by-laws of the ESM.

CHAPTER 6
GENERAL PROVISIONS

ARTICLE 31

Location

1. The ESM shall have its seat and principal office in Luxembourg.

2. The ESM may establish a liaison office in Brussels.

ARTICLE 32

Legal status, privileges and immunities

1. To enable the ESM to fulfil its purpose, the legal status and the privileges and immunities set out in this Article shall be accorded to the ESM in the territory of each ESM Member. The ESM shall endeavour to obtain recognition of its legal status and of its privileges and immunities in other territories in which it performs functions or holds assets.

2. The ESM shall have full legal personality; it shall have full legal capacity to:

- (a) acquire and dispose of movable and immovable property;
- (b) contract;
- (c) be a party to legal proceedings; and
- (d) enter into a headquarter agreement and/or protocols as necessary for ensuring that its legal status and its privileges and immunities are recognised and enforced.

3. The ESM, its property, funding and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that the ESM expressly waives its immunity for the purpose of any proceedings or by the terms of any contract, including the documentation of the funding instruments.

4. The property, funding and assets of the ESM shall, wherever located and by whomsoever held, be immune from search, requisition, confiscation, expropriation or any other form of seizure, taking or foreclosure by executive, judicial, administrative or legislative action.

5. The archives of the ESM and all documents belonging to the ESM or held by it, shall be inviolable.

6. The premises of the ESM shall be inviolable.

7. Vsaka članica EMS in vsaka država, ki je priznala pravni status ter privilegije in imunitete EMS, obravnava uradna sporočila EMS enako kot uradna sporočila članice EMS.

8. Če je to potrebno za opravljanje dejavnosti iz te pogodbe, ne veljajo za nobeno premoženje, instrumente financiranja in sredstva EMS nikakršne omejitve, predpisi, nadzori in moratoriji.

9. EMS je oproščen vsake obveznosti, da v skladu s pravom posamezne članice EMS pridobi dovoljenje ali licenco kot kreditna institucija, ponudnik investicijskih storitev ali drug pooblaščen subjekt z licenco ali reguliran subjekt.

ČLEN 33

Osebe EMS

Svet direktorjev določi pogoje za zaposlitev generalnega direktorja in preostalega osebja EMS.

ČLEN 34

Poslovna skrivnost

Člani ali nekdanji člani sveta guvernerjev in sveta direktorjev in vsaka druga oseba, ki dela ali je delala za EMS ali v zvezi z njim, ne smejo razkriti informacij, za katere velja obveznost varovanja poslovne skrivnosti. Informacij, za katere velja obveznost varovanja poslovne skrivnosti, ne smejo razkriti niti po prenehanju opravljanja svojih dolžnosti.

ČLEN 35

Osebna imuniteta

1. Predsednik sveta guvernerjev, guvernerji, namestniki guvernerjev, direktorji, namestniki direktorjev ter tudi generalni direktor in drugi člani osebja uživajo v interesu EMS imuniteto pred pravnimi postopki za svoja dejanja, storjena pri opravljanju uradnih dolžnosti, in nedotakljivost glede svojih uradnih listin in dokumentacije.

2. Svet guvernerjev lahko v obsegu in pod pogoji, ki jih določi, odvzame katero koli imuniteto, ki je bila po tem členu podeljena predsedniku sveta guvernerjev, guvernerju, namestniku guvernerja, direktorju, namestniku direktorja ali generalnemu direktorju.

3. Generalni direktor lahko odvzame katero koli tako imuniteto vsakemu članu osebja EMS razen samemu sebi.

4. Vsaka članica EMS brez odlašanja sprejme ukrepe, ki so potrebni, da ta člen začne učinkovati v njenem pravu, in o tem obvesti EMS.

ČLEN 36

Oprostitev obdavčitve

1. EMS, njegova sredstva, prihodek, premoženje ter s to pogodbo dovoljeno poslovanje in transakcije so v okviru njegovih uradnih dejavnosti oproščeni vseh neposrednih davkov.

2. Članice EMS sprejmejo, kadar je to mogoče, ustrezne ukrepe za oprostitev ali vračilo zneskov posrednih davkov ali davkov na promet, ki so vključeni v ceno nepremičnine ali premičnine, če EMS za svoje uradne potrebe izvede večje nakupe, katerih cena vključuje tovrstne davke.

3. Za davke in dajatve, ki so le plačilo za zagotavljanje javnih storitev, se oprostitev ne odobri.

4. Blago, ki ga uvozi EMS in je potrebno za opravljanje njegovih uradnih dejavnosti, je oproščeno vseh uvoznih dajatev in davkov ter vseh prepovedi in omejitev pri uvozu.

7. The official communications of the ESM shall be accorded by each ESM Member and by each state which has recognised the legal status and the privileges and immunities of the ESM, the same treatment as it accords to the official communications of an ESM Member.

8. To the extent necessary to carry out the activities provided for in this Treaty, all property, funding and assets of the ESM shall be free from restrictions, regulations, controls and moratoria of any nature.

9. The ESM shall be exempted from any requirement to be authorised or licensed as a credit institution, investment services provider or other authorised licensed or regulated entity under the laws of each ESM Member.

ARTICLE 33

Staff of the ESM

The Board of Directors shall lay down the conditions of employment of the Managing Director and other staff of the ESM.

ARTICLE 34

Professional secrecy

The Members or former Members of the Board of Governors and of the Board of Directors and any other persons who work or have worked for or in connection with the ESM shall not disclose information that is subject to professional secrecy. They shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

ARTICLE 35

Immunities of persons

1. In the interest of the ESM, the Chairperson of the Board of Governors, Governors, alternate Governors, Directors, alternate Directors, as well as the Managing Director and other staff members shall be immune from legal proceedings with respect to acts performed by them in their official capacity and shall enjoy inviolability in respect of their official papers and documents.

2. The Board of Governors may waive to such extent and upon such conditions as it determines any of the immunities conferred under this Article in respect of the Chairperson of the Board of Governors, a Governor, an alternate Governor, a Director, an alternate Director or the Managing Director.

3. The Managing Director may waive any such immunity in respect of any member of the staff of the ESM other than himself or herself.

4. Each ESM Member shall promptly take the action necessary for the purposes of giving effect to this Article in the terms of its own law and shall inform the ESM accordingly.

ARTICLE 36

Exemption from taxation

1. Within the scope of its official activities, the ESM, its assets, income, property and its operations and transactions authorised by this Treaty shall be exempt from all direct taxes.

2. The ESM Members shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property where the ESM makes, for its official use, substantial purchases, the price of which includes taxes of this kind.

3. No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

4. Goods imported by the ESM and necessary for the exercise of its official activities shall be exempt from all import duties and taxes and from all import prohibitions and restrictions.

5. Osebe EMS je v korist EMS v skladu s pravili, ki jih sprejme svet guvernerjev, zavezano k plačilu notranjega davka od plač in prejemkov, ki jih plača EMS. Od datuma začetka uporabe tega davka so take plače in prejemki oproščeni nacionalnega davka od dohodka.

6. Za nobeno obveznost ali vrednostni papir, ki ga izda EMS, vključno z vsemi njegovimi obrestmi ali dividendami, ne glede na to, kdo jih ima, se ne odmeri noben davek:

(a) če se s takim davkom diskriminira taka obveznost ali vrednostni papir samo zaradi njegovega izvora ali

(b) če je edina pravna podlaga za to obdavčenje kraj ali valuta, v kateri je izdan, plačljiv ali plačan, ali kraj urada EMS ali kraj njegovega poslovanja.

ČLEN 37

Razlaga in reševanje sporov

1. Vsa vprašanja razlage ali uporabe določb te pogodbe in statuta EMS, ki se pojavijo med katero koli članico EMS in EMS ali med članicami EMS, se pošljejo svetu direktorjev, da o njih odloči.

2. Svet guvernerjev odloči o sporu med članico EMS in EMS ali med članicami EMS o razlagi in uporabi te pogodbe, vključno z vsemi spori o združljivosti odločitev, ki jih sprejme EMS, s to pogodbo. Člani sveta guvernerjev iz zadevnih članic EMS ne glasujejo, ko svet guvernerjev glasuje o taki odločitvi, prag pri glasovanju, ki je potreben za sprejetje odločitve, pa se ustrezno preračuna.

3. Če članica EMS ugovarja odločitvi iz odstavka 2, se spor predloži Sodišču Evropske unije. Sodba Sodišča Evropske unije je zavezujoča za stranke postopka, ki morajo sprejeti potrebne ukrepe za upoštevanje sodbe v roku, ki ga določi Sodišče.

ČLEN 38

Mednarodno sodelovanje

EMS ima pravico, da za doseg svojega namena sodeluje v skladu s pogoji te pogodbe z MDS, katero koli državo, ki na ad hoc podlagi zagotavlja finančno pomoč članici EMS, in katero koli mednarodno organizacijo ali subjektom s posebnimi pristojnostmi na povezanih področjih.

POGLAVJE 7 PREHODNE DOLOČBE

ČLEN 39

Razmerje do posojil EFSF

V prehodnem obdobju od začetka veljavnosti te pogodbe do popolnega prenehanja EFSF skupna dana posojila EMS in EFSF ne smejo presežati 500 milijard EUR brez poseganja v redni pregled ustreznosti največjega obsega posojil v skladu s členom 10. Svet direktorjev sprejme podrobne smernice za izračun prihodnje posojilne sposobnosti, zato da bi zagotovil, da se skupna zgornja meja za posojila ne preseže.

5. Staff of the ESM shall be subject to an internal tax for the benefit of the ESM on salaries and emoluments paid by the ESM, subject to rules to be adopted by the Board of Governors. From the date on which this tax is applied, such salaries and emoluments shall be exempt from national income tax.

6. No taxation of any kind shall be levied on any obligation or security issued by the ESM including any interest or dividend thereon by whomsoever held:

(a) which discriminates against such obligation or security solely because of its origin; or

(b) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the ESM.

ARTICLE 37

Interpretation and dispute settlement

1. Any question of interpretation or application of the provisions of this Treaty and the by-laws of the ESM arising between any ESM Member and the ESM, or between ESM Members, shall be submitted to the Board of Directors for its decision.

2. The Board of Governors shall decide on any dispute arising between an ESM Member and the ESM, or between ESM Members, in connection with the interpretation and application of this Treaty, including any dispute about the compatibility of the decisions adopted by the ESM with this Treaty. The votes of the member(s) of the Board of Governors of the ESM Member(s) concerned shall be suspended when the Board of Governors votes on such decision and the voting threshold needed for the adoption of that decision shall be recalculated accordingly.

3. If an ESM Member contests the decision referred to in paragraph 2, the dispute shall be submitted to the Court of Justice of the European Union. The judgement of the Court of Justice of the European Union shall be binding on the parties in the procedure, which shall take the necessary measures to comply with the judgment within a period to be decided by said Court.

ARTICLE 38

International cooperation

The ESM shall be entitled, for the furtherance of its purposes, to cooperate, within the terms of this Treaty, with the IMF, any State which provides financial assistance to an ESM Member on an *ad hoc* basis and any international organisation or entity having specialised responsibilities in related fields.

CHAPTER 7 TRANSITIONAL ARRANGEMENTS

ARTICLE 39

Relation with EFSF lending

During the transitional phase spanning the period from the entry into force of this Treaty until the complete run-down of the EFSF, the consolidated ESM and EFSF lending shall not exceed EUR 500 000 million, without prejudice to the regular review of the adequacy of the maximum lending volume in accordance with Article 10. The Board of Directors shall adopt detailed guidelines on the calculation of the forward commitment capacity to ensure that the consolidated lending ceiling is not breached.

ČLEN 40

Prenos pomoči EFSF

1. Z odstopanjem od člena 13 se svet guvernerjev lahko odloči, da obveznosti EFSF za zagotovitev finančne pomoči članici EMS, ki jih je EFSF sprejel s sporazumom s to članico, prevzame EMS, če se te obveznosti nanašajo na še neizplačane in še nefinancirane dele posojila.

2. EMS lahko z dovoljenjem sveta guvernerjev pridobi pravice in prevzame obveznosti EFSF, zlasti glede vseh njegovih pravic in obveznosti ali njihovih delov v zvezi z obstoječimi izdanimi posojili ali v povezavi s temi posojili.

3. Svet guvernerjev sprejme podrobnosti, potrebne za uveljavitev prenosa obveznosti EFSF na EMS, kot je navedeno v odstavku 1, ter morebitnega prenosa pravic in obveznosti, kot je opisano v odstavku 2.

ČLEN 41

Plačilo začetnega kapitala

1. Brez poseganja v odstavku 2 se vplačilo zneska vplačanih delnic, ki jih na začetku vpiše vsaka članica EMS, izvede v petih letnih obrokih v višini 20 odstotkov celotnega zneska. Prvi obrok plača vsaka članica EMS v 15 dneh po datumu začetka veljavnosti te pogodbe. Preostali štirje obroki se plačajo na prvo, drugo, tretjo in četrto obletnico plačila prvega obroka.

2. V petletnem obdobju, v katerem se po obrokih vplačuje kapital, članice EMS pravočasno pred datumom izdaje pospešijo vplačila vplačanih delnic, da se ohrani vsaj 15-odstotno razmerje med vplačanim kapitalom in zneskom obstoječih izdaj EMS ter zagotovi najnižja skupna posojilna sposobnost EMS in EFSF v višini 500 milijard EUR.

3. Članica EMS se lahko odloči za predčasno vplačilo svojega deleža vplačanega kapitala.

ČLEN 42

Začasni popravek razdelitvenega ključa

1. Članice EMS na začetku vpišejo odobreni delniški kapital na podlagi prvotnega razdelitvenega ključa iz Priloge I. Začasni popravek v tem prvotnem razdelitvenem ključu velja 12 let po dnevu, ko zadevna članica EMS uvede euro.

2. Če bruto domači proizvod (BDP) na prebivalca v novi članici EMS po tržnih cenah v eurih v letu neposredno pred pristopom k EMS znaša manj kot 75% povprečnega BDP na prebivalca v Evropski uniji po tržnih cenah, se razdelitveni ključ za vpis odobrenega delniškega kapitala EMS, določen v skladu s členom 10, začasno popravi in je enak vsoti:

a) 25-odstotnega deleža nacionalne centralne banke te članice EMS v kapitalu ECB, določenega v skladu s členom 29 statuta ESCB, in

b) 75-odstotnega deleža te članice EMS v bruto nacionalnem dohodku (BND) euroobmočja po tržnih cenah v eurih v letu neposredno pred njenim pristopom k pogodbi o EMS.

Odstotek iz točk (a) in (b) se zaokroži navzgor ali navzdol na najbližji mnogokratnik 0,0001 odstotne točke. Veljajo statistični podatki, ki jih objavi Eurostat.

3. Začasni popravek iz odstavka 2 velja 12 let po dnevu, ko zadevna članica EMS uvede euro.

ARTICLE 40

Transfer of EFSF supports

1. By way of derogation from Article 13, the Board of Governors may decide that the EFSF commitments to provide financial assistance to an ESM Member under its agreement with that member shall be assumed by the ESM as far as such commitments relate to undisbursed and unfunded parts of loan facilities.

2. The ESM may, if authorised by its Board of Governors, acquire the rights and assume the obligations of the EFSF, in particular in respect of all or part of its outstanding rights and obligations under, and related to, its existing loan facilities.

3. The Board of Governors shall adopt the detailed modalities necessary to give effect to the transfer of the obligations from the EFSF to the ESM, as referred to in paragraph 1 and any transfer of rights and obligations as described in paragraph 2.

ARTICLE 41

Payment of the initial capital

1. Without prejudice to paragraph 2, payment of paid-in shares of the amount initially subscribed by each ESM Member shall be made in five annual instalments of 20% each of the total amount. The first instalment shall be paid by each ESM Member within fifteen days of the date of entry into force of this Treaty. The remaining four instalments shall each be payable on the first, second, third and fourth anniversary of the payment date of the first instalment.

2. During the five-year period of capital payment by instalments, ESM Members shall accelerate the payment of paid-in shares, in a timely manner prior to the issuance date, in order to maintain a minimum 15% ratio between paid-in capital and the outstanding amount of ESM issuances and guarantee a minimum combined lending capacity of the ESM and of the EFSF of EUR 500 000 million.

3. An ESM Member may decide to accelerate the payment of its share of paid-in capital.

ARTICLE 42

Temporary correction of the contribution key

1. At inception, the ESM Members shall subscribe the authorised capital stock on the basis of the initial contribution key as specified in Annex I. The temporary correction included in this initial contribution key shall apply for a period of twelve years after the date of adoption of the euro by the ESM Member concerned.

2. If a new ESM Member's gross domestic product (GDP) per capita at market prices in euro in the year immediately preceding its accession to the ESM is less than 75% of the European Union average GDP per capita at market prices, then its contribution key for subscribing to ESM authorised capital stock, determined in accordance with Article 10, shall benefit from a temporary correction and equal the sum of:

(a) 25% of the percentage share in the ECB capital of the national central bank of that ESM Member, determined in accordance with Article 29 of the ESCB Statute; and

(b) 75% of that ESM Member's percentage share in the gross national income (GNI) at market prices in euro of the euro area in the year immediately preceding its accession to the ESM.

The percentages referred to in points (a) and (b) shall be rounded up or down to the nearest multiple of 0,0001 percentage points. The statistical terms shall be those published by Eurostat.

3. The temporary correction referred to in paragraph 2 shall apply for a period of twelve years from the date of adoption of the euro by the ESM Member concerned.

4. Zaradi začasnega popravka ključa se ustrezen delež delnic, dodeljenih članici EMS v skladu z odstavkom 2, porazdeli med članice EMS, za katere ne velja začasen popravek na podlagi deležev v ECB, določenih v skladu s členom 29 statuta ESCB in obstoječih neposredno pred izdajo delnic pristopni članici EMS.

ČLEN 43

Prva imenovanja

1. Vsaka članica EMS imenuje svojega guvernerja in namestnika guvernerja v dveh tednih po začetku veljavnosti te pogodbe.

2. Svet guvernerjev imenuje generalnega direktorja, vsak guverner pa imenuje direktorja in namestnika direktorja v dveh mesecih po začetku veljavnosti te pogodbe.

POGLAVJE 8
KONČNE DOLOČBE

ČLEN 44

Pristop

Druge države članice Evropske unije lahko v skladu s členom 2 pristopijo k tej pogodbi na podlagi vloge za članstvo, ki jo zadevna država članica Evropske unije vloži pri EMS, potem ko je Svet Evropske unije v skladu s členom 140(2) PDEU za zadevno državo članico sprejel sklep o odpravi odstopanja od uvedbe eura. Svet guvernerjev odobri vlogo za pristop nove članice EMS ter s tem povezane podrobne tehnične pogoje in prilagoditve te pogodbe kot neposredne posledice pristopa. Ko svet guvernerjev odobri vlogo za članstvo, nova članica EMS pristopi po deponiranju listin o pristopu pri depozitarju, ki o tem obvesti druge članice EMS.

