

95. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Kosovo o mednarodnem cestnem prevozu potnikov in blaga (BXKMCP)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Kosovo o mednarodnem cestnem prevozu potnikov in blaga (BXKMCP)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Kosovo o mednarodnem cestnem prevozu potnikov in blaga (BXKMCP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 15. decembra 2015.

Št. 003-02-10/2015-7

Ljubljana, dne 23. decembra 2015

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE KOSOVO O MEDNARODNEM CESTNEM PREVOZU POTNIKOV IN BLAGA (BXKMCP)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Kosovo o mednarodnem cestnem prevozu potnikov in blaga, podpisan 26. junija 2013 v Ljubljani.

2. člen

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

A G R E E M E N T

**BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF SLOVENIA AND THE
GOVERNMENT OF THE REPUBLIC OF KOSOVO
ON INTERNATIONAL ROAD TRANSPORT OF
PASSENGERS AND GOODS**

The Government of the Republic of Slovenia and the Government of the Republic of Kosovo, hereinafter referred to as the Contracting Parties;

Anxious to establish to the development of trade and economic relations between two countries;

Determined to promote cooperation in international transport within the framework of the market economy;

Concerned about the protection of the environment and people, the rational consumption of energy, road safety and the improvement of drivers working conditions;

Aiming towards the development of transport intermodality;

Recognizing the mutual interest and advantage of an agreement on international road transport;

Have agreed as follows:

I. GENERAL PROVISIONS

Article 1

Scope of application

1. The present Agreement regulates the international transport of passengers and goods by road performed by transport operators established in the territory of a Contracting Party by means of vehicles registered in that territory, with the points of departure in the territory of one Contracting Party and destination in the other Contracting Party or in transit through territory of one of the Contracting Party.

S P O R A Z U M

**MED VLADO REPUBLIKE SLOVENIJE
IN VLADO REPUBLIKE KOSOVO
O MEDNARODNEM CESTNEM PREVOZU
POTNIKOV IN BLAGA**

Vlada Republike Slovenije in Vlada Republike Kosovo (v nadaljnjem besedilu: pogodbenici) sta se

v želji prispevati k razvoju trgovinskih in gospodarskih odnosov med državama,

odločeni spodbujati sodelovanje v mednarodnem prevozu v okviru tržnega gospodarstva,

v skrbi za varstvo okolja in ljudi, smotrno uporabo energije, varnost v cestnem prometu in izboljšanje delovnih razmer voznikov,

v prizadevanju za razvoj različnih načinov prevoza ter

ob priznavanju skupnih interesov in koristi od sporazuma o mednarodnem cestnem prevozu

sporazumeli:

I. SPLOŠNE DOLOČBE

1. člen

Področje uporabe

1. Sporazum ureja mednarodni cestni prevoz potnikov in blaga, ki ga opravljajo prevozniki s sedežem podjetja na ozemlju ene od pogodbenic z vozili, registriranimi na tem ozemlju, med odhodnim krajem na ozemlju ene pogodbenice in namembnim krajem na ozemlju druge pogodbenice ali tranzitno čez njuni ozemlji.

2. This Agreement does not affect the rights and obligations arising from the other international commitments of the two Contracting Parties, nor does it affect the regulations of the European Union and the international agreements between/the European Union and non-member States.

Article 2 Definitions

In this Agreement some terms have the following meaning:

1. "Transport Operator" means any natural or legal person authorized to perform the international carriage of passenger and goods by road, in accordance with regulations of a Contracting Party on which territory it is established.

2. "Vehicle" means a motor vehicle or a combination of vehicles, registered in the territory of one of the Contracting Parties and by virtue of its construction and equipment intended for the international transport of passengers or goods by road, at the disposal of transport operator through being its own property or through a hiring or leasing contract.

3. "Bus" means a vehicle registered in the territory of one of the Contracting Parties and by virtue of construction and equipment suitable and intended for the transport of passengers and which has, in addition to the driver's seat, more than eight sitting places.

4. "Transport" means the operations of a vehicle, either laden or unladen, including the transport of vehicles by train or boat for a part of the journey.

5. "Cabotage" means the transport of passengers or goods between some points within the territory of one Contracting Party carried out by a transport operator of the other Contracting Party.

6. "Combined Transport" means the transport of goods whereby the lorry, trailer, semi-trailer, swap body or container, with or without tractor, use the road for the initial or terminal leg of the journey, which is as short as possible, and travel by rail, waterway or sea for the major part of the journey.