ČLEN 45

Prilogi

Naslednji prilogi k tej pogodbi sta njen sestavni del:

- 1) Priloga I: Razdelitveni ključ EMS in
- 2) Priloga II: Vpisi odobrenega delniškega kapitala.

ČLEN 46

Deponiranje

Ta pogodba se deponira pri Generalnem sekretariatu Sveta Evropske unije (v nadaljnjem besedilu: depozitar), ki pošlje overjene kopije te pogodbe vsem podpisnicam.

ČLEN 47

Ratifikacija, odobritev ali sprejetje

1. To pogodbo morajo podpisnice ratificirati, odobriti ali sprejeti. Listine o ratifikaciji, odobritvi ali sprejetju se deponirajo pri depozitarju.

2. Depozitar obvesti druge podpisnice o vsakem deponiranju in njegovem datumu.

4. As a result of the temporary correction of the key, the relevant proportion of shares allocated to an ESM Member pursuant to paragraph 2 shall be reallocated amongst the ESM Members not benefiting from a temporary correction on the basis of their shareholding in the ECB, determined in accordance with Article 29 of the ESCB Statute, subsisting immediately prior to the issue of shares to the acceding ESM Member.

ARTICLE 43

First appointments

1. Each ESM Member shall designate its Governor and alternate Governor within the two weeks of the entry into force of this Treaty.

2. The Board of Governors shall appoint the Managing Director and each Governor shall appoint a Director and an alternate Director within the two months of the entry into force of this Treaty.

CHAPTER 8
FINAL PROVISIONS

ARTICLE 44

Accession

This Treaty shall be open for accession by other Member States of the European Union in accordance with Article 2 upon application for membership that any such Member State of the European Union shall file with the ESM after the adoption by the Council of the European Union of the decision to abrogate its derogation from adopting the euro in accordance with Article 140(2) TFEU. The Board of Governors shall approve the application for accession of the new ESM Member and the detailed technical terms related thereto, as well as the adaptations to be made to this Treaty as a direct consequence of the accession. Following the approval of the application for membership by the Board of Governors, new ESM Members shall accede upon the deposit of the instruments of accession with the Depositary, who shall notify other ESM Members thereof.

ARTICLE 45

Annexes

The following Annexes to this Treaty shall constitute an integral part thereof:

- 1) Annex I: Contribution key of the ESM; and
- 2) Annex II: Subscriptions to the authorised capital stock.

ARTICLE 46

Deposit

This Treaty shall be deposited with the General Secretariat of the Council of the European Union ("the Depositary"), which shall communicate certified copies to all the signatories.

ARTICLE 47

Ratification, approval or acceptance

1. This Treaty shall be subject to ratification, approval or acceptance by the signatories. Instruments of ratification, approval or acceptance shall be deposited with the Depositary.

2. The Depositary shall notify the other signatories of each deposit and the date thereof.

ČLEN 48

Začetek veljavnosti

1. Ta pogodba začne veljati na datum, ko podpisnice, katerih začetni vpisi znašajo najmanj 90% vseh vpisov iz Priloge II, deponirajo listino o ratifikaciji, odobritvi ali sprejetju. Seznam članic EMS se po potrebi prilagodi. Ključ iz Priloge I se takrat preračuna, skupni odobreni delniški kapital iz člena 8(1) in Priloge II ter skupna začetna vrednost vplačanih delnic iz člena 8(2) pa se ustrezno zmanjšata.

2. Ta pogodba začne za vsako podpisnico, ki pozneje deponira svojo listino o ratifikaciji, odobritvi ali sprejetju, veljati na dan po datumu deponiranja.

3. Za vsako državo, ki pristopi k tej pogodbi v skladu s členom 44, začne ta pogodba veljati 20. dan po deponiranju listine o pristopu.

Sestavljeno v Bruslju, dne drugega februarja leta dva tisoč dvanajst v enem izvorniku, katerega besedila v angleškem, estonskem, finskem, francoskem, grškem, irskem, italijanskem, malteškem, nemškem, nizozemskem, portugalskem, slovaškem, slovenskem, španskem in švedskem jeziku so enako verodostojna in ki se deponira v arhivu depozitarja, ki pošlje pravilno overjen izvod vsaki od pogodbenic.

ARTICLE 48

Entry into force

1. This Treaty shall enter into force on the date when instruments of ratification, approval or acceptance have been deposited by signatories whose initial subscriptions represent no less than 90% of the total subscriptions set forth in Annex II. Where appropriate, the list of ESM Members shall be adjusted; the key in Annex I shall then be recalculated and the total authorised capital stock in Article 8(1) and Annex II and the initial total aggregated nominal value of paid-in shares in Article 8(2) shall be reduced accordingly.

2. For each signatory which thereafter deposits its instrument of ratification, approval or acceptance, this Treaty shall enter into force on the day following the date of deposit.

3. For each State which accedes to this Treaty in accordance with Article 44, this Treaty shall enter into force on the twentieth day following the deposit of its instrument of accession.

Done at Brussels on the second day of February in the year two thousand and twelve in a single original, whose Dutch, English, Estonian, Finnish, French, German, Greek, Irish, Italian, Maltese, Portuguese, Slovak, Slovenian, Spanish and Swedish texts are equally authentic, which shall be deposited in the archives of the Depositary which shall transmit a duly certified copy to each of the Contracting Parties.

PRILOGA I

Razdelitveni ključ EMS

Članica EMS	Ključ EMS (%)
Kraljevina Belgija	3,4771
Zvezna republika Nemčija	27,1464
Republika Estonija	0,1860
Irska	1,5922
Helenska republika	2,8167
Kraljevina Španija	11,9037
Francoska republika	20,3859
Italijanska republika	17,9137
Republika Ciper	0,1962
Veliko vojvodstvo Luksemburg	0,2504
Malta	0,0731
Kraljevina Nizozemska	5,7170
Republika Avstrija	2,7834
Portugalska republika	2,5092
Republika Slovenija	0,4276
Slovaška republika	0,8240
Republika Finska	1,7974
Skupaj	100,0

PRILOGA II

Vpisi odobrenega delniškega kapitala

Članica EMS	Število delnic	Vpis kapitala (EUR)
Kraljevina Belgija	243 397	24 339 700 000
Zvezna republika Nemčija	1 900 248	190 024 800 000
Republika Estonija	13 020	1 302 000 000
Irska	111 454	11 145 400 000
Helenska republika	197 169	19 716 900 000
Kraljevina Španija	833 259	83 325 900 000
Francoska republika	1 427 013	142 701 300 000
Italijanska republika	1 253 959	125 395 900 000
Republika Ciper	13 734	1 373 400 000
Veliko vojvodstvo Luksemburg	17 528	1 752 800 000
Malta	5 117	511 700 000
Kraljevina Nizozemska	400 190	40 019 000 000
Republika Avstrija	194 838	19 483 800 000
Portugalska republika	175 644	17 564 400 000
Republika Slovenija	29 932	2 993 200 000
Slovaška republika	57 680	5 768 000 000
Republika Finska	125 818	12 581 800 000
Skupaj	7 000 000	700 000 000 000

ANNEX I

Contribution Key of the ESM

ESM Member	ESM key (%)
Kingdom of Belgium	3,4771
Federal Republic of Germany	27,1464
Republic of Estonia	0,1860
Ireland	1,5922
Hellenic Republic	2,8167
Kingdom of Spain	11,9037
French Republic	20,3859
Italian Republic	17,9137
Republic of Cyprus	0,1962
Grand Duchy of Luxembourg	0,2504
Malta	0,0731
Kingdom of the Netherlands	5,7170
Republic of Austria	2,7834
Portuguese Republic	2,5092
Republic of Slovenia	0,4276
Slovak Republic	0,8240
Republic of Finland	1,7974
Total	100,0

ANNEX II

Subscriptions to the authorised capital stock

ESM Member	Number of shares	Capital subscription (EUR)
Kingdom of Belgium	243 397	24 339 700 000
Federal Republic of Germany	1 900 248	190 024 800 000
Republic of Estonia	13 020	1 302 000 000
Ireland	111 454	11 145 400 000
Hellenic Republic	197 169	19 716 900 000
Kingdom of Spain	833 259	83 325 900 000
French Republic	1 427 013	142 701 300 000
Italian Republic	1 253 959	125 395 900 000
Republic of Cyprus	13 734	1 373 400 000
Grand Duchy of Luxembourg	17 528	1 752 800 000
Malta	5 117	511 700 000
Kingdom of the Netherlands	400 190	40 019 000 000
Republic of Austria	194 838	19 483 800 000
Portuguese Republic	175 644	17 564 400 000
Republic of Slovenia	29 932	2 993 200 000
Slovak Republic	57 680	5 768 000 000
Republic of Finland	125 818	12 581 800 000
Total	7 000 000	700 000 000 000

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

A handwritten signature in blue ink that reads "Dirk Wouters". The signature is written in a cursive style and is underlined.

Für die Bundesrepublik Deutschland

A handwritten signature in blue ink that reads "Peter Grimm". The signature is written in a cursive style.

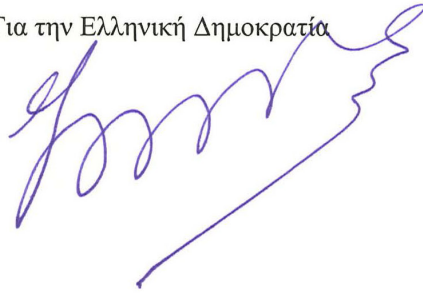
Eesti Vabariigi nimel

A handwritten signature in blue ink that reads "J. S. S.". The signature is written in a cursive style and is underlined.

Thar cheann Na hÉireann
For Ireland

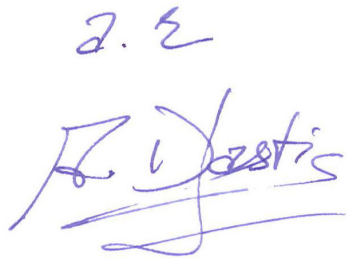
A handwritten signature in blue ink that reads "Pádraig Kirby". The signature is written in a cursive style.

Για την Ελληνική Δημοκρατία

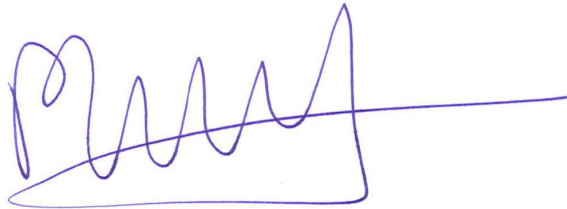


Por el Reino de España

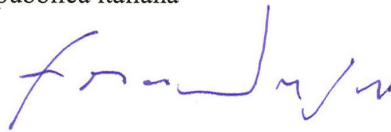
Α. Ζ.



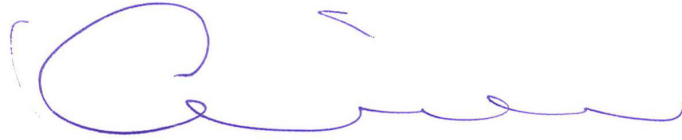
Pour la République française



Per la Repubblica italiana



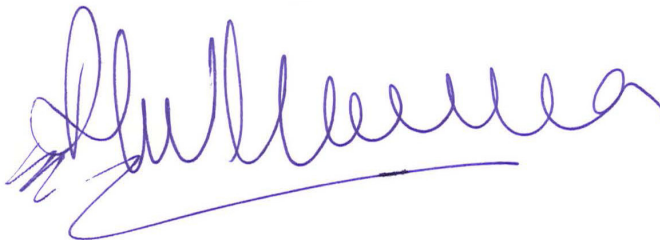
Για την Κυπριακή Δημοκρατία



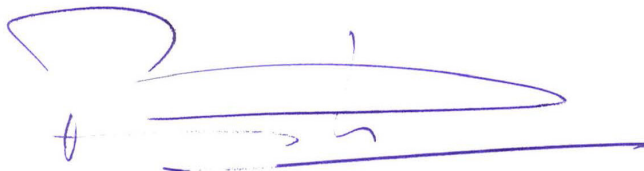
Pour le Grand-Duché de Luxembourg



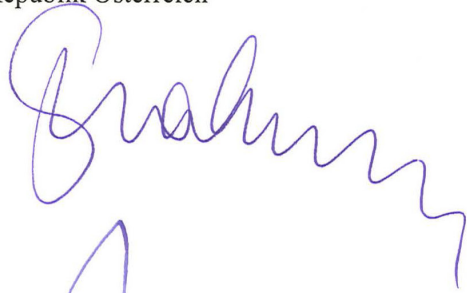
Għal Malta



Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta
För Republiken Finland



3. člen

Za izvajanje pogodbe skrbi ministrstvo, pristojno za finance.

4. člen

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

Št. 411-05/11-8/21

Ljubljana, dne 19. aprila 2012

EPA 1905-V

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

24. **Zakon o ratifikaciji Pogodbe o stabilnosti, usklajevanju in upravljanju v ekonomski in monetarni uniji med Kraljevino Belgijo, Republiko Bolgarijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Velikim vojvodstvom Luksemburg, Madžarsko, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Romunijo, Republiko Slovenijo, Slovaško republiko, Republiko Finsko in Kraljevino Švedsko (MPSUUEMU)**

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

U K A Z

o razglasitvi Zakona o ratifikaciji Pogodbe o stabilnosti, usklajevanju in upravljanju v ekonomski in monetarni uniji med Kraljevino Belgijo, Republiko Bolgarijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Velikim vojvodstvom Luksemburg, Madžarsko, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Romunijo, Republiko Slovenijo, Slovaško republiko, Republiko Finsko in Kraljevino Švedsko (MPSUUEMU)

Razglašam Zakon o ratifikaciji Pogodbe o stabilnosti, usklajevanju in upravljanju v ekonomski in monetarni uniji med Kraljevino Belgijo, Republiko Bolgarijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Velikim vojvodstvom Luksemburg, Madžarsko, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Romunijo, Republiko Slovenijo, Slovaško republiko, Republiko Finsko in Kraljevino Švedsko (MPSUUEMU), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. aprila 2012.

Št. 003-02-3/2010-12
Ljubljana, dne 30. aprila 2012

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI POGODBE O STABILNOSTI, USKLAJEVANJU IN UPRAVLJANJU V EKONOMSKI IN MONETARNI UNIJI MED KRALJEVINO BELGIJO, REPUBLIKO BOLGARIJO, KRALJEVINO DANSKO, ZVEZNO REPUBLIKO NEMČIJO, REPUBLIKO ESTONIJO, IRSKO, HELENSKO REPUBLIKO, KRALJEVINO ŠPANIJO, FRANCOSKO REPUBLIKO, ITALIJANSKO REPUBLIKO, REPUBLIKO CIPER, REPUBLIKO LATVIJO, REPUBLIKO LITVO, VELIKIM VOJVODSTVOM LUKSEMBURG, MADŽARSKO, MALTO, KRALJEVINO NIZOZEMSKO, REPUBLIKO AVSTRIJO, REPUBLIKO POLJSKO, PORTUGALSKO REPUBLIKO, ROMUNIJO, REPUBLIKO SLOVENIJO, SLOVAŠKO REPUBLIKO, REPUBLIKO FINSKO IN KRALJEVINO ŠVEDSKO (MPSUUEMU)

1. člen

Ratificira se Pogodba o stabilnosti, usklajevanju in upravljanju v ekonomski in monetarni uniji med Kraljevino Belgijo, Republiko Bolgarijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Irsko, Helensko republiko, Kraljevino Španijo, Francosko republiko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Velikim vojvodstvom Luksemburg, Madžarsko, Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Romunijo, Republiko Slovenijo, Slovaško republiko, Republiko Finsko in Kraljevino Švedsko, podpisana 2. marca 2012 v Bruslju.

2. člen

Besedilo pogodbe se v izvorniku v slovenskem in angleškem jeziku glasi:*

* Besedilo pogodbe v angleškem, bolgarskem, danskem, estonskem, finskem, francoskem, grškem, irskem, italijanskem, latvijskem, litovskem, madžarskem, malteškem, nemškem, nizozemskem, poljskem, portugalskem, romunskem, slovaškem, španskem in švedskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

P O G O D B A

**O STABILNOSTI, USKLAJEVANJU
IN UPRAVLJANJU V EKONOMSKI
IN MONETARNI UNIJI MED KRALJEVINO
BELGIJO, REPUBLIKO BOLGARIJO,
KRALJEVINO DANSKO, ZVEZNO REPUBLIKO
NEMČIJO, REPUBLIKO ESTONIJO, IRSKO,
HELENSKO REPUBLIKO, KRALJEVINO
ŠPANIJO, FRANCOŠKO REPUBLIKO,
ITALIJANSKO REPUBLIKO, REPUBLIKO CIPER,
REPUBLIKO LATVIJO, REPUBLIKO LITVO,
VELIKIM VOJVODSTVOM LUKSEMBURG,
MADŽARSKO, MALTO, KRALJEVINO
NIZOZEMSKO, REPUBLIKO AVSTRIJO,
REPUBLIKO POLJSKO, PORTUGALSKO
REPUBLIKO, ROMUNIJO, REPUBLIKO
SLOVENIJO, SLOVAŠKO REPUBLIKO,
REPUBLIKO FINSKO
IN KRALJEVINO ŠVEDSKO**

KRALJEVINA BELGIJA, REPUBLIKA BOLGARIJA, KRALJEVINA DANSKA, ZVEZNA REPUBLIKA NEMČIJA, REPUBLIKA ESTONIJA, IRSKA, HELENSKA REPUBLIKA, KRALJEVINA ŠPANIJA, FRANCOŠKA REPUBLIKA, ITALIJANSKA REPUBLIKA, REPUBLIKA CIPER, REPUBLIKA LATVIJA, REPUBLIKA LITVA, VELIKO VOJVODSTVO LUKSEMBURG, MADŽARSKA, MALTA, KRALJEVINA NIZOZEMSKA, REPUBLIKA AVSTRIJA, REPUBLIKA POLJSKA, PORTUGALSKA REPUBLIKA, ROMUNIJA, REPUBLIKA SLOVENIJA, SLOVAŠKA REPUBLIKA, REPUBLIKA FINSKA IN KRALJEVINA ŠVEDSKA,

v nadaljnjem besedilu: pogodbenice,
SO SE

OB ZAVEDANJU svojih obveznosti, da morajo kot države članice Evropske unije obravnavati svoje ekonomske politike kot zadevo skupnega pomena,

V ŽELJI spodbujati razmere za močnejšo gospodarsko rast v Evropski uniji in v ta namen razvijati vse tesnejše usklajevanje ekonomskih politik v euroobmočju,

OB UPOŠTEVANJU, da morajo vlade vzdrževati zdrave in vzdržne javne finance ter preprečiti nastanek čezmernega javnofinančnega primanjkljaja, ker je to ključnega pomena za zaščito stabilnosti euroobmočja kot celote, in da je zato treba uvesti posebna pravila, vključno s "pravilom o uravnoteženem proračunu" in samodejnim mehanizmom sprejemanja popravilnih ukrepov,

OB ZAVEDANJU, da je treba zagotoviti, da njihov javnofinančni primanjkljaj ne preseže 3% njihovega bruto domačega proizvoda po tržnih cenah in da njihov javni dolg ne preseže 60% njihovega bruto domačega proizvoda po tržnih cenah oziroma se zadostno zmanjšuje proti tej vrednosti,

OB OPOZARJANJU, da se morajo pogodbenice kot države članice Evropske unije vzdržati vseh ukrepov, ki bi lahko ogrozili uresničevanje ciljev Unije v okviru ekonomske unije, predvsem kopičenja dolga zunaj javnofinančnih računov,

OB UPOŠTEVANJU, da so se voditelji držav ali vlad držav članic euroobmočja 9. decembra 2011 dogovorili o okrepljeni strukturi ekonomske in monetarne unije kot nadgradnji Pogodb, na katerih temelji Evropska unija, za lažje izvajanje ukrepov, sprejetih na podlagi členov 121, 126 in 136 Pogodbe o delovanju Evropske unije,

T R E A T Y

**ON STABILITY, COORDINATION AND
GOVERNANCE IN THE ECONOMIC AND
MONETARY UNION BETWEEN THE KINGDOM
OF BELGIUM, THE REPUBLIC OF BULGARIA,
THE KINGDOM OF DENMARK, THE FEDERAL
REPUBLIC OF GERMANY, THE REPUBLIC OF
ESTONIA, IRELAND, THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN, THE FRENCH
REPUBLIC, THE ITALIAN REPUBLIC, THE
REPUBLIC OF CYPRUS, THE REPUBLIC OF
LATVIA, THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
HUNGARY, MALTA, THE KINGDOM OF
THE NETHERLANDS, THE REPUBLIC OF
AUSTRIA, THE REPUBLIC OF POLAND, THE
PORTUGUESE REPUBLIC, ROMANIA, THE
REPUBLIC OF SLOVENIA, THE SLOVAK
REPUBLIC, THE REPUBLIC OF FINLAND AND
THE KINGDOM OF SWEDEN**

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

hereinafter referred to as "the Contracting Parties";

CONSCIOUS of their obligation, as Member States of the European Union, to regard their economic policies as a matter of common concern;

DESIRING to promote conditions for stronger economic growth in the European Union and, to that end, to develop ever-closer coordination of economic policies within the euro area;

BEARING IN MIND that the need for governments to maintain sound and sustainable public finances and to prevent a general government deficit becoming excessive is of essential importance to safeguard the stability of the euro area as a whole, and accordingly, requires the introduction of specific rules, including a "balanced budget rule" and an automatic mechanism to take corrective action;

CONSCIOUS of the need to ensure that their general government deficit does not exceed 3% of their gross domestic product at market prices and that their general government debt does not exceed, or is sufficiently declining towards, 60% of their gross domestic product at market prices;

RECALLING that the Contracting Parties, as Member States of the European Union, are to refrain from any measure which could jeopardise the attainment of the Union's objectives in the framework of the economic union, particularly the practice of accumulating debt outside the general government accounts;

BEARING IN MIND that the Heads of State or Government of the euro area Member States agreed on 9 December 2011 on a reinforced architecture for economic and monetary union, building upon the Treaties on which the European Union is founded and facilitating the implementation of measures taken on the basis of Articles 121, 126 and 136 of the Treaty on the Functioning of the European Union;

OB UPOŠTEVANJU, da je cilj voditeljev držav ali vlad držav članic euroobmočja in drugih držav članic Evropske unije čimprejšnja vključitev določb te pogodbe v Pogodbi, na katerih temelji Evropska unija,

OB POZDRAVLJANJU zakonodajnih predlogov za euroobmočje, ki jih je 23. novembra 2011 predstavila Evropska komisija v okviru Pogodb, na katerih temelji Evropska unija, o okrepitvi ekonomskega in proračunskega nadzora v državah članicah, ki imajo ali jim grozijo resne težave v zvezi z njihovo finančno stabilnostjo, ter o skupnih določbah za spremljanje in ocenjevanje osnutkov proračunskih načrtov in zagotavljanje zmanjšanja čezmernega primanjkljaja držav članic ter OB UPOŠTEVANJU namere Evropske komisije, da predstavi nadaljnje zakonodajne predloge za euroobmočje, in sicer zlasti glede predhodnega poročanja o načrtih izdaje dolžniških instrumentov, glede programov ekonomskega partnerstva, v katerih se podrobno opišejo strukturne reforme za države članice, ki so v postopku v zvezi s čezmernim primanjkljajem, pa tudi glede usklajevanja večjih načrtov reform ekonomskih politik držav članic,

OB IZRAŽANJU pripravljenosti, da podprejo predloge, ki bi jih lahko predstavila Evropska komisija za nadaljnjo krepitev Pakta za stabilnost in rast, s tem da se za države članice, katerih valuta je euro, uvede nov razpon za srednjeročne cilje v skladu z omejitvami iz te pogodbe,

OB UPOŠTEVANJU, da bo Evropska komisija pri preverjanju in spremljanju proračunskih obveznosti iz te pogodbe delovala v okviru svojih pristojnosti v skladu s Pogodbo o delovanju Evropske unije, zlasti njenimi členi 121, 126 in 136,

predvsem OB UGOTAVLJANJU, da se bo v zvezi z uporabo "pravila o uravnoteženem proračunu" iz člena 3 te pogodbe to spremljanje za vsako pogodbenico izvajalo z ustrezno opredeljitvijo srednjeročnih ciljev za posamezno državo in s pripravo časovnih načrtov konvergence,

OB UGOTAVLJANJU, da je treba srednjeročne cilje redno posodabljati na podlagi skupno dogovorjene metodologije, katere glavne parametre je prav tako treba redno pregledovati in ki ustrezno odraža tveganja eksplicitnih in implicitnih obveznosti za javne finance, kakor je opredeljeno v ciljih Pakta za stabilnost in rast,

OB UGOTAVLJANJU, da bi bilo treba zadosten napredek pri doseganju srednjeročnih ciljev oceniti na podlagi splošne ocene s strukturnim saldrom kot referenco, vključno z analizo odhodkov, zmanjšanih za diskrecijske ukrepe na strani prihodkov, skladno z določbami prava Evropske unije, zlasti Uredbe Sveta (ES) št. 1466/97 z dne 7. julija 1997 o okrepitvi nadzora nad proračunskim stanjem ter o nadzoru in usklajevanju gospodarskih politik, kakor je bila spremenjena z Uredbo (EU) št. 1175/2011 Evropskega parlamenta in Sveta z dne 16. novembra 2011 (v nadaljnjem besedilu: spremenjeni Pakt za stabilnost in rast),

OB UGOTAVLJANJU, da bi moral biti namen popravljalnega mehanizma, ki ga uvedejo pogodbenice, odpravljanje odklonov od srednjeročnega cilja ali prilagoditvene poti, vključno z njihovim skupnim učinkom na razvoj javnega dolga,

OB UGOTAVLJANJU, da bi morale biti Sodišče Evropske unije v skladu s členom 273 Pogodbe o delovanju Evropske unije pristojno za presojo izpolnjevanja obveznosti pogodbenic glede prenosa "pravila o uravnoteženem proračunu" v njihove notranjepravne sisteme z določbami zavezujoče, trajne in po možnosti ustavne narave,

OB SKLICEVANJU na to, da je v skladu s členom 260 Pogodbe o delovanju Evropske unije Sodišče Evropske unije pristojno, da državi članici Evropske unije, ki ni izvršila katere od njegovih sodb, naloži plačilo pavšalnega zneska ali denarne kazni, ter OB SKLICEVANJU na to, da je Evropska komisija uvedla merila za določitev pavšalnega zneska ali denarne kazni, ki se naloži po navedenem členu,

BEARING IN MIND that the objective of the Heads of State or Government of the euro area Member States and of other Member States of the European Union is to incorporate the provisions of this Treaty as soon as possible into the Treaties on which the European Union is founded;

WELCOMING the legislative proposals made by the European Commission for the euro area, within the framework of the Treaties on which the European Union is founded, on 23 November 2011, on the strengthening of economic and budgetary surveillance of Member States experiencing or threatened with serious difficulties with respect to their financial stability, and on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States, and TAKING NOTE of the European Commission's intention to present further legislative proposals for the euro area concerning, in particular, ex ante reporting of debt issuance plans, economic partnership programmes detailing structural reforms for Member States under an excessive deficit procedure as well as the coordination of major economic policy reform plans of Member States;

EXPRESSING their readiness to support proposals which the European Commission might present to further strengthen the Stability and Growth Pact by introducing, for Member States whose currency is the euro, a new range for medium-term objectives in line with the limits established in this Treaty;

TAKING NOTE that, when reviewing and monitoring the budgetary commitments under this Treaty, the European Commission will act within the framework of its powers, as provided by the Treaty on the Functioning of the European Union, in particular Articles 121, 126 and 136 thereof;

NOTING in particular that, in respect of the application of the "balanced budget rule" set out in Article 3 of this Treaty, that monitoring will be carried out through the setting up, for each Contracting Party, of country-specific medium-term objectives and of calendars of convergence, as appropriate;

NOTING that the medium-term objectives should be updated regularly on the basis of a commonly agreed method, the main parameters of which are also to be reviewed regularly, reflecting appropriately the risks of explicit and implicit liabilities for public finance, as embodied in the aims of the Stability and Growth Pact;

NOTING that sufficient progress towards the medium-term objectives should be evaluated on the basis of an overall assessment with the structural balance as a reference, including an analysis of expenditure net of discretionary revenue measures, in line with the provisions specified under European Union law, in particular Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies, as amended by Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 ("the revised Stability and Growth Pact");

NOTING that the correction mechanism to be introduced by the Contracting Parties should aim at correcting deviations from the medium-term objective or the adjustment path, including their cumulated impact on government debt dynamics;

NOTING that compliance with the Contracting Parties' obligation to transpose the "balanced budget rule" into their national legal systems, through binding, permanent and preferably constitutional provisions, should be subject to the jurisdiction of the Court of Justice of the European Union, in accordance with Article 273 of the Treaty on the Functioning of the European Union;

RECALLING that Article 260 of the Treaty on the Functioning of the European Union empowers the Court of Justice of the European Union to impose a lump sum or penalty payment on a Member State of the European Union which has failed to comply with one of its judgments and RECALLING that the European Commission has established criteria for determining the lump sum or penalty payment to be imposed in the framework of that Article;

OB OPOZARJANJU, da je treba olajšati sprejemanje ukrepov po postopku Evropske unije v zvezi s čezmernim primanjkljajem za države članice, katerih valuta je euro ter pri katerih razmerje med načrtovanim ali dejanskim javnofinančnim primanjkljajem in bruto domačim proizvodom presega 3%, obenem pa odločno podpreti cilj tega postopka, in sicer da se država članica spodbudi in po potrebi prisili k zmanjšanju morebitno ugotovljenega primanjkljaja,

OB OPOZARJANJU na obveznost pogodbenic, katerih javni dolg presega referenčno vrednost 60%, da ga znižajo v povprečju za eno dvajsetino na leto, kar je določeno kot referenčno merilo,

OB UPOŠTEVANJU, da je treba pri izvajanju te pogodbe spoštovati posebno vlogo socialnih partnerjev, kot je priznana v zakonodaji ali nacionalni ureditvi vsake pogodbenice,

OB POUĐARJANJU, da se določbe te pogodbe ne smejo razlagati kot kakršna koli sprememba pogojev ekonomske politike, pod katerimi je bila pogodbenici dodeljena finančna pomoč v programu za stabilnost, ki vključuje Evropsko unijo, njene države članice ali Mednarodni denarni sklad,

OB UĐOTAVLJANJU, da si morajo za pravilno delovanje ekonomske in monetarne unije pogodbenice skupaj prizadevati za ekonomsko politiko, pri kateri bodo hkrati z nadgrajevanjem mehanizmov usklajevanja ekonomskih politik, kot je opredeljeno v Pogodbah, na katerih temelji Evropska unija, sprejele potrebne ukrepe na vseh področjih, ki so bistvena za pravilno delovanje euroobmočja,

zlasti OB UPOŠTEVANJU želje pogodbenic po dejavnejši uporabi okrepljenega sodelovanja iz člena 20 Pogodbe o Evropski uniji in členov od 326 do 334 Pogodbe o delovanju Evropske unije, ne da bi to škodilo notranjemu trgu, ter njihove želje po celoviti uporabi ukrepov za države članice, katerih valuta je euro, v skladu s členom 136 Pogodbe o delovanju Evropske unije ter postopka predhodnih razprav in usklajevanj načrtovanih večjih reform ekonomskih politik pogodbenic, katerih valuta je euro, da bi se lahko opredelile najboljše prakse,

OB OPOZARJANJU na dogovor voditeljev držav ali vlad držav članic euroobmočja z dne 26. oktobra 2011 o izboljšanju upravljanja euroobmočja, vključno z najmanj dvema zasedanjema vrha držav euroobmočja letno, ki se, razen v izjemnih okoliščinah, skličeta takoj po zasedanjih Evropskega sveta ali sestankih, na katerih sodelujejo vse pogodbenice, ki so ratificirale to pogodbo,

tudi OB OPOZARJANJU na pakt euro plus, ki so ga voditelji držav ali vlad držav članic euroobmočja in drugih držav članic Evropske unije sprejeli 25. marca 2011 in v katerem so opredeljene bistvene točke za spodbujanje konkurenčnosti v euroobmočju,

OB POUĐARJANJU pomena Pogodbe o ustanovitvi evropskega mehanizma za stabilnost kot dela globalne strategije za krepitev ekonomske in monetarne unije ter OB OPOZARJANJU, da bo dodelitev finančne pomoči v okviru novih programov iz evropskega mehanizma za stabilnost od 1. marca 2013 odvisna od tega, ali bo zadevna pogodbenica to pogodbo ratificirala, in ko poteče rok za prenos iz člena 3(2) te pogodbe, od izpolnjevanja zahtev iz navedenega člena,

RECALLING the need to facilitate the adoption of measures under the excessive deficit procedure of the European Union in respect of Member States whose currency is the euro and whose planned or actual ratio of general government deficit to gross domestic product exceeds 3%, whilst strongly reinforcing the objective of that procedure, namely to encourage and, if necessary, compel a Member State to reduce a deficit which might be identified;

RECALLING the obligation for those Contracting Parties whose general government debt exceeds the 60% reference value to reduce it at an average rate of one twentieth per year as a benchmark;

BEARING IN MIND the need to respect, in the implementation of this Treaty, the specific role of the social partners, as it is recognised in the laws or national systems of each of the Contracting Parties;

STRESSING that no provision of this Treaty is to be interpreted as altering in any way the economic policy conditions under which financial assistance has been granted to a Contracting Party in a stabilisation programme involving the European Union, its Member States or the International Monetary Fund;

NOTING that the proper functioning of the economic and monetary union requires the Contracting Parties to work jointly towards an economic policy where, whilst building upon the mechanisms of economic policy coordination, as defined in the Treaties on which the European Union is founded, they take the necessary actions and measures in all the areas which are essential to the proper functioning of the euro area;

NOTING, in particular, the wish of the Contracting Parties to make a more active use of enhanced cooperation, as provided for in Article 20 of the Treaty on European Union and Articles 326 to 334 of the Treaty on the Functioning of the European Union, without undermining the internal market, and their wish to have full recourse to measures specific to the Member States whose currency is the euro pursuant to Article 136 of the Treaty on the Functioning of the European Union, and to a procedure for the ex ante discussion and coordination among the Contracting Parties whose currency is the euro of all major economic policy reforms planned by them, with a view to benchmarking best practices;

RECALLING the agreement of the Heads of State or Government of the euro area Member States, of 26 October 2011, to improve the governance of the euro area, including the holding of at least two Euro Summit meetings per year, to be convened, unless justified by exceptional circumstances, immediately after meetings of the European Council or meetings with the participation of all Contracting Parties having ratified this Treaty;

RECALLING also the endorsement by the Heads of State or Government of the euro area Member States and of other Member States of the European Union, on 25 March 2011, of the Euro Plus Pact, which identifies the issues that are essential to fostering competitiveness in the euro area;

STRESSING the importance of the Treaty establishing the European Stability Mechanism as an element of the global strategy to strengthen the economic and monetary union and POINTING OUT that the granting of financial assistance in the framework of new programmes under the European Stability Mechanism will be conditional, as of 1 March 2013, on the ratification of this Treaty by the Contracting Party concerned and, as soon as the transposition period referred to in Article 3(2) of this Treaty has expired, on compliance with the requirements of that Article;

OB UGOTAVLJANJU, da so Kraljevina Belgija, Zvezna republika Nemčija, Republika Estonija, Irska, Helenska republika, Kraljevina Španija, Francoska republika, Italijanska republika, Republika Ciper, Veliko vojvodstvo Luksemburg, Malta, Kraljevina Nizozemska, Republika Avstrija, Portugalska republika, Republika Slovenija, Slovaška republika in Republika Finska pogodbenice, katerih valuta je euro, in jih bo zato ta pogodba zavezovala od prvega dneva meseca po deponiranju njihovih listin o ratifikaciji, če bo ta pogodba na ta dan že veljala,

tudi OB UGOTAVLJANJU, da so Republika Bolgarija, Kraljevina Danska, Republika Latvija, Republika Litva, Madžarska, Republika Poljska, Romunija in Kraljevina Švedska pogodbenice, ki so na dan podpisa te pogodbe države članice Evropske unije z odstopanjem ali izjemo glede sodelovanja pri enotni valuti ter jih lahko do odprave tega odstopanja ali izjeme zavezujejo samo tiste določbe naslovov III in IV te pogodbe, za katere ob deponiranju listine o ratifikaciji ali pozneje izrazijo namero, da bodo zanje zavezujoče,

DOGOVORILE o teh določbah:

NASLOV I NAMEN IN PODROČJE UPORABE

ČLEN 1

1. S to pogodbo se pogodbenice kot države članice Evropske unije dogovorijo, da okrepijo ekonomski steber ekonomske in monetarne unije s sprejetjem sklopa pravil, namenjenih spodbujanju proračunske discipline s fiskalnim dogovorom, da okrepijo usklajevanje svojih ekonomskih politik in izboljšajo upravljanje euroobmočja, s čimer podpirajo uresničevanje ciljev Evropske unije za trajnostno rast, zaposlovanje, konkurenčnost in socialno kohezijo.

2. Ta pogodba se v celoti uporablja za pogodbenice, katerih valuta je euro. Uporablja se tudi za druge pogodbenice, in sicer v obsegu in pod pogoji iz člena 14.