7. "Territory of a Contracting Party" means respectively the territory of Republic of Slovenia and the territory of Republic of Kosovo.

8. "Country of establishment" means the territory of the Contracting Party within which the transport operator is established and in which the vehicle is registered.

9. "Host country" means the territory of a Contracting Party in which the transport operator is operating without its vehicle being registered there and without the transport operator being established there.

10. "Regular passenger service" means a service which carries passengers over a specified route, according to a timetable and price list set and published in advance. The regular passenger service is intended for everyone under the same conditions, with passengers picked up and set down at predetermined stopping points.

11. "Shuttle service" means a service whereby, by means of repeated outward and return journeys, previously organized groups of passengers are carried from a single place of departure to a single destination. The place of departure and the place of destination respectively mean the place where the journey begins and the place where the journey ends, together with, in each case, the surrounding locality within a 50 km radius. Each group consists of the passengers who travel together and return to the place of departure on a later journey. The service as a shuttle service is not affected by the fact that some passengers make the return journey with another group. The first return journey and the last outward journey in a series of shuttle services are made unladen.

12. "Occasional service" means a service falling neither within the definition of a regular passenger service nor within the definition of a shuttle service, where frequency or number of services does not affect their classification as an occasional service.

2. Ta sporazum ne posega v pravice in obveznosti, ki izhajajo iz drugih mednarodnih zavez pogodbenic, pa tudi ne v predpise Evropske unije in mednarodne sporazume med Evropsko unijo in državami nečlanicami.

2. člen

Pomen izrazov

Izrazi v tem sporazumu pomenijo:

1. »prevoznik« je katera koli fizična ali pravna oseba, ki je pooblaščen za mednarodni cestni prevoz potnikov in blaga v skladu s predpisi pogodbenice, na ozemlju katere ima sedež podjetja;

2. »vozilo« je motorno vozilo ali kombinacija vozil, ki je registrirano na ozemlju ene pogodbenice ter je po svoji konstrukciji in opremljenosti namenjeno mednarodnemu cestnemu prevozu potnikov ali blaga, pri čemer prevoznik z njim razpolaga kot z lastnino oziroma na podlagi najemne ali zakupne pogodbe;

3. »avtobus« je vozilo, ki je registrirano na ozemlju ene pogodbenice in je po svoji konstrukciji in opremljenosti primerno in predvideno za prevoz potnikov ter ima poleg voznikovega sedeža več kakor osem potniških sedežev;

4. »prevoz« je vožnja s polnim ali praznim vozilom, tudi če se vozilo del poti prevaža z vlakom ali ladjo;

5. »kabotaža« je prevoz potnikov ali blaga, ki ga prevoznik ene pogodbenice opravlja med posameznimi kraji na ozemlju druge pogodbenice;

6. »kombinirani prevoz« je prevoz blaga, pri katerem tovornjak, priklopnik, polpriklopnik, zamenljivo tovarišče ali zabojnik z vlečnim vozilom ali brez njega uporabljajo cesto kot začetni in končni del poti, ki je čim krajši, večji del poti pa se prevažajo po železnici, celinskih plovniških poteh ali morju;

7. »ozemlje pogodbenice« je ozemlje Republike Slovenije oziroma ozemlje Republike Kosovo;

8. »država sedeža podjetja« je ozemlje pogodbenice, na katerem ima prevoznik sedež podjetja in na katerem je vozilo registrirano;

9. »država gostiteljica« je ozemlje pogodbenice, na katerem prevoznik opravlja prevoz, ne da bi imel na njem registrirano vozilo in sedež podjetja;

10. »linijski prevoz potnikov« je prevoz potnikov na določeni progi po vnaprej določenem in objavljenem voznem redu in ceniku. Namenjen je vsem pod enakimi pogoji, pri čemer potniki vstopajo ali izstopajo na vnaprej določenih postajališčih;