NASLOV II SKLADNOST IN POVEZAVA S PRAVOM UNIJE

ČLEN 2

1. Pogodbenice uporabljajo in razlagajo to pogodbo skladno s Pogodbama, na katerih temelji Evropska unija, zlasti s členom 4(3) Pogodbe o Evropski uniji in pravom Evropske unije, vključno s procesnim pravom, kadar je treba sprejeti sekundarno zakonodajo.

2. Ta pogodba se uporablja, kolikor je združljiva s Pogodbama, na katerih temelji Evropska unija, in pravom Evropske unije. Ne posega v pristojnosti Unije, da deluje na področju ekonomske unije.

NASLOV III FISKALNI DOGOVOR

ČLEN 3

1. Pogodbenice poleg svojih obveznosti, ki izhajajo iz prava Evropske unije, in brez poseganja vanje uporabljajo pravila, določena v tem odstavku:

(a) proračunsko stanje sektorja države pogodbenice je uravnoteženo ali v presežku;

NOTING that the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Grand Duchy of Luxembourg, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Republic of Finland are Contracting Parties whose currency is the euro and that, as such, they will be bound by this Treaty from the first day of the month following the deposit of their instrument of ratification if the Treaty is in force at that date;

NOTING ALSO that the Republic of Bulgaria, the Kingdom of Denmark, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Poland, Romania and the Kingdom of Sweden are Contracting Parties which, as Member States of the European Union, have, at the date of signature of this Treaty, a derogation or an exemption from participation in the single currency and may be bound, as long as such derogation or exemption is not abrogated, only by those provisions of Titles III and IV of this Treaty by which they declare, on depositing their instrument of ratification or at a later date, that they intend to be bound;

HAVE AGREED UPON THE FOLLOWING PROVISIONS:

TITLE I PURPOSE AND SCOPE

ARTICLE 1

1. By this Treaty, the Contracting Parties agree, as Member States of the European Union, to strengthen the economic pillar of the economic and monetary union by adopting a set of rules intended to foster budgetary discipline through a fiscal compact, to strengthen the coordination of their economic policies and to improve the governance of the euro area, thereby supporting the achievement of the European Union's objectives for sustainable growth, employment, competitiveness and social cohesion.

2. This Treaty shall apply in full to the Contracting Parties whose currency is the euro. It shall also apply to the other Contracting Parties to the extent and under the conditions set out in Article 14.

TITLE II CONSISTENCY AND RELATIONSHIP WITH THE LAW OF THE UNION

ARTICLE 2

1. This Treaty shall be applied and interpreted by the Contracting Parties in conformity with the Treaties on which the European Union is founded, in particular Article 4(3) of the Treaty on European Union, and with European Union law, including procedural law whenever the adoption of secondary legislation is required.

2. This Treaty shall apply insofar as it is compatible with the Treaties on which the European Union is founded and with European Union law. It shall not encroach upon the competence of the Union to act in the area of the economic union.

TITLE III FISCAL COMPACT

ARTICLE 3

1. The Contracting Parties shall apply the rules set out in this paragraph in addition and without prejudice to their obligations under European Union law:

(a) the budgetary position of the general government of a Contracting Party shall be balanced or in surplus;

(b) za pravilo iz točke (a) se šteje, da je upoštevano, če letni strukturni saldo sektorja države dosega srednjeročni cilj za posamezno državo, opredeljen v spremenjenem Paktu za stabilnost in rast, s spodnjo mejo strukturnega primanjkljaja na ravni 0,5% bruto domačega proizvoda po tržnih cenah. Pogodbenice zagotovijo hitro približevanje svojemu srednjeročnemu cilju. Časovni okvir za to približevanje bo predlagala Evropska komisija ob upoštevanju tveganj za vzdržnost posamezne države. Napredek pri doseganju srednjeročnega cilja in njegovo upoštevanje se ocenjujeta na podlagi splošne ocene s strukturnim saldonom kot referenco, vključno z analizo odhodkov, zmanjšanih za diskrecijske ukrepe na strani prihodkov, v skladu s spremenjenim Paktom za stabilnost in rast;

(c) pogodbenicam se lahko samo v izjemnih okoliščinah, opredeljenih v točki (b) odstavka 3, dovoli začasen odklon od njihovega srednjeročnega cilja ali prilagoditvene poti za njegovo doseg;

(d) kadar je razmerje med javnim dolgom in bruto domačim proizvodom po tržnih cenah precej nižje od 60% ter kadar je tveganje v smislu dolgoročne vzdržnosti javnih financ majhno, lahko spodnja meja srednjeročnega cilja, določena v skladu s točko (b), doseže strukturni primanjkljaj v višini največ 1,0% bruto domačega proizvoda po tržnih cenah;

(e) če se ugotovijo precejšnji odkloni od srednjeročnega cilja ali prilagoditvene poti za njegovo doseg, se samodejno sproži popravljalni mehanizem. Ta mehanizem vključuje obveznost zadevne pogodbenice, da izvede ukrepe za odpravo odklonov v določenem časovnem obdobju.

2. Pravila iz odstavka 1 učinkujejo v notranjem pravu pogodbenic kot določbe zavezujoče in trajne, po možnosti ustavne narave najpozneje eno leto po začetku veljavnosti te pogodbe ali pa se kako drugače zagotovita njihovo popolno spoštovanje in upoštevanje v nacionalnih proračunskih postopkih. Pogodbenice na nacionalni ravni vzpostavijo popravljalni mehanizem iz točke (e) odstavka 1 na podlagi skupnih načel, ki jih predlaga Evropska komisija, zlasti glede vrste, obsega in časovnega okvira popravljalnih ukrepov, ki jih je treba izvesti, tudi v izjemnih okoliščinah, ter vloge in neodvisnosti institucij, odgovornih na nacionalni ravni za spremljanje spoštovanja pravil iz odstavka 1. Ta popravljalni mehanizem v celoti spoštuje pristojnosti nacionalnih parlamentov.

3. Za namene tega člena se uporabljajo opredelitve pojmov iz člena 2 Protokola (št. 12) o postopku v zvezi s čezmernim primanjkljajem, priloženega Pogodbama o Evropski uniji.

Poleg tega se za namene tega člena uporabljata tudi ti dve opredelitvi pojmov:

(a) "letni strukturni saldo sektorja države" se nanaša na letni ciklično prilagojeni saldo, zmanjšan za enkratne in začasne ukrepe;

(b) "izjemne okoliščine" se nanašajo na neobičajni dogodke, na katerega pogodbenica ne more vplivati in ki ima pomembne posledice za finančno stanje sektorja države, ali obdobja resnega gospodarskega upada, kot je določeno v spremenjenem Paktu za stabilnost in rast, pod pogojem, da začasni odklon zadevne pogodbenice srednjeročno ne ogrozi fiskalne vzdržnosti.

(b) the rule under point (a) shall be deemed to be respected if the annual structural balance of the general government is at its country-specific medium-term objective, as defined in the revised Stability and Growth Pact, with a lower limit of a structural deficit of 0,5% of the gross domestic product at market prices. The Contracting Parties shall ensure rapid convergence towards their respective medium-term objective. The time-frame for such convergence will be proposed by the European Commission taking into consideration country-specific sustainability risks. Progress towards, and respect of, the medium-term objective shall be evaluated on the basis of an overall assessment with the structural balance as a reference, including an analysis of expenditure net of discretionary revenue measures, in line with the revised Stability and Growth Pact;

(c) the Contracting Parties may temporarily deviate from their respective medium-term objective or the adjustment path towards it only in exceptional circumstances, as defined in point (b) of paragraph 3;

(d) where the ratio of the general government debt to gross domestic product at market prices is significantly below 60% and where risks in terms of long-term sustainability of public finances are low, the lower limit of the medium-term objective specified under point (b) can reach a structural deficit of at most 1,0% of the gross domestic product at market prices;

(e) in the event of significant observed deviations from the medium-term objective or the adjustment path towards it, a correction mechanism shall be triggered automatically. The mechanism shall include the obligation of the Contracting Party concerned to implement measures to correct the deviations over a defined period of time.

2. The rules set out in paragraph 1 shall take effect in the national law of the Contracting Parties at the latest one year after the entry into force of this Treaty through provisions of binding force and permanent character, preferably constitutional, or otherwise guaranteed to be fully respected and adhered to throughout the national budgetary processes. The Contracting Parties shall put in place at national level the correction mechanism referred to in paragraph 1(e) on the basis of common principles to be proposed by the European Commission, concerning in particular the nature, size and time-frame of the corrective action to be undertaken, also in the case of exceptional circumstances, and the role and independence of the institutions responsible at national level for monitoring compliance with the rules set out in paragraph 1. Such correction mechanism shall fully respect the prerogatives of national Parliaments.

3. For the purposes of this Article, the definitions set out in Article 2 of the Protocol (No 12) on the excessive deficit procedure, annexed to the European Union Treaties, shall apply.

The following definitions shall also apply for the purposes of this Article:

(a) "annual structural balance of the general government" refers to the annual cyclically-adjusted balance net of one-off and temporary measures;

(b) "exceptional circumstances" refers to the case of an unusual event outside the control of the Contracting Party concerned which has a major impact on the financial position of the general government or to periods of severe economic downturn as set out in the revised Stability and Growth Pact, provided that the temporary deviation of the Contracting Party concerned does not endanger fiscal sustainability in the medium-term.

ČLEN 4

Kadar razmerje med javnim dolgom in bruto domačim proizvodom pogodbenice presega referenčno vrednost 60% iz člena 1 Protokola (št. 12) o postopku v zvezi s čezmernim primanjkljajem, priloženega Pogodbama o Evropski uniji, ga ta pogodbenica zniža v povprečju za eno dvajsetino na leto, kot referenčno merilo, določeno v členu 2 Uredbe Sveta (ES) št. 1467/97 z dne 7. julija 1997 o pospešitvi in razjasnitvi izvajanja postopka v zvezi s čezmernim primanjkljajem, kakor je bila spremenjena z Uredbo Sveta (EU) št. 1177/2011 z dne 8. novembra 2011. Obstoj čezmernega javnofinančnega primanjkljaja zaradi kršenja merila dolga se določi v skladu s členom 126 Pogodbe o delovanju Evropske unije.

ČLEN 5

1. Pogodbenica, ki je v postopku v zvezi s čezmernim primanjkljajem v skladu s Pogodbama, na katerih temelji Evropska unija, pripravi program proračunskega in ekonomskega partnerstva, ki vključuje podroben opis strukturnih reform, ki jih je treba sprejeti in izvesti za zagotovitev učinkovitega in trajnega zmanjšanja njenega čezmernega primanjkljaja. Vsebina in oblika teh programov se opredelita v pravu Evropske unije. Za njihovo predložitev Svetu Evropske unije in Evropski komisiji v potrditev ter za njihovo spremljanje se uporabljajo veljavni postopki nadzora iz Pakta za stabilnost in rast.

2. Svet Evropske unije in Evropska komisija bosta spremljala izvajanje programa proračunskega in ekonomskega partnerstva ter z njim skladnih letnih proračunskih načrtov.

ČLEN 6

Pogodbenice zaradi boljšega usklajevanja načrtovanja izdaje svojih dolžniških instrumentov Svetu Evropske unije in Evropski komisiji predhodno poročajo o svojih načrtih izdaj dolžniških instrumentov.

ČLEN 7

Pogodbenice, katerih valuta je euro, se zavezujejo, da bodo ob doslednem spoštovanju postopkovnih zahtev Pogodb, na katerih temelji Evropska unija, podprle predloge ali priporočila, ki jih predloži Evropska komisija, kadar meni, da država članica Evropske unije, katere valuta je euro, krši merilo primanjkljaja v okviru postopka v zvezi s čezmernim primanjkljajem. Ta obveznost ne velja, kadar pogodbenice, katerih valuta je euro, ugotovijo, da jih kvalificirana večina, izračunana po analogiji z ustreznimi določbami Pogodb, na katerih temelji Evropska unija, in brez upoštevanja stališča zadevne pogodbenice, nasprotuje predlagani ali priporočeni odločitvi.

ČLEN 8

1. Evropska komisija je pozvana, da pogodbenicam pravočasno predloži poročilo o določbah, ki jih vsaka pogodbenica sprejme v skladu s členom 3(2). Če Evropska komisija, potem ko je zadevni pogodbenici omogočila, da predloži svoje pripombe, v poročilu sklene, da pogodbenica ni izpolnila zahtev iz člena 3(2), ena ali več pogodbenic zadevo predloži Sodišču Evropske unije. Kadar pogodbenica neodvisno od poročila Komisije meni, da druga pogodbenica ni izpolnila zahtev iz člena 3(2), lahko prav tako zadevo predloži Sodišču Evropske unije. V obeh primerih je sodba Sodišča Evropske unije zavezujoča za stranke v postopku, ki sprejmejo ukrepe, potrebne za izvršitev sodbe v roku, ki ga določi Sodišče Evropske unije.

ARTICLE 4

When the ratio of a Contracting Party's general government debt to gross domestic product exceeds the 60% reference value referred to in Article 1 of the Protocol (No 12) on the excessive deficit procedure, annexed to the European Union Treaties, that Contracting Party shall reduce it at an average rate of one twentieth per year as a benchmark, as provided for in Article 2 of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure, as amended by Council Regulation (EU) No 1177/2011 of 8 November 2011. The existence of an excessive deficit due to the breach of the debt criterion will be decided in accordance with the procedure set out in Article 126 of the Treaty on the Functioning of the European Union.

ARTICLE 5

1. A Contracting Party that is subject to an excessive deficit procedure under the Treaties on which the European Union is founded shall put in place a budgetary and economic partnership programme including a detailed description of the structural reforms which must be put in place and implemented to ensure an effective and durable correction of its excessive deficit. The content and format of such programmes shall be defined in European Union law. Their submission to the Council of the European Union and to the European Commission for endorsement and their monitoring will take place within the context of the existing surveillance procedures under the Stability and Growth Pact.

2. The implementation of the budgetary and economic partnership programme, and the yearly budgetary plans consistent with it, will be monitored by the Council of the European Union and by the European Commission.

ARTICLE 6

With a view to better coordinating the planning of their national debt issuance, the Contracting Parties shall report ex ante on their public debt issuance plans to the Council of the European Union and to the European Commission.

ARTICLE 7

While fully respecting the procedural requirements of the Treaties on which the European Union is founded, the Contracting Parties whose currency is the euro commit to supporting the proposals or recommendations submitted by the European Commission where it considers that a Member State of the European Union whose currency is the euro is in breach of the deficit criterion in the framework of an excessive deficit procedure. This obligation shall not apply where it is established among the Contracting Parties whose currency is the euro that a qualified majority of them, calculated by analogy with the relevant provisions of the Treaties on which the European Union is founded, without taking into account the position of the Contracting Party concerned, is opposed to the decision proposed or recommended.

ARTICLE 8

1. The European Commission is invited to present in due time to the Contracting Parties a report on the provisions adopted by each of them in compliance with Article 3(2). If the European Commission, after having given the Contracting Party concerned the opportunity to submit its observations, concludes in its report that such Contracting Party has failed to comply with Article 3(2), the matter will be brought to the Court of Justice of the European Union by one or more Contracting Parties. Where a Contracting Party considers, independently of the Commission's report, that another Contracting Party has failed to comply with Article 3(2), it may also bring the matter to the Court of Justice. In both cases, the judgment of the Court of Justice shall be binding on the parties to the proceedings, which shall take the necessary measures to comply with the judgment within a period to be decided by the Court of Justice.

2. Če pogodbenica na podlagi lastne ocene ali ocene Evropske komisije meni, da druga pogodbenica ni sprejela ukrepov, potrebnih za izvršitev sodbe Sodišča Evropske unije iz odstavka 1, lahko zadevo predloži Sodišču Evropske unije in zahteva naložitev finančnih sankcij na podlagi meril, ki jih je Evropska komisija določila v skladu s členom 260 Pogodbe o delovanju Evropske unije. Če Sodišče Evropske unije ugotovi, da zadevna pogodbenica ni izvršila njegove sodbe, ji lahko naloži plačilo pavšalnega zneska ali denarne kazni, ki je primerno glede na okoliščine in ne presega 0,1% njenega bruto domačega proizvoda. Zneski, naloženi državi članici, katere valuta je euro, se plačajo evropskemu mehanizmu za stabilnost. V drugih primerih se plačila izvedejo v splošni proračun Evropske unije.

3. Ta člen pomeni poseben sporazum med pogodbenicami v smislu člena 273 Pogodbe o delovanju Evropske unije.

NASLOV IV USKLAJEVANJE EKONOMSKIH POLITIK IN KONVERGENCA

ČLEN 9

Pogodbenice se zavezujejo, da si bodo na podlagi usklajevanja ekonomskih politik, kot je opredeljeno v Pogodbi o delovanju Evropske unije, skupaj prizadevale za ekonomsko politiko, ki bo s krepitvijo konvergence in konkurenčnosti spodbujala pravilno delovanje ekonomske in monetarne unije ter gospodarsko rast. V ta namen sprejmejo potrebne ukrepe na vseh področjih, ki so bistvena za pravilno delovanje euroobmočja, v prizadevanju za uresničitev ciljev podpiranja konkurenčnosti, spodbujanja zaposlovanja, nadaljnjega prispevanja k vzdržnosti javnih financ in krepitve finančne stabilnosti.

ČLEN 10

Pogodbenice so pripravljene, da v skladu z zahtevami Pogodb, na katerih temelji Evropska unija, kadar je to primerno in potrebno za države članice, katerih valuta je euro, uporabijo ukrepe v skladu s členom 136 Pogodbe o delovanju Evropske unije ter okrepljeno sodelovanje iz člena 20 Pogodbe o Evropski uniji in členov od 326 do 334 Pogodbe o delovanju Evropske unije pri zadevah, ki so bistvene za pravilno delovanje euroobmočja, ne da bi to ogrozilo delovanje notranjega trga.

ČLEN 11

Pogodbenice zaradi opredelitve najboljših praks in prizadevanj za bolj usklajeno ekonomsko politiko zagotovijo, da bodo o vseh večjih reformah ekonomskih politik, katerih izvajanje načrtujejo, predhodno razpravljale in jih po potrebi medsebojno uskladile. Pri tem usklajevanju sodelujejo institucije Evropske unije, kot to zahteva pravo Evropske unije.

NASLOV V UPRAVLJANJE EUROOBMOČJA

ČLEN 12

1. Voditelji držav ali vlad pogodbenic, katerih valuta je euro, se neformalno sestajajo na zasedanjih vrha držav euroobmočja skupaj s predsednikom Evropske komisije. K sodelovanju na teh zasedanjih je vabljen tudi predsednik Evropske centralne banke.

2. Where, on the basis of its own assessment or that of the European Commission, a Contracting Party considers that another Contracting Party has not taken the necessary measures to comply with the judgment of the Court of Justice referred to in paragraph 1, it may bring the case before the Court of Justice and request the imposition of financial sanctions following criteria established by the European Commission in the framework of Article 260 of the Treaty on the Functioning of the European Union. If the Court of Justice finds that the Contracting Party concerned has not complied with its judgment, it may impose on it a lump sum or a penalty payment appropriate in the circumstances and that shall not exceed 0,1% of its gross domestic product. The amounts imposed on a Contracting Party whose currency is the euro shall be payable to the European Stability Mechanism. In other cases, payments shall be made to the general budget of the European Union.

3. This Article constitutes a special agreement between the Contracting Parties within the meaning of Article 273 of the Treaty on the Functioning of the European Union.

TITLE IV ECONOMIC POLICY COORDINATION AND CONVERGENCE

ARTICLE 9

Building upon economic policy coordination, as defined in the Treaty on the Functioning of the European Union, the Contracting Parties undertake to work jointly towards an economic policy that fosters the proper functioning of the economic and monetary union and economic growth through enhanced convergence and competitiveness. To that end, the Contracting Parties shall take the necessary actions and measures in all the areas which are essential to the proper functioning of the euro area in pursuit of the objectives of fostering competitiveness, promoting employment, contributing further to the sustainability of public finances and reinforcing financial stability.

ARTICLE 10

In accordance with the requirements of the Treaties on which the European Union is founded, the Contracting Parties stand ready to make active use, whenever appropriate and necessary, of measures specific to those Member States whose currency is the euro, as provided for in Article 136 of the Treaty on the Functioning of the European Union, and of enhanced cooperation, as provided for in Article 20 of the Treaty on European Union and in Articles 326 to 334 of the Treaty on the Functioning of the European Union on matters that are essential for the proper functioning of the euro area, without undermining the internal market.

ARTICLE 11

With a view to benchmarking best practices and working towards a more closely coordinated economic policy, the Contracting Parties ensure that all major economic policy reforms that they plan to undertake will be discussed ex-ante and, where appropriate, coordinated among themselves. Such coordination shall involve the institutions of the European Union as required by European Union law.

TITLE V GOVERNANCE OF THE EURO AREA

ARTICLE 12

1. The Heads of State or Government of the Contracting Parties whose currency is the euro shall meet informally in Euro Summit meetings, together with the President of the European Commission. The President of the European Central Bank shall be invited to take part in such meetings.

Voditelji držav ali vlad pogodbenic, katerih valuta je euro, imenujejo predsednika vrha držav euroobmočja z navadno večino istočasno in za enak mandat, kot Evropski svet izvoli svojega predsednika.

2. Vrh držav euroobmočja zaseda po potrebi in najmanj dvakrat letno, da pogodbenice, katerih valuta je euro, razpravljajo o vprašanih v zvezi s posebnimi obveznostmi, ki so skupne pogodbenicam glede enotne valute, o drugih vprašanih glede upravljanja euroobmočja in pravil, ki se za to uporabljajo, ter o strateških usmeritvah za izvajanje ekonomskih politik zaradi večje konvergence v euroobmočju.

3. Voditelji držav ali vlad pogodbenic, katerih valuta ni euro in so ratificirale to pogodbo, na zasedanjih vrha držav euroobmočja sodelujejo pri razpravah v zvezi s konkurenčnostjo pogodbenic, spremembami splošne strukture euroobmočja in temeljnih pravil, ki se bodo v prihodnosti zanj uporabljala, kadar je to potrebno in najmanj enkrat letno, pa tudi pri razpravah o posebnih vprašanih glede izvajanja te Pogodbe o stabilnosti, usklajevanju in upravljanju v ekonomski in monetarni uniji.

4. Predsednik vrha držav euroobmočja skrbi za pripravo in kontinuiteto zasedanj vrha držav euroobmočja v tesnem sodelovanju s predsednikom Evropske komisije. Euroskupina je organ, odgovoren za pripravo zasedanj vrha držav euroobmočja in nadaljnje ukrepanje po zasedanjih, njen predsednik pa je lahko v ta namen vabljen, da se teh zasedanj udeleži.

5. Predsednik Evropskega parlamenta je lahko povabljen k besedi. Predsednik vrha držav euroobmočja po vsakem zasedanju vrha držav euroobmočja Evropskemu parlamentu predloži poročilo.

6. Predsednik vrha držav euroobmočja podrobno obvešča pogodbenice, katerih valuta ni euro, in druge države članice Evropske unije o pripravi in rezultatih zasedanj vrha držav euroobmočja.

ČLEN 13

Kakor je predvideno v naslovu II Protokola (št. 1) o vlogi nacionalnih parlamentov v Evropski uniji, priloženega Pogodbama o Evropski uniji, bodo Evropski parlament in nacionalni parlamenti pogodbenic skupaj določili, kako organizirati in spodbujati konferenco predstavnikov ustreznih odborov Evropskega parlamenta in predstavnikov ustreznih odborov nacionalnih parlamentov, da bi razpravljali o proračunskih politikah in drugih zadevah, določenih s to pogodbo.

NASLOV VI SPLOŠNE IN KONČNE DOLOČBE

ČLEN 14

1. Pogodbenice ratificirajo to pogodbo v skladu s svojimi ustavnimi pravili. Listine o ratifikaciji se deponirajo pri generalnem sekretariatu Sveta Evropske unije (v nadaljnjem besedilu: depozitar).

2. Ta pogodba začne veljati 1. januarja 2013, če do takrat listino o ratifikaciji deponira dvanajst pogodbenic, katerih valuta je euro, ali prvi dan meseca po deponiranju listine o ratifikaciji dvanajste pogodbenice, katere valuta je euro, kar je prej.

3. Za pogodbenice, katerih valuta je euro in ki so pogodbo ratificirale, se ta pogodba uporablja od datuma začetka veljavnosti. Za druge pogodbenice, katerih valuta je euro, se uporablja od prvega dneva meseca po deponiranju njihovih listin o ratifikaciji.

The President of the Euro Summit shall be appointed by the Heads of State or Government of the Contracting Parties whose currency is the euro by simple majority at the same time as the European Council elects its President and for the same term of office.

2. Euro Summit meetings shall take place when necessary, and at least twice a year, to discuss questions relating to the specific responsibilities which the Contracting Parties whose currency is the euro share with regard to the single currency, other issues concerning the governance of the euro area and the rules that apply to it, and strategic orientations for the conduct of economic policies to increase convergence in the euro area.

3. The Heads of State or Government of the Contracting Parties other than those whose currency is the euro, which have ratified this Treaty, shall participate in discussions of Euro Summit meetings concerning competitiveness for the Contracting Parties, the modification of the global architecture of the euro area and the fundamental rules that will apply to it in the future, as well as, when appropriate and at least once a year, in discussions on specific issues of implementation of this Treaty on Stability, Coordination and Governance in the Economic and Monetary Union.

4. The President of the Euro Summit shall ensure the preparation and continuity of Euro Summit meetings, in close cooperation with the President of the European Commission. The body charged with the preparation of and follow up to the Euro Summit meetings shall be the Euro Group and its President may be invited to attend such meetings for that purpose.

5. The President of the European Parliament may be invited to be heard. The President of the Euro Summit shall present a report to the European Parliament after each Euro Summit meeting.

6. The President of the Euro Summit shall keep the Contracting Parties other than those whose currency is the euro and the other Member States of the European Union closely informed of the preparation and outcome of the Euro Summit meetings.

ARTICLE 13

As provided for in Title II of Protocol (No 1) on the role of national Parliaments in the European Union annexed to the European Union Treaties, the European Parliament and the national Parliaments of the Contracting Parties will together determine the organisation and promotion of a conference of representatives of the relevant committees of the European Parliament and representatives of the relevant committees of national Parliaments in order to discuss budgetary policies and other issues covered by this Treaty.

TITLE VI GENERAL AND FINAL PROVISIONS

ARTICLE 14

1. This Treaty shall be ratified by the Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the General Secretariat of the Council of the European Union ("the Depositary").

2. This Treaty shall enter into force on 1 January 2013, provided that twelve Contracting Parties whose currency is the euro have deposited their instrument of ratification, or on the first day of the month following the deposit of the twelfth instrument of ratification by a Contracting Party whose currency is the euro, whichever is the earlier.

3. This Treaty shall apply as from the date of entry into force amongst the Contracting Parties whose currency is the euro which have ratified it. It shall apply to the other Contracting Parties whose currency is the euro as from the first day of the month following the deposit of their respective instrument of ratification.

4. Z odstopanjem od odstavkov 3 in 5 se naslov V uporablja za vse zadevne pogodbenice od datuma začetka veljavnosti te pogodbe.

5. Za pogodbenice z odstopanjem, kot je opredeljeno v členu 139(1) Pogodbe o delovanju Evropske unije ali z izjemo, opredeljeno v Protokolu (št. 16) o nekaterih določbah, ki se nanašajo na Dansko, priloženem Pogodbama o Evropski uniji, ki so to pogodbo ratificirale, se ta pogodba uporablja od datuma začetka učinkovanja sklepa o odpravi navedenega odstopanja ali izjeme, razen če zadevna pogodbenica ne izrazi namere, da bodo zanjo že prej zavezujoče vse ali nekatere določbe naslovov III in IV te pogodbe.

ČLEN 15

Ta pogodba je na voljo za pristop tistim državam članicam Evropske unije, ki niso pogodbenice. Pristop začne učinkovati z deponiranjem listine o pristopu pri depozitarju, ki o tem obvesti druge pogodbenice. Besedilo te pogodbe v uradnem jeziku pristopne države članice, ki je hkrati uradni in delovni jezik institucij Unije, se, potem ko njegovo verodostojnost potrdijo pogodbenice, shrani v arhivu depozitarja kot verodostojno besedilo te pogodbe.

ČLEN 16

V največ petih letih od datuma začetka veljavnosti te pogodbe se na podlagi ocene izkušenj z njenim izvajanjem sprejmejo potrebni ukrepi za vključitev vsebine te pogodbe v pravni okvir Evropske unije v skladu z določbami Pogodbe o Evropski uniji in Pogodbe o delovanju Evropske unije.

V Bruslju, dne drugega marca leta dva tisoč dvanajst.

Ta pogodba, sestavljena v enem izvorniku v angleškem, bolgarskem, danskem, estonskem, finskem, francoskem, grškem, irskem, italijanskem, latvijskem, litovskem, madžarskem, malteškem, nemškem, nizozemskem, poljskem, portugalskem, romunskem, slovaškem, slovenskem, španskem in švedskem jeziku, pri čemer so vsa besedila enako verodostojna, se shrani v arhivu depozitarja, ki pošlje overjen izvod vsaki pogodbenici.

4. By derogation from paragraphs 3 and 5, Title V shall apply to all Contracting Parties concerned as from the date of entry into force of this Treaty.

5. This Treaty shall apply to the Contracting Parties with a derogation, as defined in Article 139(1) of the Treaty on the Functioning of the European Union, or with an exemption, as referred to in Protocol (No 16) on certain provisions related to Denmark annexed to the European Union Treaties, which have ratified this Treaty, as from the date when the decision abrogating that derogation or exemption takes effect, unless the Contracting Party concerned declares its intention to be bound at an earlier date by all or part of the provisions in Titles III and IV of this Treaty.

ARTICLE 15

This Treaty shall be open to accession by Member States of the European Union other than the Contracting Parties. Accession shall be effective upon depositing the instrument of accession with the Depositary, which shall notify the other Contracting Parties thereof. Following authentication by the Contracting Parties, the text of this Treaty in the official language of the acceding Member State that is also an official language and a working language of the institutions of the Union, shall be deposited in the archives of the Depositary as an authentic text of this Treaty.

ARTICLE 16

Within five years, at most, of the date of entry into force of this Treaty, on the basis of an assessment of the experience with its implementation, the necessary steps shall be taken, in accordance with the Treaty on the European Union and the Treaty on the Functioning of the European Union, with the aim of incorporating the substance of this Treaty into the legal framework of the European Union.

Done at Brussels this second day of March in the year two thousand and twelve.

This Treaty, drawn up in a single original in the Bulgarian, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic, shall be deposited in the archives of the Depositary, which shall transmit a certified copy to each of the Contracting Parties.

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



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

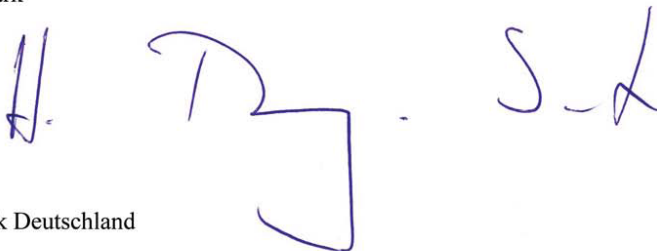
Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

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

За Република България



For Kongeriget Danmark



Für die Bundesrepublik Deutschland




Eesti Vabariigi nimel



Thar cheann Na hÉireann
For Ireland



Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française



Per la Repubblica italiana



Για την Κυπριακή Δημοκρατία

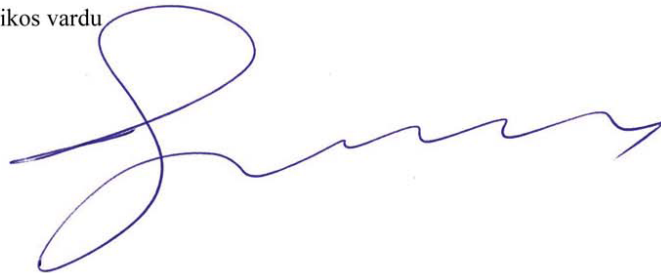


Latvijas Republikas vārdā –



IV. Dambors /

Lietuvos Respublikos vardu



Pour le Grand-Duché de Luxembourg



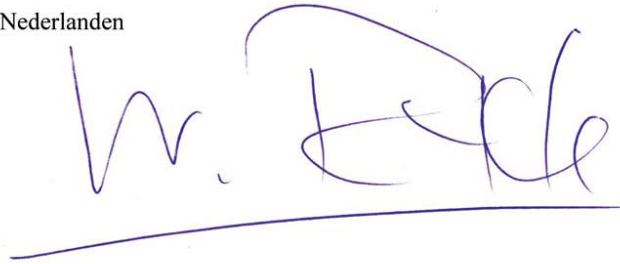
Magyarország részéről



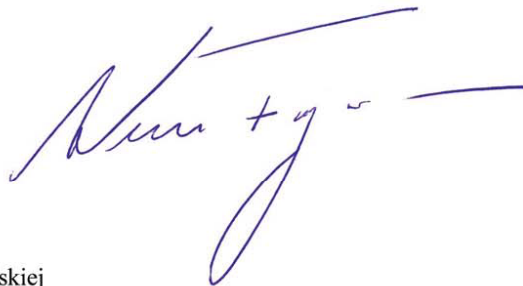
Għal Malta



Voor het Koninkrijk der Nederlanden



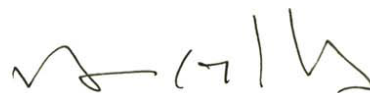
Für die Republik Österreich



W imieniu Rzeczypospolitej Polskiej



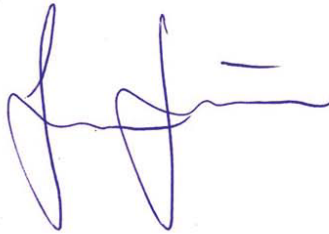
Pela República Portuguesa



Pentru Români

 - 02.02. 2012

Za Republiko Slovenijo



Za Slovenskú republiku



Suomen tasavallan puolesta
För Republiken Finland



För Konungariket Sverige



3. člen

Za izvajanje pogodbe skrbi ministrstvo, pristojno za finance.

4. člen

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

Št. 411-01/12-2/15

Ljubljana, dne 19. aprila 2012

EPA 80-VI

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

25. Zakon o ratifikaciji Sporazuma o vzpostavitvi funkcionalnega bloka zračnega prostora Srednje Evrope (MSVFBZP)

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 o vzpostavitvi funkcionalnega bloka zračnega prostora Srednje Evrope (MSVFBTP)**

Razglasjam Zakon o ratifikaciji Sporazuma o vzpostavitvi funkcionalnega bloka zračnega prostora Srednje Evrope (MSVBTP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 19. aprila 2012.

Št. 003-02-3/2012-10
Ljubljana, dne 30. aprila 2012

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA O VZPOSTAVITVI FUNKCIONALNEGA BLOKA ZRAČNEGA PROSTORA SREDNJE EVROPE (MSVFBZP)**

1. člen

Ratificira se Sporazum o vzpostavitvi funkcionalnega bloka zračnega prostora Srednje Evrope, sestavljen na Brdu pri Kranju 5. maja 2011.