11. »izmenični prevoz« je prevoz, pri katerem se vnaprej oblikovane skupine potnikov prevažajo z več vožnjami tja in nazaj iz istega odhodnega kraja v isti namembni kraj. Odhodni oziroma namembni kraj pomeni kraj, v katerem se vožnja začne, oziroma kraj, v katerem se vožnja konča, pri čemer so obakrat vključeni okoliški kraji v polmeru 50 km. Vsaka skupina je sestavljena iz potnikov, ki potujejo skupaj in se vrnejo v odhodni kraj s poznejšim prevozom. Na izmenični prevoz ne vpliva, da se nekateri potniki pri povratni vožnji priključijo drugi skupini. V nizu izmeničnih voženj se prva povratna vožnja v odhodni kraj in zadnja vožnja v namembni kraj opravita s praznim vozilom;

12. »občasni prevoz« je prevoz, ki ni opredeljen niti kot linijski prevoz potnikov niti kot izmenični prevoz, pri čemer pogostost ali število prevozov ne vpliva na njihovo uvrstitev v občasni prevoz;

13. "Control document" means the waybill which includes the data on the vehicle, transport operator, driving personnel, type of carriage, itinerary and passengers.

13. »kontrolni dokument« je spremnica, ki vsebuje podatke o vozilu, prevozniku, voznem osebju, vrsti prevoza, potovalnem načrtu in potnikih.

II. PASSENGER TRANSPORT

Article 3

Regular passenger services

1. Regular passenger services operated by bus shall be subject to a system of authorizations issued by the competent authority in the country of departure, destination and transit.

2. The authorization application referred to in the first paragraph of this Article should be made to the competent authority in the country of establishment of the transport operator. If the competent authority of the country of establishment approves the application, the application is communicated to the competent authority of the host country.

The Joint Committee set up under Article 14 hereof decides on the form the application for authorization takes and the supporting documents required, as well as on environmental, safety and other conditions for the issue of an authorization.

3. The authorization referred to in the first paragraph of this Article is issued by joint agreement by the competent authorities of the Contracting Parties. The decision to grant authorization or refuse an application should be taken by the competent authorities of the Contracting Parties within a period of 90 days from the day of receipt of the application for authorization from the competent authority of the Country of establishment, if there are no unpredictable circumstances.

In the event of unpredictable circumstance, this deadline may be changed on which the competent authorities keep each other informed. The authorization referred to in the first paragraph of this Article is valid for a maximum of five years. It sets out the operating conditions for the performance of regular passenger services.

4. Changes in operating conditions and the cancellation of the service are decided according to the procedure set out in paragraphs 2 and 3 of this Article. If there is no longer any demand for the service, the operator can cancel it informing competent authorities which issued the permits and customers as well, within the period fixed by the Joint Committee from the Article 14 of this Agreement.

Article 4

Occasional and shuttle services

1. The occasional services and shuttle services operated by buses are subject to a system of authorizations or permits issued by the competent authority in the country of departure, destination and transit.

2. As an exception to the provision of the paragraph 1 of this Article, the services listed below are exempt from any authorization or permit system in the territory of the Contracting Parties:

2.1 closed-door tours whereby the same bus is used to carry the same group of passengers throughout the journey and to bring them back to the place of departure, in the country where the transport operator is established;

2.2 services carrying passengers from the place of departure in the territory of the Country of establishment of the transport operator to the destination and making the return journey unladen;

2.3 services which make the outward journey unladen and the return journey laden, provided that the passengers:

a) constitute a group formed under a contract of transport entered into before their arrival in the territory of the host country where they are previously picked up and carried into the territory of the country of establishment.

b) have been previously brought by the same transport operator in the territory of the Contracting Party where they are picked up again and carried into the territory of the country of establishment.

II. PREVOZ POTNIKOV

3. člen

Linijski prevoz

1. Za linijski avtobusni prevoz potnikov velja sistem dovoljenj, ki jih izda pristojni organ države odhoda, namembnega kraja in tranzita.

2. Vlogo za dovoljenje iz prvega odstavka tega člena je treba predložiti pristojnemu organu države, v kateri ima prevoznik sedež podjetja. Če pristojni organ države sedeža tega podjetja vlogo odobri, se vloga pošlje pristojnemu organu države gostiteljice.

O obliki vloge za dovoljenje in zahtevanih dokazilih ter okoljskih, varnostnih in drugih pogojih za izdajo dovoljenja odloča skupni odbor, ustanovljen na podlagi 14. člena tega sporazuma.

3. Dovoljenje iz prvega odstavka tega člena izdasta na podlagi skupnega dogovora pristojna organa pogodbenic. Razen ob nepredvidljivih okoliščinah odločitev o odobritvi ali zavrnitvi dovoljenja pristojna organa pogodbenic sprejmeta v 90 dneh po dnevu prejema vloge za dovoljenje, ki jo pošlje pristojni organ države sedeža podjetja.

Ob nepredvidljivih okoliščinah se lahko ta rok spremeni, o čemer se pristojna organa medsebojno obvestita. Dovoljenje iz prvega odstavka tega člena velja največ pet let. V njem so določeni pogoji opravljanja linijskega prevoza potnikov.

4. O spremembah pogojev opravljanja prevoza in ukinitvi linije se odloča po postopku iz drugega in tretjega odstavka tega člena. Če po liniji ni več povpraševanja, jo prevoznik lahko ukine, o čemer obvesti pristojna organa, ki sta dovoljenje izdala, in stranke v roku, ki ga določi skupni odbor iz 14. člena tega sporazuma.

4. člen

Občasni in izmenični prevoz

1. Za občasni in izmenični avtobusni prevoz velja sistem dovoljenj ali dovolilnic, ki jih izda pristojni organ države odhoda, namembnega kraja in tranzita.

2. Kot izjema glede na prvi odstavek tega člena so iz sistema dovoljenj ali dovolilnic na ozemlju pogodbenic izvzeti ti prevozi:

2.1 krožne vožnje zaprtih vrat, pri katerih se isto vozilo uporablja za prevoz iste skupine potnikov ves čas potovanja in jo tudi pripelje nazaj v odhodni kraj v državi, v kateri ima prevoznik sedež podjetja;

2.2 prevozi potnikov od odhodnega kraja na ozemlju države sedeža podjetja prevoznika do namembnega kraja in vrnitev s praznim vozilom;

2.3 prevozi s praznim vozilom v namembni kraj in vrnitev s polnim vozilom pod pogojem,

a) da so potniki skupina na podlagi pogodbe o prevozu, sklenjene pred prihodom na ozemlje države gostiteljice, kjer jih je prevoznik predhodno prevzel in jih prepeljal na ozemlje države, v kateri ima sedež podjetja;

b) da potnike prej pripelje isti prevoznik na ozemlje pogodbenice, kjer jih spet prevzame in odpelje na ozemlje države, v kateri ima sedež podjetja;

c) have been invited to travel into the territory of the country of establishment of the transport operator, the cost of transport being borne by the person issuing the invitation.

2.4 unladen run by bus sent to replace a bus which has broken down.

3. The Joint Committee set up under Article 14 hereof may extend the authorisation or permit exemption to other categories of occasional services and shuttle services.

4. The picking up and landing of passengers during the journey referred to in the second paragraph of this Article is not permitted unless special authorisation is granted by the competent authority of the host country.

5. The authorization or permit application referred to in the first paragraph of this Article should be made to the competent authority in the country of establishment of the transport operator. If the competent authority of the country of establishment approves the application, the application is communicated to the competent authority of the host country.

6. The Joint Committee set up under Article 14 hereof decides on the form that the authorization or permit application takes and other supporting documents required. The competent authorities of the Contracting Parties issue the authorisation referred to in the first paragraph of this Article within a period of one month from the day of submission of the application by the competent authority of the Other Contracting Party. This deadline may be changed in the event of unanticipated circumstances, of which the competent authorities keep each other informed.

7. While performing the services referred to in the second and fourth paragraphs of this Article the transport operator is required to keep a control document in the vehicle. The conditions of use and the content of the control document are laid down by the Joint Committee referred to in Article 14 hereof.

Article 5

Provisions Common to passenger services

1. The transport authorizations and permits referred to in Articles 3 and 4 hereof are personal and not transferable to other transport operators.

2. The running of cabotage services is prohibited. Local trips organized solely for a group of passengers brought to that location by the same transport operator are not deemed to be cabotage services provided that they are entered on the control document.

III. GOODS TRANSPORT

Article 6

Permit system

1. Transport operators established in the territory of a Contracting Party, under the system of permits, undertake in the territory of the other Contracting Party;

1) transport between the territories of the two Contracting Parties;

2) transport between a point in the territory of the other Contracting Party and a point in the territory of a third State.

2. Cabotage is only permitted with the special authorization of the competent authority of the host country.

Article 7

Transport exempted from permit requirements

1. As an exception to the provisions of Article 6 hereof, the following categories of transport are exempted from permit requirements:

1) Transport by vehicles whose Total Permissible Laden Weight, including trailers, does not exceed 6 tonnes, or when the permitted payload, including trailers, does not exceed 3.5 tonnes.