2. člen

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

A G R E E M E N T**ON THE ESTABLISHMENT OF FUNCTIONAL AIRSPACE BLOCK CENTRAL EUROPE**

THE REPUBLIC OF AUSTRIA,
BOSNIA AND HERZEGOVINA,
THE REPUBLIC OF CROATIA,
THE CZECH REPUBLIC,
THE REPUBLIC OF HUNGARY,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF SLOVENIA,
hereinafter called "the Contracting States",

Preamble

HAVING REGARD that the Single European Sky (SES) initiative was launched in order to enhance current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management and air navigation services for general air traffic in Europe, with a view to meeting the requirements of all airspace users;

WHEREAS the SES objectives are to be inter alia implemented through functional airspace blocks based on operational requirements and established regardless of State boundaries, with the air navigation services being performance-driven and optimised with a view to introducing enhanced cooperation among air navigation service providers;

ACKNOWLEDGING that the Central Europe airspace is of significant importance in the European air traffic management and any improvements achieved in its design, management or in the provision of air navigation services will contribute to a better flow of traffic not only in Central Europe;

S P O R A Z U M**O VZPOSTAVITVI FUNKCIONALNEGA BLOKA ZRAČNEGA PROSTORA SREDNJE EVROPE**

REPUBLIKA AVSTRIJA,
BOSNA IN HERCEGOVINA,
ČEŠKA REPUBLIKA,
REPUBLIKA HRVAŠKA,
REPUBLIKA MADŽARSKA,
SLOVAŠKA REPUBLIKA,
REPUBLIKA SLOVENIJA,
v nadaljnjem besedilu "pogodbenice", so se

Preambula

OB UPOŠTEVANJU, da je cilj pobude za enotno evropsko nebo (SES) okrepiti sedanje standarde varnosti v zračnem prometu, prispevati k trajnostnemu razvoju sistema zračnega prometa ter izboljšati celotno učinkovitost upravljanja zračnega prometa in navigacijskih služb zračnega prometa za splošni zračni promet v Evropi, da bi bile izpolnjene zahteve vseh uporabnikov zračnega prostora;

OB UPOŠTEVANJU, da je treba cilje enotnega evropskega neba med drugim uresničevati z bloki zračnega prostora, ki temeljijo na operativnih zahtevah in so vzpostavljeni ne glede na državne meje, pri čemer je delovanje navigacijskih služb zračnega prometa zasnovano na učinkovitosti in je optimizirano, da bi se okrepilo sodelovanje med izvajalci navigacijskih služb zračnega prometa;

OB PRIZNAVANJU, da je zračni prostor srednje Evrope izredno pomemben za upravljanje evropskega zračnega prometa in bo vsak napredek, dosežen pri njegovem načrtovanju ali upravljanju ali delovanju navigacijskih služb zračnega prometa, izboljšal pretok zračnega prometa v srednji Evropi in tudi drugje;

DESIRING not to limit implementation of the SES to EU Member States only and to support its application to countries which are not members of the European Union;

RECOGNIZING that the conclusion of an Agreement regarding the establishment and implementation of a Functional Airspace Block shall not prejudice the principle that every State has complete and exclusive sovereignty over the airspace above its territory or the capacity of every State to exercise its prerogatives with regard to security and defence in its national airspace;

RECOGNISING that the national supervisory authority (NSA) of each Contracting State shall establish appropriate arrangements for a close cooperation with each other to ensure an adequate supervision of air navigation service providers that hold a valid certificate and that provide air navigation services in the airspace that falls under the responsibility of Contracting States;

RECOGNISING each Contracting State's discretion in delineating the scope of airspace and in determining air navigation services to be covered under this Agreement;

EXPRESSING their will to cooperate in the implementation of the SES so that its objectives can be achieved and airspace users may benefit from its implementation;

RESPECTING the conditions stemming from regional agreements concluded with the International Civil Aviation Organization (ICAO) and respecting regional agreements in existence on the date of entry into force of the Service Provision Regulation;

AIMING at the creation of the legal and institutional basis for a Functional Airspace Block Central Europe (FAB CE) to be established between the Contracting States;

RESPECTING that the FAB CE establishment is without prejudice to the flight information regions (FIRs) as recognized by the ICAO and that the Contracting States will retain the responsibilities towards the ICAO within the geographical limits of the FIRs entrusted to them by ICAO.

hereby agree as follows:

Article 1 Definitions

1. For the purposes of this Agreement, unless stated otherwise, the term:

(a) "FAB CE airspace" means the airspace encompassing the applicable airspace of each Contracting State;

(b) "FAB CE service" means any air navigation service as determined by Contracting States in Annex 2 to this Agreement to be provided with regard to their applicable airspace and not subject to any reservation in line with Article 20(1)(b);

(c) "applicable airspace" means, with respect to each Contracting State, the airspace under the Contracting State's responsibility and determined by such Contracting State in Annex 1 to this Agreement and not subject to any reservation in line with Article 20(1)(a);

(d) "certifying NSA" means, with respect to a particular air navigation service provider (ANSP), the national supervisory authority (NSA) nominated or established by any Contracting State that has certified that ANSP;

(e) "territorial NSA" means, with respect to a particular portion of airspace, the NSA nominated or established by the Contracting State having responsibility over that portion of airspace;

(f) "decisive date" means 30 June 2012 or the date of the entry into force of this Agreement, whichever is later.

V ŽELJI, da se vzpostavljanje enotnega evropskega neba ne omeji samo na države članice Evropske unije in da se njegova uporaba podpre tudi v državah, ki niso članice Evropske unije;

OB SPOZNAVANJU, da sklenitev sporazuma o vzpostavitvi in delovanju funkcionalnega bloka zračnega prostora ne vpliva na načelo, da ima vsaka država popolno in izključno suverenost nad zračnim prostorom nad svojim ozemljem, ali na zmožnost vsake države, da uveljavlja svoje pravice glede varnosti in obrambe v svojem zračnem prostoru;

OB PRIZNAVANJU, da nacionalni nadzorni organ (NSA) vsake pogodbenice sklepa ustrezne dogovore o tesnem medsebojnem sodelovanju, da bi zagotovil ustrezen nadzor nad izvajalci navigacijskih služb zračnega prometa, ki imajo veljaven certifikat in opravljajo navigacijsko službo v zračnem prostoru, ki je v pristojnosti pogodbenic;

OB PRIZNAVANJU presoje vsake pogodbenice o razmejitvi zračnega prostora in določanju navigacijskih služb zračnega prometa, ki morajo biti zajete v tem sporazumu;

Z IZRAŽANJEM ŽELJE po sodelovanju pri vzpostavljanju enotnega evropskega neba, da se lahko cilji uresničujejo in njegova uporaba koristi uporabnikom zračnega prostora;

OB UPOŠTEVANJU pogojev, ki izhajajo iz regionalnih sporazumov, sklenjenih z Mednarodno organizacijo civilnega letalstva (ICAO), in ob upoštevanju regionalnih sporazumov, ki veljajo na dan začetka veljavnosti Uredbe o izvajanju služb;

Z NAMENOM, da se med pogodbenicami oblikuje pravna in institucionalna podlaga za funkcionalni blok zračnega prostora srednje Evrope (FAB CE);

OB UPOŠTEVANJU, da vzpostavitev FAB CE ne posega v letalska informacijska območja (FIR), kot jih priznava ICAO, in da bodo pogodbenice obdržale odgovornosti do ICAO v zemljepisnih mejah letalskih informacijskih območij, ki jim jih je zaupala ICAO,

dogovorile:

1. člen Opredelitev pojmov

1. Če ni opredeljeno drugače, v tem sporazumu izraz:

(a) "zračni prostor FAB CE" pomeni zračni prostor, ki obsega opredeljeni zračni prostor vsake pogodbenice;

(b) "služba FAB CE" pomeni vsako navigacijsko službo zračnega prometa, za katero pogodbenice v prilogi 2 k temu sporazumu določijo, da se opravlja v njihovem opredeljenem zračnem prostoru in za katero ne velja noben pridržek v skladu s točko b prvega odstavka 20. člena;

(c) "opredeljeni zračni prostor" pomeni zračni prostor vsake pogodbenice, za katerega je pogodbenica pristojna in ga določi v prilogi 1 k temu sporazumu ter za katerega ne velja noben pridržek v skladu s točko a prvega odstavka 20. člena;

(d) "nacionalni nadzorni organ za certificiranje" pomeni nacionalni nadzorni organ za posameznega izvajalca navigacijskih služb zračnega prometa (ANSP), ki ga imenuje ali ustanovi vsaka pogodbenica, ki je izvajalcu navigacijskih služb zračnega prometa izdala certifikat;

(e) "ozemeljski nacionalni nadzorni organ" za določen del zračnega prostora pomeni nacionalni nadzorni organ, ki ga imenuje ali ustanovi pogodbenica, pristojna za tisti del zračnega prostora;

(f) "odločilni datum" pomeni 30. junij 2012 ali datum začetka veljavnosti tega sporazuma, kar je pozneje.

2. Unless stated otherwise or the context otherwise requires, other terms and expressions used in this Agreement shall be construed in accordance with their use and interpretation in the relevant legislation adopted on the basis of the Treaty on the Functioning of the European Union and on the basis of the Convention on International Civil Aviation.

Article 2

Objective

The objective of this Agreement is to establish a functional airspace block, set forth rules and procedures for its implementation, operation and further development in order to achieve compliance with the SES and set up relevant governance and management structures.

Article 3

Sovereignty

1. This Agreement shall be without prejudice to the complete and exclusive sovereignty of the Contracting States over the airspace above their territory.

2. Nothing in this Agreement shall prejudice or affect the rights and obligations of the Contracting States either under the Convention on International Civil Aviation or under other international agreements to which either of them is a party.

Article 4

Security and Defence

The provisions of this Agreement shall be without prejudice to the Contracting States' national requirements relating to public order, public security and defence interests and each Contracting State shall be entitled to apply any measure to the extent it is needed to safeguard essential security and defence policy interests. Furthermore, each Contracting State shall be entitled to safeguard military operations and trainings or other types of the operational air traffic in accordance with its national rules and regulations whenever the implementation of this Agreement will be detrimental to their safe and efficient performance.

Article 5

Establishment of a Functional Airspace Block

The Contracting States hereby establish the functional airspace block Central Europe (FAB CE). This Agreement shall apply to the FAB CE airspace to the extent of FAB CE services.

Article 6

FAB CE bodies

1. The Contracting States agree on the establishment of the following FAB CE bodies:

- (a) FAB CE Council;
- (b) Joint Civil Military Airspace Coordination Committee (JCMACC);
- (c) National Supervisory Authorities Coordination Committee (NSA CC);
- (d) Other bodies established by FAB CE Council to be necessary for implementation, operation and further development of the FAB CE.

2. The above mentioned bodies have no legal personality.

Article 7

FAB CE Council

1. The FAB CE Council is established as a joint decision-making body for the purposes of the implementation, operation and further development of this Agreement.

2. The FAB CE Council shall be composed of representatives of the Contracting States. Each Contracting State may appoint several delegates in order to allow the interests of both civil and military aviation to be represented. Each Contracting State shall have one vote.

2. Če ni navedeno drugače ali če sobesedilo ne zahteva drugače, se drugi pojmi in izrazi, uporabljeni v tem sporazumu, razlagajo v skladu z njihovo uporabo in razlago v ustrezni zakonodaji, sprejeti na podlagi Pogodbe o delovanju Evropske unije in Konvencije o mednarodnem civilnem letalstvu.

2. člen

Cilj

Cilj tega sporazuma je vzpostaviti funkcionalni blok zračnega prostora, določiti pravila in postopke za njegovo vzpostavljanje, delovanje in nadaljnji razvoj, da bo dosežena skladnost s pravili o enotnem evropskem nebu ter vzpostavljene ustrezne strukture upravljanja in vodenja.

3. člen

Suverenost

1. Ta sporazum ne vpliva na popolno in izključno suverenost pogodbenic nad zračnim prostorom nad njihovim ozemljem.

2. Nobena določba tega sporazuma ne posega v pravice in obveznosti pogodbenic, ki izhajajo iz Konvencije o mednarodnem civilnem letalstvu ali iz drugih mednarodnih sporazumov, katerih pogodbenice so, ali ne vpliva nanje.

4. člen

Varovanje in obramba

Določbe tega sporazuma ne posegajo v zahteve pogodbenic, ki se nanašajo na javni red, javno varnost in na obrambne interese; vsaka pogodbenica ima pravico, da uporabi kateri koli ukrep v takem obsegu, kot je potrebno, da zaščiti osnovne interese varnostne in obrambne politike. Poleg tega ima vsaka pogodbenica pravico, da vedno zaščiti vojaške operacije in usposabljanje ali druge vrste operativnega zračnega prometa v skladu s svojimi pravili in predpisi, kadar bo izvajanje tega sporazuma škodljivo vplivalo na njihovo varno in učinkovito izvajanje.

5. člen

Vzpostavitev funkcionalnega bloka zračnega prostora

Pogodbenice s tem sporazumom vzpostavljajo funkcionalni blok zračnega prostora srednje Evrope (FAB CE). Ta sporazum se uporablja za službe FAB CE v zračnem prostoru FAB CE.

6. člen

Organi FAB CE

1. Pogodbenice soglašajo z ustanovitvijo organov FAB CE:

- (a) Svet FAB CE;
- (b) Skupni odbor za civilno-vojaško koordinacijo zračnega prostora (JCMACC);
- (c) Koordinacijski odbor nacionalnih nadzornih organov (NSA CC);
- (d) drugi organi, ki jih ustanovi Svet FAB CE in so potrebni za izvajanje, delovanje in nadaljnji razvoj FAB CE.

2. Navedeni organi nimajo lastnosti pravne osebe.

7. člen

Svet FAB CE

1. Svet FAB CE se ustanovi kot skupni organ odločanja za izvajanje, delovanje in nadaljnje izpopolnjevanje tega sporazuma.

2. Svet FAB CE sestavljajo predstavniki pogodbenic. Vsaka pogodbenica lahko imenuje več delegatov, da omogoči zastopnost interesov civilnega in vojaškega letalstva. Vsaka pogodbenica ima en glas.

3. Each air traffic service provider designated for any portion of the FAB CE airspace shall have the right to nominate a representative to participate at the meetings of the FAB CE Council as observer.

4. The FAB CE Council shall, within the scope of this Agreement, take the actions necessary to ensure the implementation, operation and further development of the FAB CE in order to ensure its compliance with the requirements and the achievement of the goals set out in the SES legislation, including compliance with the performance scheme and targets set forth thereunder.

5. The FAB CE Council shall consider, discuss and adopt decisions on the following matters:

(a) the formulation and endorsement of the FAB CE principles, objectives and policy at the strategic level for inner and outer matters of the FAB CE, including but not limited to:

- (i) airspace design;
- (ii) airspace management (ASM);
- (iii) air navigation services (ANS);
- (iv) air traffic flow management (ATFM);
- (v) supervision and safety oversight concerning ANS, ATFM, ASM and training and licensing of staff;

(b) proposals for amendments to or termination of this Agreement;

(c) its own rules of procedure;

(d) the establishment of other bodies referred to in Article 6(1)(d);

(e) terms of reference of the bodies established pursuant to Article 6(1)(b)-(d) and their amendments;

(f) any other matter of a similar nature with the aim to meet the objective of this Agreement.

6. The FAB CE Council shall also consider, discuss and adopt measures on the following matters:

(a) the endorsement of overall plans and measures related to the implementation, further development and operation of FAB CE;

(b) the contingency issues;

(c) harmonisation of the charging scheme;

(d) establishment of charging zone(s), extending across national borders;

(e) harmonisation of rules on ANS, ATFM, ASM, training and licensing of related staff and rules of the air, including the harmonization of the notified differences with the ICAO standards;

(f) the performance plans;

(g) fostering and facilitating cooperation of ANSPs aiming at the improvement of their performance in the FAB CE;

(h) any other matter of a similar nature, with the aim to meet the objective of this Agreement.

7. The measure as referred in paragraph 6 above shall be in line with already adopted decisions of FAB CE Council, unless otherwise provided herein.

8. The FAB CE Council shall meet when convened by its chairperson or at the request of any two Contracting States.

9. The FAB CE Council shall adopt decisions and measures by consensus. If consensus cannot be reached, the FAB CE Council shall adopt decisions and measures by voting in accordance with the following rules:

(a) decisions shall require unanimity of the Contracting States and shall be amended or repealed by another decision only;

(b) measures shall require the simple majority of the Contracting States and shall be amended or repealed by other measures only.

3. Vsak izvajalec služb zračnega prometa, imenovan za kateri koli del zračnega prostora FAB CE, ima pravico imenovati predstavnika, ki kot opazovalec sodeluje na sestankih Sveta FAB CE.

4. Svet FAB CE v skladu s tem sporazumom sprejme ukrepe, potrebne za vzpostavljanje, delovanje in nadaljnji razvoj FAB CE, da tako zagotovi njegovo skladnost z zahtevami in uresničitev ciljev, določenih v zakonodaji o enotnem evropskem nebu, vključno s skladnostjo z načrtom učinkovitosti in s cilji, določenimi v njej.

5. Svet FAB CE obravnava, razpravlja in sprejema sklepe o teh zadevah:

(a) o oblikovanju in potrditvi načel, ciljev in politike FAB CE na strateški ravni v zvezi z notranjimi in zunanji zadevami FAB CE, kar med drugim vključuje:

(i) načrtovanje zračnega prostora;

(ii) upravljanje zračnega prostora (ASM);

(iii) navigacijske službe zračnega prometa (ANS);

(iv) upravljanje pretoka zračnega prometa (ATFM);

(v) spremljanje in nadzor varnosti v zvezi z navigacijskimi službami zračnega prometa (ANS), upravljanjem pretoka zračnega prometa (ATFM), upravljanjem zračnega prostora (ASM) in usposabljanjem in licenciranjem osebja;

(b) o predlogih glede sprememb ali prenehanja veljavnosti tega sporazuma;

(c) o svojem poslovniku;

(d) o ustanovitvi drugih organov iz točke d prvega odstavka 6. člena;

(e) o pristojnostih in nalogah organov, ustanovljenih v skladu s točko b do d prvega odstavka 6. člena in njihovimi spremembami;

(f) o vsaki drugi podobni zadevi, katere namen je izpolnitev cilja tega sporazuma.

6. Svet FAB CE prav tako obravnava, razpravlja in sprejema ukrepe, ki se nanašajo na:

(a) potrditev celotnih načrtov in ukrepov glede vzpostavljanja, delovanja in nadaljnjega razvoja FAB CE;

(b) ukrepanje v izrednih razmerah;

(c) uskladitev sistema zaračunavanja;

(d) uvedbo območja ali območij zaračunavanja, ki segajo čez državne meje;

(e) uskladitev pravil za navigacijske službe zračnega prometa (ANS), upravljanje pretoka zračnega prometa (ATFM), upravljanje zračnega prostora (ASM), usposabljanje in licenciranje ustreznega osebja ter uskladitev letalskih predpisov, vključno s sporočenimi odmiki od standardov ICAO;

(f) načrte zmogljivosti;

(g) spodbujanje in olajšanje sodelovanja med izvajalci navigacijskih služb zračnega prometa, da bi se izboljšala njihova učinkovitost v FAB CE;

(h) vsako drugo podobno zadevo, katere namen je izpolnitev cilja tega sporazuma.

7. Če v tem sporazumu ni drugače določeno, je ukrep iz šestega odstavka v skladu z že sprejetimi sklepi Sveta FAB CE.

8. Svet FAB CE se sestane, ko ga skliče predsednik sveta ali če to zahtevata dve pogodbenici.

9. Svet FAB CE soglasno sprejema sklepe in ukrepe. Če soglasja ni mogoče doseči, Svet FAB CE odločitve in ukrepe sprejme z glasovanjem v skladu s temi pravili:

(a) pri sprejemanju odločitev se zahteva soglasje pogodbenic, sklepi pa se spremenijo ali razveljavijo le z drugim sklepom;

(b) pri sprejemanju ukrepov se zahteva navadna večina pogodbenic, ukrepi pa se spremenijo ali razveljavijo le z drugimi ukrepi.

Such amending or repealing measure shall require the simple majority of the Contracting States. The Contracting State(s) having adopted the amending/repealing measure and the original measure shall be bound by the original measure in relation to the Contracting State(s) which have adopted the original measure only:

(i) for the time period of application of the original measure; or

(ii) for one year (transitional period) following adoption of the amending/repealing measure if no time period for application has been stipulated in the original measure.

The Contracting State(s) which were bound by the original measure, but did not vote for the amending or repealing measure shall continue to be bound by the original measure, unless, in case (ii), any of them indicates otherwise for the time after the transitional period.

(c) any Contracting State not represented at the meeting shall have the right to cast its vote in writing; if no response is received within 21 days after receiving the written proposal of the decision or the measure, such Contracting State's vote shall be deemed affirmative.

10. Unless otherwise provided hereunder or in the respective decision, decisions shall be binding on all Contracting States. Unless otherwise provided in the respective measure, measures shall be binding on all Contracting States having voted in favour of the measure. A Contracting State not having voted in favour of the measure shall not be bound by the measure unless it notifies the FAB CE Council at any point in time that it considers itself be bound by the measure from a particular date and in respect of all or particular portions of its applicable airspace and all or particular ANS provided in its applicable airspace.