2) Occasional transport to or from airports in cases where regular air services are diverted.

c) da so bili potniki povabljeni na potovanje na ozemlje države, v kateri ima prevoznik sedež podjetja, pri čemer stroške prevoza poravnava oseba, ki jih je povabila;

2.4 vožnje s praznim vozilom zaradi nadomestitve pokvarjenega vozila.

3. Skupni odbor, ustanovljen na podlagi 14. člena tega sporazuma, lahko razširi izjeme glede dovoljenj ali dovolilnic za druge vrste občasnega in izmeničnega prevoza.

4. Prevzem in izstop potnikov med prevozom iz drugega odstavka tega člena nista dovoljena, razen če pristojni organ države gostiteljice ne izda posebnega dovoljenja.

5. Vlogo za dovoljenje ali dovolilnico iz prvega odstavka tega člena je treba predložiti pristojnemu organu države, v kateri ima prevoznik sedež podjetja. Če pristojni organ države sedeža podjetja vlogo odobri, se vloga pošlje pristojnemu organu države gostiteljice.

6. O obliki vloge za dovoljenje ali dovolilnico in zahtevanih dokazilih odloča skupni odbor, ustanovljen na podlagi 14. člena tega sporazuma. Pristojni organ pogodbenice izda dovoljenje iz prvega odstavka tega člena v enem mesecu po dnevu, ko vlogo predloži pristojni organ druge pogodbenice. Ob nepredvidljivih okoliščinah se lahko ta rok spremeni, o čemer se pristojna organa medsebojno obvestita.

7. Med opravljanjem prevozov iz drugega in četrtega odstavka tega člena mora imeti prevoznik kontrolne dokumente v vozilu. Pogoje uporabe in vsebino kontrolnega dokumenta določi skupni odbor iz 14. člena tega sporazuma.

5. člen

Skupne določbe za prevoz potnikov

1. Dovoljenja in dovolilnice za prevoz iz 3. in 4. člena tega sporazuma se glasijo na prevoznika in se ne smejo prenesti na druge prevoznike.

2. Kabotaža je prepovedana. Krajevni prevozi, organizirani le za skupino potnikov, ki jih na določen kraj pripelje isti prevoznik, se ne štejejo za kabotažo pod pogojem, da so vpisani v kontrolni dokument.

III. PREVOZ BLAGA

6. člen

Sistem dovolilnic

1. Prevozniki s sedežem podjetja na ozemlju ene pogodbenice lahko na podlagi sistema dovolilnic na ozemlju druge pogodbenice opravljajo:

1) prevoz med ozemljema pogodbenic,

2) prevoz med krajem na ozemlju druge pogodbenice in krajem na ozemlju tretje države.

2. Kabotaža je dovoljena le s posebnim dovoljenjem pristojnega organa države gostiteljice.

7. člen

Prevoz, za katerega dovolilnice niso potrebne

1. Kot izjema glede na 6. člen dovolilnice niso potrebne za te vrste prevoza:

1) prevoz z vozili, katerih skupna dovoljena masa, vključno s priklopniki, ne presega 6 ton ali katerih dovoljena nosilnost, vključno s priklopniki, ne presega 3,5 tone;

2) občasni prevoz na letališča ali z njih ob preusmeritvi rednih letalskih prevozov;

3) Transport of vehicles which are damaged or have broken down and the transport of vehicles to be repaired.

4) Unladen runs by a goods vehicle sent to replace a goods vehicle which has broken down in another country, and also the return run, after repair, of the vehicle that has broken down.

5) Transport of livestock in special purpose – built or permanently converted vehicles for the transport of livestock.

6) Transport of spare parts and provisions for aircraft and ocean-going ships.

7) Transport of medical supplies and equipment needed for emergencies, especially in response to natural disasters and humanitarian needs.

8) Transport of works and objects of art for fairs and exhibitions or for Non-commercial purposes.

9) Transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fairs or fetes, and the equipment urgently required for radio recordings, film or television production.

10) Removals carried out by appropriate equipment and staff.

11) Funeral transport.

12) First and final leg – international and national – by road of combined transport, providing, respectively, that the appropriate freight loading and unloading station closest to the point of loading or unloading of the freight is used.