11. The adoption of the measure shall not prevent two or more Contracting States, which have not voted in favour of the measure, to conclude and implement appropriate flexibility arrangement in line with Article 10 of this Agreement.

12. Any resolution adopted on matters listed under paragraph 6 shall be deemed a measure regardless of its denomination and regardless of whether it was actually adopted by consensus, unanimity or majority.

13. Each Contracting State shall implement any decision and measure binding on it in due time in its national legislation or otherwise ensure their effective implementation.

14. If a proposed decision or measure does not affect the applicable airspace of a Contracting State or the ANS a Contracting State has included in Annex 2, such Contracting State shall have no voting right and shall not be deemed a Contracting State under paragraph 9 and 10, provided that:

(a) Such decision/measure does not include interfaces to applicable airspace of such Contracting State;

(b) Such decision/measure is in line with the decisions/measures adopted by such Contracting State.

Such decision/measure shall not be binding for such Contracting State and shall not anyhow limit or restrict the right of such Contracting State to adopt a decision/measure on the issues and scope as listed in paragraph 5 and 6 above.

In case of a reservation under Article 20, the same shall apply *mutatis mutandis* for a period after two years from the decisive date.

Article 8

Joint Civil-Military Airspace Coordination Committee (JC-MACC)

The Joint Civil-Military Airspace Coordination Committee shall be composed of the representatives of civil and military aviation of the Contracting States aiming at, inter alia, strategic coordination of national ASM and airspace design policies, ATFCM processes and Civil-Military cooperation of all FAB CE States. The JC-MACC reports to the FAB CE Council.

Za ukrep o spremembi ali razveljavitvi se zahteva navadna večina pogodbenic. Pogodbenico ali pogodbenice, ki so sprejele ukrep o spremembi ali razveljavitvi in prvotni ukrep, slednji zavezuje v odnosu do pogodbenice ali pogodbenic, ki so sprejele prvotni ukrep, le:

(i) ob uporabi prvotnega ukrepa ali

(ii) eno leto (prehodno obdobje) po sprejetju ukrepa o spremembi ali razveljavitvi, če v prvotnem ukrepu ni določeno časovno obdobje uporabe;

Pogodbenico ali pogodbenice, ki jih je zavezoval prvotni ukrep, vendar niso glasovale za spremembo ali razveljavitve ukrepa, prvotni ukrep še naprej zavezuje, razen če po ii pogodbenica za obdobje po poteku prehodnega obdobja ne navede drugače;

(c) vsaka pogodbenica, ki na sestanku ni zastopana, ima pravico, da odda svoj glas pisno; če v 21 dneh po prejemu pisnega predloga sklepa ali ukrepa ni odgovora, se šteje, da je pogodbenica glasovala pritrdilno.

10. Če ta sporazum ali sklep ne določa drugače, so sklepi zavezujoči za vse pogodbenice. Če ukrep ne določa drugače, so ukrepi zavezujoči za vse pogodbenice, ki so zanj glasovale. Če pogodbenica ni glasovala za ukrep, zanj ni zavezujoč, razen če Svetu FAB CE ne sporoči, da meni, da jo ukrep zavezuje od določenega datuma in za vse ali posamezne dele njenega opredeljenega zračnega prostora in za vse ali posamezne navigacijske službe zračnega prometa, ki delujejo v njenem opredeljenem zračnem prostoru.

11. Sprejetje ukrepa dvema ali več pogodbenicam, ki so glasovale proti ukrepu, ne preprečuje sklenitve in izvajanja ustreznega prožnega dogovora v skladu z 10. členom tega sporazuma.

12. Vsak sprejet sklep, ki se nanaša na šesti odstavek, se šteje za ukrep, ne glede na njegovo poimenovanje in ne glede na to, ali je bil dejansko sprejet soglasno ali z večino.

13. Vsaka pogodbenica v svoji zakonodaji pravočasno izvede vse zavezujoče sklepe in ukrepe ali kako drugače zagotovi njihovo učinkovito izvajanje.

14. Če predlagani sklep ali ukrep ne vpliva na opredeljeni zračni prostor pogodbenice ali navigacijske službe zračnega prometa, ki jih je pogodbenica vključila v priložo 2, nima pravice do glasovanja in se ne šteje za pogodbenico po devetem in desetem odstavku, če:

(a) ta sklep ali ukrep ne vključuje vmesnikov za njen opredeljeni zračni prostor;

(b) je ta sklep ali ukrep v skladu s sklepi ali ukrepi, ki jih je pogodbenica sprejela.

Ta sklep ali ukrep za pogodbenico ni zavezujoč in ne omejuje njene pravice, da sprejme sklep ali ukrep o vprašanih in v obsegu petega in šestega odstavka.

Pri pridržku po 20. členu *smiselno* enako velja po dveh letih od odločilnega datuma.

8. člen

Skupni odbor za civilno-vojaško koordinacijo zračnega prostora (JC-MACC)

Skupni odbor za civilno-vojaško koordinacijo zračnega prostora sestavljajo predstavniki civilnega in vojaškega letalstva pogodbenic, katerih cilj je *med drugimi* strateško usklajevanje nacionalnih politik upravljanja in načrtovanja zračnega prostora, postopkov upravljanja pretoka in zmogljivosti zračnega prostora in civilno-vojaškega sodelovanja vseh držav FAB CE. Skupni odbor za civilno-vojaško koordinacijo zračnega prostora svoja poročila predloži Svetu FAB CE.

Article 9

National Supervisory Authorities Coordination Committee
(NSA CC)

The National Supervisory Authorities Coordination Committee shall be composed of the representatives of national supervisory authorities (NSAs) exercising supervision tasks in the FAB CE airspace with the aim to exercise the tasks set out in Article 14. The NSA CC reports to the FAB CE Council. Such reporting is without prejudice to the exercise of powers of the individual NSAs impartially, independently and transparently.

Article 10

Flexibility Arrangements

1. Two or more Contracting States wishing to develop or implement further arrangements to increase the level of harmonization, performance or cooperation between themselves or the service providers providing FAB CE services in their applicable airspace may enter into flexibility arrangements in accordance herewith.

2. Such arrangements shall not affect the rights and obligations of those Contracting States not participating in such arrangements and shall not contradict the decisions already adopted by the FAB CE Council and the level of harmonization already established between the Contracting States participating in the individual arrangement and the other Contracting States.

Article 11

Air Navigation Services

1. Each Contracting State shall ensure that the FAB CE services are provided in its applicable airspace.

2. Unless otherwise expressly provided therein, nothing in this Agreement or the measures adopted hereunder shall be deemed to limit the capacity of ANSPs providing FAB CE services to cooperate.

Article 12

Joint Designation

1. Each Contracting State shall be entitled to designate, and repeal or amend such designation of, one or more air traffic service provider(s) to provide air traffic services in its applicable airspace, wholly or partially. Such designation, repeal or amendment shall be notified to the Depositary in writing.

2. The Contracting States concerned shall implement the FAB CE Council measures establishing cross border sectors by either:

(a) agreeing, on a bilateral or multilateral basis, on the allocation in accordance with paragraph 1 of this Article of an air traffic service provider for the respective cross border sector(s); or

(b) ensuring that appropriate agreements are entered into between the air traffic service providers concerned for the provision of air traffic services in the respective cross border sector(s), and approved by the Contracting States concerned.

3. Any air traffic service provider designated under paragraph 1 shall be deemed jointly designated by all Contracting States as from the date of notification of the designation to the Depositary until any amendment or repealing as defined in paragraph 1.

4. The Contracting States whose airspace is concerned by agreements between air traffic services providers, either designated or not designated under this Agreement, on the provision of ATS shall remain solely responsible for approval of such agreements. Any two or more neighbouring Contracting States shall be free to enter into appropriate arrangements or agreements with respect to granting such approval.

9. člen

Koordinacijski odbor nacionalnih nadzornih organov
(NSA CC)

Koordinacijski odbor nacionalnih nadzornih organov sestavljajo predstavniki nacionalnih nadzornih organov (NSA), ki opravljajo nadzor v zračnem prostoru FAB CE zaradi opravljanja nalog iz 14. člena. Koordinacijski odbor svoja poročila predloži Svetu FAB CE. Tako poročanje ne posega v nepristransko, neodvisno in pregledno izpolnjevanje pristojnosti posameznih nacionalnih nadzornih organov.

10. člen

Prožni dogovori

1. Dve ali več pogodbenic, ki želi razviti ali izvajati dodatne dogovore, da bi izboljšale raven usklajenosti, učinkovitosti ali sodelovanja med seboj ali med izvajalci služb FAB CE, ki te službe opravljajo v njihovem opredeljenem zračnem prostoru, lahko sklepajo prožne dogovore v skladu s tem sporazumom.

2. Taki dogovori ne vplivajo na pravice in obveznosti pogodbenic, ki pri teh dogovorih ne sodelujejo ter niso v nasprotju z že sprejetimi sklepi Sveta FAB CE in z ravno že dosežene uskladitve med pogodbenicami, ki sodelujejo pri posameznem dogovoru, in drugimi pogodbenicami.

11. člen

Navigacijske službe zračnega prometa

1. Vsaka pogodbenica zagotovi, da službe FAB CE opravljajo svoje delo v njenem opredeljenem prostoru.

2. Če v tem sporazumu ni izrecno drugače določeno, se nobena njegova določba ali ukrepi, sprejeti na njegovi podlagi, ne štejejo za omejevanje možnosti sodelovanja navigacijskih služb zračnega prometa, ki zagotavljajo delovanje FAB CE.

12. člen

Skupno imenovanje

1. Vsaka pogodbenica ima pravico, da imenuje, prekliče ali spremeni imenovanje enega ali več izvajalcev služb zračnega prometa, ki delno ali v celoti opravljajo službe zračnega prometa v njenem opredeljenem zračnem prostoru. O imenovanju, preklicu ali spremembi se pisno obvesti depozitar.

2. Pogodbenice izvajajo ukrepe Sveta FAB CE za vzpostavitev čezmejnih sektorjev, tako da:

(a) na dvo- ali večstranski podlagi soglašajo z dodelitvijo izvajalca služb zračnega prometa v skladu s prvim odstavkom tega člena za čezmejni sektor ali čezmejne sektorje ali

(b) zagotovijo, da izvajalci služb zračnega prometa sklepajo ustrezne dogovore v zvezi z delovanjem služb zračnega prometa v čezmejnem sektorju ali čezmejnih sektorjih ter da jih pogodbenice odobrijo.

3. Izvajalec služb zračnega prometa, ki je imenovan v skladu s prvim odstavkom, se šteje za izvajalca, ki ga skupaj imenujejo vse pogodbenice od dneva, ko je o njegovem imenovanju obveščen depozitar, do spremembe ali preklica, kakor je opredeljeno v prvem odstavku.

4. Pogodbenice, katerih zračni prostor urejajo sporazumi o delovanju služb zračnega prometa med izvajalci služb zračnega prometa, ki so ali niso določeni v tem sporazumu, so same odgovorne za potrditev takih sporazumov. Dve ali več sosednjih pogodbenic ima pravico skleniti ustrezne dogovore ali sporazume v zvezi z izdajo take potrditve.

5. Each Contracting State intending to delegate the responsibility for establishing and/or providing air traffic services in the FAB CE airspace to other than the Contracting States shall ensure that it continues to comply with all provisions of this Agreement.

Article 13
Airspace

1. The FAB CE airspace is subject to governance by the Contracting States as determined hereunder.

2. This Agreement does not affect the right of each Contracting State to apply the flexible use of airspace concept when reserving, restricting or otherwise organizing defined volumes of airspace not extending across its applicable airspace, for exclusive or specific use of military users and/or aircrafts operated as operational air traffic. Nevertheless, these airspace restrictions and reservations, having significant impact on civil traffic flows, shall be coordinated through JC MACC in line with the coordination process to be defined by the JC-MACC.

Article 14
Supervision

1. The certifying NSA shall carry out all supervision and safety oversight in respect of the provision by the ANSP concerned of any FAB CE service in such portion of the FAB CE airspace, which does not fall under responsibility of the Contracting State which nominated the certifying NSA.

2. The territorial NSA shall have the right to request audits and direct participation in all supervision tasks carried out by the certifying NSA to the extent the tasks are exercised in relation to the provision of the FAB CE services in the FAB CE airspace under the territorial NSA's responsibility. The certifying NSA shall take due account of the proposals or comments made by the territorial NSA. The ANSP subject to supervision by the certifying NSA shall enable the territorial NSA to exercise its rights hereunder.

3. The territorial NSA shall inform the certifying NSA of all rules and procedures applicable for the provision of FAB CE services in the airspace falling under its responsibility.

4. The Contracting States mutually recognise any finding, conclusion or decision made by the certifying NSA with regard to provision of FAB CE service by the ANSP concerned in the portion of the FAB CE airspace which does not fall under responsibility of the Contracting State which nominated the certifying NSA. In case the certifying NSA makes a finding, conclusion or decision without taking due account of the relevant rules and procedures disclosed to it by the territorial NSA under paragraph 3, the Contracting State which nominated the territorial NSA shall have the right not to recognise such finding, conclusion or decision and, if so deemed necessary, suspend application of this Article and resume supervision and safety oversight responsibility accordingly.

5. The Contracting States shall ensure that a written NSA Co-operation Agreement is concluded providing for the detailed conditions of the exercise of the rights and obligations of their NSAs under this Article and for the exchange and dissemination of safety-related information.

6. Paragraph 1 to 5 shall apply *mutatis mutandis* to the safety oversight on ATFM and ASM. The NSA responsible for safety oversight shall be the NSA of the Contracting State in whose territory the organisation providing ATFM or ASM at the tactical level has its principal place of business.

5. Pogodbenica, ki namerava prenesti odgovornost za določitev in/ali delovanje služb zračnega prometa v zračnem prostoru FAB CE na državo, ki ni pogodbenica, zagotovi, da bo tudi v prihodnje upoštevala vse določbe tega sporazuma.

13. člen
Zračni prostor

1. Zračni prostor FAB CE je v upravljanju pogodbenic, kot je določeno v tem sporazumu.

2. Ta sporazum ne vpliva na pravico nobene pogodbenice, da uporabi koncept prožne uporabe zračnega prostora pri rezerviranju, omejevanju ali drugačnem organiziranju opredeljenih delov zračnega prostora, ki ne segajo čez njen opredeljeni zračni prostor, za izključno ali posebno uporabo za vojaške uporabnike in/ali zrakoplove v operativnem zračnem prometu. Ne glede na to pa se bodo omejitve in rezervacije zračnega prostora, ki precej vplivajo na pretok civilnega letalskega prometa, usklajevale prek Skupnega odbora za civilno-vojaško koordinacijo zračnega prostora v skladu s postopkom usklajevanja, ki ga ta opredeli.

14. člen
Nadzor

1. Nacionalni nadzorni organ za certificiranje v celoti spremlja in nadzira varnost katere koli službe FAB CE, ki jo opravlja izvajalec navigacijskih služb zračnega prometa v delu zračnega prostora FAB CE, za katerega ni pristojna pogodbenica, ki je predlagala nacionalni nadzorni organ za certificiranje.

2. Ozemeljski nacionalni nadzorni organ ima pravico zahtevati revizije in neposredno sodelovanje pri vseh nadzornih nalogah, ki jih opravlja nacionalni nadzorni organ za certificiranje, če se te naloge opravljajo v zvezi z izvajanjem služb FAB CE v zračnem prostoru FAB CE, za katerega je pristojen ozemeljski nacionalni nadzorni organ. Nacionalni nadzorni organ za certificiranje ustrezno upošteva predloge ali pripombe ozemeljskega nacionalnega nadzornega organa. Izvajalec navigacijskih služb zračnega prometa, ki ga nadzira nacionalni nadzorni organ za certificiranje, omogoči ozemeljskemu nacionalnemu nadzornemu organu uresničevanje njegovih pravic, ki izhajajo iz tega sporazuma.

3. Ozemeljski nacionalni nadzorni organ obvešča nacionalni nadzorni organ za certificiranje o vseh pravilih in postopkih, ki se uporabljajo za opravljanje služb FAB CE v zračnem prostoru, ki je v njegovi pristojnosti.

4. Pogodbenice vzajemno priznavajo vse ugotovitve, sklepe ali odločitve, ki jih sprejme nacionalni nadzorni organ za certificiranje v zvezi s službo FAB CE, ki jo opravlja izvajalec navigacijskih služb zračnega prometa v delu zračnega prostora FAB CE, ki ni v pristojnosti pogodbenice, ki je imenovala nacionalni nadzorni organ za certificiranje. Če nacionalni nadzorni organ za certificiranje pri sprejemanju ugotovitve, sklepa ali odločitve ne upošteva ustreznih pravil in postopkov, s katerimi ga je v skladu s tretjim odstavkom seznanil ozemeljski nacionalni nadzorni organ, ima pogodbenica, ki je imenovala ozemeljski nacionalni nadzorni organ, pravico, da take ugotovitve, sklepa ali odločitve ne prizna, in če se ji zdi potrebno, začasno prekine izvajanje tega člena in skladno s tem ponovno prevzame pristojnost za spremljanje in nadzor varnosti.

5. Pogodbenice zagotovijo, da se sklene pisni sporazum o sodelovanju nacionalnih nadzornih organov, ki bo urejal natančne pogoje za izpolnjevanje pravic in obveznosti njihovih nacionalnih nadzornih organov po tem členu ter izmenjavo in razširjanje informacij, povezanih z varnostjo.

6. Prvi do peti odstavek se *smiselno* uporablja za nadzor varnosti nad upravljanjem pretoka zračnega prometa (ATFM) in upravljanjem zračnega prostora (ASM). Za nadzor varnosti je odgovoren nacionalni nadzorni organ tiste pogodbenice, na ozemlju katere ima organizacija, ki na taktični ravni zagotavlja upravljanje pretoka zračnega prometa (ATFM) ali upravljanje zračnega prostora (ASM), svoj glavni poslovni sedež.

7. Each licensing NSA responsible for any portion of cross border sector shall have the right to issue a unit endorsement for the whole cross border sector, once the relevant requirements and procedures are agreed and fulfilled by all licensing NSAs concerned. The concerned Contracting States mutually recognise such unit endorsements.

8. This Article shall not apply to supervision and safety oversight in respect of the provision of any FAB CE service by any ANSP other than those certified by an NSA of a Contracting State.

Article 15

Financial arrangements

Each Contracting State shall bear its own expenses regarding implementation, operation and further development of the FAB CE.

Article 16

Accession of a State to the FAB CE Agreement

1. This Agreement is open for accession by any EU Member State or any contracting party to the European Common Aviation Area Agreement, provided that their airspace is adjacent to the FAB CE airspace.

2. Any accession shall be subject to mutual written consent of all Contracting States.

Article 17

Amendments

This Agreement may be amended by mutual written consent of all Contracting States.