13) Transport of mail.

2. The Joint Committee referred to in Article 14 hereof may, by mutual agreement, add to, or remove from, the list of transport categories referred to in the first paragraph of this Article exempted from the permit requirements.

3. The Joint Committee referred to in Article 14 hereof may exempt from the system of permits all categories of transport for a definite period of time.

Article 8

Common provisions for goods transport

1. The competent authorities of the two Contracting Parties agree a number of permits and exchange the blank permit forms every year, and they are valid for 13 months from the beginning of each calendar year.

2. The permit referred to in the first paragraph of this Article is not transferable.

3. The permit referred to in the first paragraph of this Article can only be used for one vehicle at a time. In the case of combinations of vehicles, the motor vehicle is the determining factor in permit issue or exemption.

4. The Joint Committee referred to in Article 14 hereof determines the quota, category, conditions of issue and use of blank permit forms as well as the conditions under which individual categories of transport may be exempted from the permit system.

5. The running of cabotage services is prohibited except where specially authorized by the competent authority of the host country.

IV. COMMON PROVISIONS

Article 9

Levies

1. Transport by means of vehicles registered in the territory of one Contracting Party and operating temporarily in the territory of the other Contracting Party is, under the provisions of this Agreement, and according to the reciprocity principle, exempt from payment of all taxes related to ownership, registration and the running of the vehicle.

2. The fuel contained in the normal, by the manufacturer built-in fixed tanks of the vehicle intended to drive the vehicle, as well as lubricants and spares are exempt from all import duty in the territory of the host country provided that the transport operator complies with the relevant customs regulations.

3) prevoz poškodovanih ali pokvarjenih vozil in vozil, ki jih je treba popraviti;

4) vožnja praznega tovornega vozila, poslanega kot zamenjava za vozilo, ki se je pokvarilo v drugi državi, in tudi povratna vožnja popravljenega vozila;

5) prevoz živine s posebnimi vozili, izdelanimi ali trajno prirejenimi za prevoz živine;

6) prevoz nadomestnih delov in zalog za zrakoplove in čezoceanske ladje;

7) prevoz medicinskih potrebščin in opreme za nujne primere, zlasti ob naravnih nesrečah in za človekoljubne namene;

8) prevoz umetniških del in predmetov za sejme in razstave ali v nekomercialne namene;

9) prevoz rekvizitov, pripomočkov in živali na gledališke, glasbene, filmske, cirkuške predstave ali športne prireditve, sejme ali praznovanja ter z njih v nekomercialne namene in tistih, ki so namenjeni za radijska snemanja ali filmsko ali televizijsko produkcijo;

10) selitveni prevoz, ki se opravlja z ustrežno opremo in osebjem;

11) prevoz posmrtnih ostankov;

12) začetni in končni del – mednarodnega in notranjega – kombiniranega cestnega prevoza pod pogojem, da se uporabi primerna nakladalna in razkladalna postaja, ki je najbližje kraju natovarjanja ali raztovarjanja;

13) prevoz pošte.

2. Skupni odbor iz 14. člena tega sporazuma lahko sporazumno doda na seznam vrste prevoza iz prvega odstavka tega člena, za katere dovolilnice niso potrebne, ali jih umakne z njega.

3. Skupni odbor iz 14. člena tega sporazuma lahko za določen čas iz sistema dovolilnic izvzame vse vrste prevoza.

8. člen

Skupne določbe za prevoz blaga

1. Pristojna organa pogodbenic se vsako leto dogovorita o številu dovolilnic, ki veljajo 13 mesecev po začetku vsakega koledarskega leta, in si izmenjata neizpolnjene obrazce dovolilnic.

2. Dovolilnice iz prvega odstavka tega člena niso prenosljive.

3. Dovolilnica iz prvega odstavka tega člena se lahko hkrati uporablja samo za eno vozilo. Pri kombinaciji vozil je za izdajo dovolilnice ali oprostitev odločilno motorno vozilo.

4. Skupni odbor iz 14. člena tega sporazuma določi kvoto, vrsto, pogoje izdaje in uporabo neizpoljenih obrazcev dovolilnic ter pogoje, pod katerimi se lahko posamezne vrste prevoza izvzamejo iz sistema dovolilnic.

5. Kabotaža je dovoljena le s posebnim dovoljenjem pristojnega organa države gostiteljice.

IV. SKUPNE DOLOČBE

9. člen

Dajatve

1. Prevoz z vozili, ki so registrirana na ozemlju ene pogodbenice in s katerimi se začasno opravljajo prevozi na ozemlju druge pogodbenice, je po določbah tega sporazuma in v skladu z načelom vzajemnosti oproščen plačila vseh dajatev v zvezi z lastništvom, registracijo in upravljanjem vozila.

2. Gorivo, ki je v običajnih serijsko vgrajenih rezervoarjih vozila in je namenjeno pogonu vozila, ter maziva in nadomestni deli so na ozemlju države gostiteljice oproščeni vseh uvoznih dajatev pod pogojem, da prevoznik upošteva veljavne carinske predpise.

3. The transport covered by the provisions of this Agreement is subject in the host country to road user charges, tolls and other duties levied for the use of the road network, bridges, tunnels etc. in the host country. The tolls and charges are levied to local and foreign transport operators indiscriminately.

4. The Joint Committee referred to in Article 14 hereof may consider and propose to the competent authorities the partial or total exemption, on a reciprocal basis, from the payment of levies by a transport operator in connection with the performance of transport services.

Article 10

Weights and dimensions of vehicles

1. The permissible maximum weight, axle weight and dimensions of vehicles must not exceed those entered in the registration documents nor the upper limits in force in the host country.

2. The use in the host country of vehicles whose weight and dimensions exceed the permissible upper limits is permitted only with a special authorization issued by the competent authority of the host country and applied for it in advance.

Article 11

Equipment and other characteristics of vehicles

1. Vehicles carrying dangerous goods or perishable goods must be fitted out and equipped in accordance with the international regulations (requirements of ADR or ATP Agreements).

2. Equipment used to monitor crew driving and rest time on vehicles must comply with the international regulations (provisions of AETR Agreement).

3. The Contracting Parties undertake to promote, within the framework of this Agreement, the use of vehicles meeting safety and emission standards. In accordance with the EU regulation in this field the same are applied with undertaken international obligations.

4. In accordance to the third paragraph of this Article, the Joint Committee referred to in Article 14 hereof may, when deciding on quotas and possible future liberalization, give more favorable treatment to vehicles that meet the most modern safety and environmental standards.

Article 12

Control

The permits and all other documents foreseen under multilateral or bilateral agreements or under national law, must be kept in the vehicles and be produced at the request of the competent authorities of the host country.

Article 13

Obligations of transport operators and infringements

1. The transport operators of a Contracting Party and the crews of their vehicles must, when in the territory of the other Contracting Party, comply with the laws and regulations in force in the host country.

2. In the event of any infringement in the host country of the provisions of this Agreement by a transport operator, the competent authority of the host country shall notify the competent authority of the country of establishment with the intention that the latter authority takes the necessary measures against the transport operator, as provided for by its national legislation.

3. The Contracting Parties shall keep each other informed of the sanctions imposed.

4. The provisions of the first and the second paragraphs of this Article shall not exclude the measures taken by the judicial or other competent authorities of the host country.

3. Za prevoz, za katerega veljajo določbe tega sporazuma, se v državi gostiteljici zaračunavajo cestne pristojbine, cestnine in druge dajatve za uporabo cestnega omrežja, mostov, predorov itd. Cestnine in pristojbine se domačim in tujim prevoznikom zaračunavajo brez razlikovanja.

4. Skupni odbor iz 14. člena tega sporazuma lahko preuči in pristojnima organoma na podlagi vzajemnosti predlaga, da se prevozniki delno ali v celoti oprostijo plačila dajatev v zvezi z opravljanjem prevoznih storitev.

10. člen

Mase in mere vozil

1. Največja dovoljena masa, osna obremenitev in mere vozila ne smejo presegati navedb v registracijskih dokumentih, pa tudi ne zgornjih meja, ki veljajo v državi gostiteljici.

2. Uporaba vozil, katerih masa in mere presegajo dovoljene zgornje meje, je v državi gostiteljici dovoljena le s posebnim dovoljenjem, ki ga izda pristojni organ države gostiteljice, zanj pa je treba zaprositi vnaprej.

11. člen

Oprema in druge značilnosti vozil

1. Vozila za prevoz nevarnega in pokvarljivega blaga morajo biti prirejena in opremljena v skladu z mednarodnimi predpisi (zahteve sporazumov ADR ali ATP).