Article 18

Withdrawal of a Contracting State from the FAB CE Agreement

1. Each Contracting State may withdraw from this Agreement by written notification to the Depositary.

2. The withdrawal shall take effect one year following the date on which the notification has been received by the Depositary. During such period, the other Contracting States shall take the necessary measures to reconfigure the FAB CE airspace and the provision of FAB CE services. The withdrawing Contracting State shall bear the costs of the withdrawal incurred by the other Contracting States in course of the transition period and in connection with the reconfiguration of the FAB CE airspace and the provision of the FAB CE services, which the other Contracting States would not have otherwise incurred.

Article 19

Termination

1. This Agreement may be terminated by mutual written consent of all Contracting States.

2. The termination shall not become effective earlier than all mutual obligations of the Contracting States under this Agreement have been settled.

Article 20

Reservation

1. Each Contracting State may, upon the signature of this Agreement or together with the deposit of its instrument of ratification, acceptance or approval, submit the following reservations:

(a) this Agreement shall not apply to one or more specified portion(s) of its applicable airspace other than en-route controlled airspace; and/or

(b) this Agreement shall not apply to one or more services (or parts thereof) provided with regard to is applicable airspace and listed in Annex 2 other than:

(i) en-route air traffic services,

7. Vsak nacionalni nadzorni organ za licenciranje, ki je pristojen za kateri koli del čezmejnega sektorja, ima pravico, da izda dovoljenje za enoto v celotnem čezmejnem sektorju, ko se vsi nacionalni nadzorni organi za licenciranje dogovorijo o ustreznih zahtevah in postopkih ter jih izpolnijo. Pogodbenice vzajemno priznavajo taka dovoljenja za enoto.

8. Ta člen se ne uporablja za spremljanje in nadzor varnosti v zvezi s katero koli službo FAB CE, ki jo opravlja kateri koli izvajalec navigacijskih služb zračnega prometa, razen tistih, ki jih je certificiral nacionalni nadzorni organ pogodbenice.

15. člen

Finančna ureditev

Vsaka pogodbenica krije svoje lastne stroške izvajanja, delovanja in nadaljnega razvoja FAB CE.

16. člen

Pristop države k sporazumu FAB CE

1. K temu sporazumu lahko pristopi vsaka država članica Evropske unije ali katera koli pogodbenica Sporazuma o skupnem evropskem zračnem prostoru, če njen zračni prostor meji na zračni prostor FAB CE.

2. Za vsak pristop je potrebno medsebojno pisno soglasje vseh pogodbenic.

17. člen

Spremembe

Ta sporazum se lahko spremeni z medsebojnim pisnim soglasjem vseh pogodbenic.

18. člen

Odpoved sporazuma FAB CE pogodbenice

1. Vsaka pogodbenica lahko odpove sporazum s pisnim obvestilom depozitarju.

2. Odpoved začne veljati eno leto po datumu, ko depozitar prejme obvestilo. V tem času druge pogodbenice sprejmejo potrebne ukrepe za preoblikovanje zračnega prostora FAB CE in služb FAB CE. Pogodbenica, ki odpove sporazum, krije stroške, ki jih imajo druge pogodbenice zaradi odpovedi v prehodnem obdobju, in stroške, povezane s preoblikovanjem zračnega prostora FAB CE ter služb FAB CE, ki jih druge pogodbenice sicer ne bi imele.

19. člen

Prenehanje veljavnosti

1. Ta sporazum lahko preneha veljati s pisnim soglasjem vseh pogodbenic.

2. Sporazum preneha veljati šele, ko pogodbenice izpolnijo vse medsebojne obveznosti po tem sporazumu.

20. člen

Pridržki

1. Vsaka pogodbenica lahko ob podpisu tega sporazuma ali skupaj z deponiranjem svoje listine o ratifikaciji, sprejetju ali odobritvi predloži te pridržke:

(a) ta sporazum se ne uporablja za enega ali več opredeljenih delov njenega opredeljenega zračnega prostora, razen nadzorovanega zračnega prostora zračnih poti, in/ali

(b) ta sporazum se ne uporablja za eno ali več služb (ali njihovih delov), ki so zagotovljene v njenem zračnem prostoru in so našteje v prilogi 2, razen za:

(i) službe zračnega prometa na zračnih poteh,

(ii) communication, navigation and surveillance services needed for en-route air traffic services,

(iii) interfaces between en-route air traffic services and aeronautical information services,

(iv) interfaces between en-route air traffic services and meteorological services and

(v) interfaces between en-route air traffic services and search and rescue services,

2. Each Contracting State may withdraw its reservation wholly or in part at any time after the Agreement enters into force in respect of such Contracting State.

3. The reservation or a withdrawal thereof is effective upon receipt by the Depositary.

Article 21

Suspension

1. In order to safeguard essential public order, public security and defence interests or if otherwise provided in this Agreement, each Contracting State has the right to suspend the application of the Agreement or parts thereof. It shall immediately notify the Depositary of the suspension.

2. The suspending Contracting State shall terminate the suspension immediately once the reasons for suspension have ceased to exist and notify the Depositary of the termination of suspension.

Article 22

Dispute Resolution

1. Any dispute between two or more Contracting States as to the interpretation, application or performance of this Agreement, including its existence, validity or termination, shall be settled through negotiations between the parties to the dispute. If a dispute cannot be settled through negotiations between the parties to the dispute within six months from the date of any party's written request to hold such negotiations, any party to the dispute may submit the dispute to final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two States.

2. The number of arbitrators shall be three. If more than two Contracting States are parties to the dispute, those parties shall agree on the appointment of the three arbitrators; the parties to the dispute share the costs of the arbitral tribunal equally. If within sixty days after the receipt of the notice of arbitration the parties have not agreed on the three arbitrators, any party may request the Secretary-General of the Permanent Court of Arbitration to appoint the arbitrators.

3. The language to be used in the arbitral proceedings shall be English. The place of arbitration shall be The Hague. The International Bureau of the Permanent Court of Arbitration shall serve as Registrar, and shall provide such administrative services as the Permanent Court of Arbitration shall direct.

Article 23

Entry into force

1. This Agreement is subject to ratification, approval or acceptance by the Contracting States. Instruments of ratification, approval or acceptance shall be deposited with the Republic of Slovenia, which is hereby designated as Depositary.

2. The Depositary shall notify each Contracting State in particular of:

(a) each deposit of an instrument of ratification, approval or acceptance;

(b) the date of entry into force of this Agreement;

(c) any withdrawal from or suspension of this Agreement or part thereof together with the date thereof and the date on which it takes effect;

(ii) komunikacijske, navigacijske in nadzorne službe, ki so potrebne za službe zračnega prometa na zračnih poteh,

(iii) vmesnike med službami zračnega prometa na zračnih poteh in letalskimi informacijskimi službami,

(iv) vmesnike med službami zračnega prometa na zračnih poteh in meteorološkimi službami in

(v) vmesnike med službami zračnega prometa na zračnih poteh in službami za iskanje in reševanje.

2. Vsaka pogodbenica lahko svoj pridržek delno ali v celoti umakne, ko začne ta sporazum veljati zanjo.

3. Pridržek ali njegov umik začne veljati, ko ga prejme depozitar.

21. člen

Začasna prekinitev

1. Vsaka pogodbenica lahko začasno prekine izvajanje sporazuma ali njegovih delov, da zaščiti osnovni javni red, javno varnost in obrambne interese ali če je v sporazumu predvideno drugače. O začasni prekinitvi takoj obvesti depozitarja.

2. Pogodbenica, ki začasno prekine izvajanje sporazuma, to prekinitev konča takoj, ko ni več razlogov za začasno prekinitve, in o tem obvesti depozitarja.

22. člen

Reševanje sporov

1. Vsi spori med dvema ali več pogodbenicami glede razlage, uporabe ali izvajanja tega sporazuma, vključno z njegovim obstojem, veljavnostjo ali prenehanjem veljavnosti, se rešujejo s pogajanjem med strankami v sporu. Če spora med strankami v sporu ni mogoče rešiti s pogajanjem v šestih mesecih od dneva, ko stranka v sporu pisno zahteva pogajanja, lahko stranka v sporu predloži spor pravnomočni in zavezujoči arbitraži v skladu z neobveznimi pravili Stalnega arbitražnega sodišča za razsojanje v sporih med državama.

2. Razsodniki so trije. Če sta v spor vpleteni več kot dve pogodbenici, se stranke v sporu sporazumejo o imenovanju treh razsodnikov; stranke v sporu si enakovredno razdelijo stroške arbitražnega sodišča. Če se stranke v sporu v šestdesetih dneh po prejemu obvestila o arbitraži ne sporazumejo o treh razsodnikih, lahko katera koli za imenovanje razsodnikov zaprosi generalnega sekretarja Stalnega arbitražnega sodišča.

3. Arbitražni postopek poteka v angleškem jeziku. Kraj razsodišča je Haag. Mednarodni urad Stalnega arbitražnega sodišča je registrator in opravlja vse upravne storitve, ki jih zahteva Stalno arbitražno sodišče.

23. člen

Začetek veljavnosti

1. Pogodbenice ta sporazum ratificirajo,odobrijo ali sprejmejo. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo v Republikli Sloveniji, ki je depozitar tega sporazuma.

2. Depozitar vsako pogodbenico obvesti predvsem o:

(a) vsakem deponiranju listine o ratifikaciji, odobritvi ali sprejetju;

(b) datumu začetka veljavnosti tega sporazuma;

(c) vsaki odpovedi sporazuma ali dela sporazuma ali o vsaki začasni prekinitvi izvajanja sporazuma ali dela sporazuma skupaj z datumom odpovedi ali začasne prekinitve in datumom začetka veljavnosti odpovedi ali začasne prekinitve;

(d) any reservation together with the date thereof and the date of its withdrawal;

(e) the termination of this Agreement.

3. This Agreement shall enter into force on the sixtieth day following the day of the deposit of the instrument of ratification, approval or acceptance of at least two neighbouring Contracting States.

4. With respect to any other Contracting State, this Agreement shall enter into force on the sixtieth day following the day of the deposit of its instrument of ratification, approval or acceptance.

Article 24

Provisional application

1. The Contracting States hereby agree, subject to the mandatory provisions of their national laws, that save for the provisions of Articles 5, 12, 14, 16–19, 21 and 22, the Agreement shall be provisionally applied among all signatories from the date of its signature until the decisive date.

2. Decisions adopted prior to the decisive date shall become binding upon each individual signatory upon entry into force of the Agreement for such signatory.

3. Measures adopted prior to the decisive date shall become binding upon each individual signatory upon entry into force of the Agreement for such signatory, provided that the signatory voted in favour of the measure.

4. Signatories not having ratified the Agreement on the decisive date at the latest shall have the right to participate at the meetings of the FAB CE Council and other bodies as observers without voting rights.

5. With regard to any individual signatory with the observer status, decisions adopted by the FAB CE Council after the decisive date shall become binding on it upon entry into force of the Agreement for such signatory unless otherwise notified by such signatory prior to, or together with, the deposit of its ratification instruments with respect to the Agreement.

Article 25

Annexes to the Agreement

The provisions contained in the Annexes to this Agreement shall form an integral part thereof.

Article 26

ICAO Registration

This Agreement and any amendments thereto shall be registered by the Depositary with the ICAO.

IN WITNESS WHEREOF, the undersigned, duly authorised thereto, have signed this Agreement.

List of Annexes:

Annex 1: Airspace Delineation

Annex 2: Air Navigation Services

Done at Brdo pri Kranju this 5th day of May 2011 in the English language.

For the Republic of Austria
For Bosnia and Herzegovina
For the Republic of Croatia
For the Czech Republic
For the Republic of Hungary
For the Slovak Republic
For the Republic of Slovenia

Doris Bures (s)
Rudo Vidović (s)
Danijel Mileta (s)
Ivo Vykydala (s)
Tamás Iván Kovács (s)
Ján Figerl (s)
Patrick Vlačić (s)

(d) vsakem pridržku skupaj z njegovim datumom in datumom njegovega umika;

(e) prenehanju veljavnosti tega sporazuma.

3. Ta sporazum začne veljati šestdeseti dan po dnevu, ko najmanj dve sosednji pogodbenici deponirata listino o ratifikaciji, odobritvi ali sprejetju.

4. Za vsako drugo pogodbenico začne ta sporazum veljati šestdeseti dan po dnevu deponiranja njene listine o ratifikaciji, odobritvi ali sprejetju.

24. člen

Začasna uporaba

1. Pogodbenice soglašajo, da sporazum, razen 5., 12., 14., 16. do 19., 21. in 22. člena, skladno z obveznimi določbami njihove notranje zakonodaje začasno uporabljajo vse podpisnice od datuma njegovega podpisa do odločilnega datuma.

2. Sklepi, sprejeti pred odločilnim datumom, postanejo za posamezno podpisnico sporazuma zavezujoči, ko začne sporazum veljati zanj.

3. Ukrepi, sprejeti pred odločilnim datumom, postanejo za posamezno podpisnico sporazuma zavezujoči, ko sporazum začne veljati zanj, če je podpisnica glasovala za ukrep.

4. Podpisnice, ki sporazuma ne ratificirajo najpozneje do odločilnega datuma, imajo pravico, da na sestankih Sveta FAB CE in drugih organov sodelujejo kot opazovalke brez glasovalnih pravic.

5. Sklepi, ki jih svet FAB CE sprejme po odločilnem datumu, postanejo za posamezno podpisnico, ki ima status opazovalke, zavezujoči ob začetku veljavnosti sporazuma zanj, razen če pred deponiranjem ali ob deponiranju svojih listin o ratifikaciji sporazuma ne sporoči drugače.

25. člen

Priloge k sporazumu

Določbe iz prilog k temu sporazumu so sestavni del sporazuma.

26. člen

Registracija pri ICAO

Depozitar ta sporazum in vse njegove spremembe registrira pri ICAO.

V POTRDITEV TEGA so podpisani, ki so bili za to pravilno pooblaščen, podpisali ta sporazum.

Seznam prilog:

Priloga 1: Razmejitev zračnega prostora

Priloga 2: Navigacijske službe zračnega prometa

Sestavljeno na Brdu pri Kranju 5. maja 2011 v angleškem jeziku.

Za Republiko Avstrijo
Za Bosno in Hercegovino
Za Češko republiko
Za Republiko Hrvaško
Za Republiko Madžarsko
Za Slovaško republiko
Za Republiko Slovenijo

Doris Bures l.r.
Rudo Vidović l.r.
Ivo Vykydala l.r.
Danijel Mileta l.r.
Tamás Iván Kovács l.r.
Ján Figerl l.r.
Patrick Vlačić l.r.

PRILOGA 1
Razmejitev zračnega prostora

Če v tem sporazumu ni drugače določeno, se sporazum uporablja v zračnem prostoru, za katerega so pristojne pogodbenice, opredeljen pa je kot zračni prostor, kot je določeno v nadaljevanju:

Pogodbenica	Bočne meje	Navpične meje
Republika Avstrija	FIR Dunaj	GND - NEOMEJENO
Bosna in Hercegovina	FIR Sarajevo	FL165 - NEOMEJENO
Republika Hrvaška	FIR Zagreb	FL205 - NEOMEJENO
Češka republika	FIR Praga	GND - NEOMEJENO
Republika Madžarska	FIR Budimpešta	GND - NEOMEJENO
Slovaška republika	FIR Bratislava	FL195 - NEOMEJENO
Republika Slovenija	FIR Ljubljana	FL175 - NEOMEJENO

PRILOGA 2
Navigacijske službe zračnega prometa

Če v sporazumu ni določeno drugače, se sporazum uporablja za navigacijske službe zračnega prometa v zračnem prostoru posamezne pogodbenice, kot je navedeno v nadaljevanju.

Pogodbenica	Navigacijske službe zračnega prometa
Republika Avstrija	ATS, CNS, AIS, SAR, MET
Bosna in Hercegovina	Obvezne službe iz 20. člena
Republika Hrvaška	Obvezne službe iz 20. člena
Češka republika	ATS, CNS, AIS, SAR, MET
Republika Madžarska	ATS, CNS, AIS, SAR, MET
Slovaška republika	Obvezne službe iz 20. člena
Republika Slovenija	Obvezne službe iz 20. člena

ANNEX 1
Airspace Delineation

This Agreement shall, unless otherwise provided in the Agreement, apply in the airspace under the Contracting States' responsibility, which shall be defined as the airspace determined as follows:

Contracting State	Lateral limits	Vertical Limits
The Republic of Austria	FIR Vienna	GND – UNLIMITED
Bosnia and Herzegovina	FIR Sarajevo	FL165 – UNLIMITED
The Republic of Croatia	FIR Zagreb	FL205 – UNLIMITED
The Czech Republic	FIR Prague	GND – UNLIMITED
The Republic of Hungary	FIR Budapest	GND – UNLIMITED
The Slovak Republic	FIR Bratislava	FL195 – UNLIMITED
The Republic of Slovenia	FIR Ljubljana	FL175 – UNLIMITED

ANNEX 2
Air Navigation Services

Unless otherwise provided in the Agreement, the Agreement shall apply to the provision of the following air navigation services in the applicable airspace of the respective Contracting State as listed hereunder.

Contracting State	Air Navigation Services
The Republic of Austria	ATS, CNS, AIS, SAR, MET
Bosnia and Herzegovina	Mandatory services from article 20
The Republic of Croatia	Mandatory services from article 20
The Czech Republic	ATS, CNS, AIS, SAR, MET
The Republic of Hungary	ATS, CNS, AIS, SAR, MET
The Slovak Republic	Mandatory services from article 20
The Republic of Slovenia	Mandatory services from article 20

3. člen

Za izvajanje tega sporazuma skrbi ministrstvo, pristojno za infrastrukturo in prostor.

4. člen

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

Št. 326-06/09-15/11

Ljubljana, dne 19. aprila 2012

EPA 736-V

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

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

26. Obvestilo o prenehanju veljavnosti Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Republike Makedonije o strokovni pomoči na področju evropskih zadev

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 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 26. aprila 2012 prenehal veljati Memorandum o soglasju med Vlado Republike Slovenije in Vlado Republike Makedonije o strokovni pomoči na področju evropskih zadev, podpisan 2. aprila 2003 v Skopju in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 19/03 (Uradni list Republike Slovenije, št. 74/03).

Ljubljana, dne 7. maja 2012

Ministrstvo za zunanje zadeve
Republike Slovenije

27. Obvestilo o prenehanju veljavnosti Memoranduma o soglasju med Vlado Republike Slovenije in Svetom ministrom Republike Albanije o strokovni pomoči na področju evropskih zadev

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 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 1. maja 2012 prenehal veljati Memorandum o soglasju med Vlado Republike Slovenije in Svetom ministrom Republike Albanije o strokovni pomoči na področju evropskih zadev, podpisan 29. marca 2008 v Ljubljani in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 14/08 (Uradni list Republike Slovenije, št. 71/08).

Ljubljana, dne 7. maja 2012

Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

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