2. Oprema, s katero se v vozilih spremlja in nadzoruje čas vožnje in počitka voznikov, mora biti v skladu z mednarodnimi predpisi (določbe sporazuma AETR).

3. Pogodbenici se zavezuje, da bosta na podlagi tega sporazuma spodbujali uporabo vozil, ki izpolnjujejo varnostne in emisijske standarde. V skladu z uredbo EU s tega področja to velja tudi za prevzete mednarodne obveznosti.

4. V skladu s tretjim odstavkom tega člena lahko skupni odbor iz 14. člena tega sporazuma pri odločanju o kvotah in morebitni prihodnji liberalizaciji zagotovi za vozila, ki izpolnjujejo naj sodobnejše varnostne in okoljske standarde, ugodnejše obravnavanje.

12. člen

Nadzor

Dovolilnice in vsi drugi dokumenti, ki jih predvidevajo večstranski ali dvostranski sporazumi ali notranja zakonodaja, morajo biti v vozilih in jih je treba pokazati na zahtevo pristojnih organov države gostiteljice.

13. člen

Obveznosti prevoznikov in kršitve

1. Prevozniki pogodbenice in njihovo vozno osebje morajo na ozemlju druge pogodbenice spoštovati veljavne zakone in druge predpise te države.

2. Če prevoznik v državi gostiteljici krši določbe tega sporazuma, pristojni organ države gostiteljice uradno obvesti pristojni organ države sedeža podjetja, da po potrebi proti njemu ustrezno ukrepa v skladu z notranjo zakonodajo.

3. Pogodbenici se obveščata o naloženih kaznih.

4. Določbe prvega in drugega odstavka tega člena ne izključujejo ukrepov, ki jih sprejmejo sodni ali drugi pristojni organi države gostiteljice.

Article 14**Cooperation and Joint Committee**

1. The competent authorities of the Contracting Parties are obliged to take all the necessary steps for the application of this Agreement and shall keep each other informed on any useful information and on any change in national law affecting the application hereof.

2. The competent authorities shall offer each other mutual assistance for the purpose of implementing this Agreement.

3. A Joint Committee shall be set up by the Contracting Parties for the purpose of the implementation of this Agreement and to handle the issues related to this Agreement.

V. FINAL PROVISIONS**Article 15****Competent authorities**

The competent authorities for the implementation of this Agreement are:

– in the Republic of Slovenia: the ministry, which is responsible for road transport of goods and passengers;

– in the Republic of Kosovo: the ministry, which is responsible for road transport of goods and passengers.

Article 16**Entry into force and period of validity of the Agreement**

1. This Agreement shall enter into force when the Contracting Parties have notified each other through diplomatic channels that the procedures for its entry into force in accordance with national legislation have been completed.

2. This Agreement shall remain in force unless it is terminated by written notice through diplomatic channels by one of the Contracting Parties. In that case, the termination of the Agreement shall take effect six months after the other Contracting Party has received the above-mentioned notice.

In witness whereof the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Ljubljana on 26 June 2013 in two originals in English language.

For the Government
of the Republic of Slovenia
Karl Erjavec (s)

For the Government of the
Republic of Kosovo
Enver Hoxhaj (s)

Za Vlado
Republike Slovenije
Karl Erjavec l.r.

Za Vlado
Republike Kosovo
Enver Hoxhaj l.r.

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za promet.

4. člen

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

Št. 326-07/12-8/14

Ljubljana, dne 15. decembra 2015

EPA 271-VI

14. člen**Sodelovanje in skupni odbor**

1. Pristojna organa pogodbenic sprejmeta vse potrebne ukrepe za uporabo tega sporazuma, si izmenjujeta koristne informacije in se obveščata o kakršnih koli spremembah v notranji zakonodaji, ki bi lahko vplivale na uporabo tega sporazuma.

2. Pristojna organa si pri izvajanju tega sporazuma pomagata.

3. Za izvajanje tega sporazuma in reševanje vprašanj v zvezi z njim pogodbenici ustanovita skupni odbor.

V. KONČNE DOLOČBE**15. člen****Pristojna organa**

Pristojna organa za izvajanje tega sporazuma sta:

– v Republiki Sloveniji: ministrstvo, pristojno za cestni prevoz blaga in potnikov,

– v Republiki Kosovo: ministrstvo, pristojno za cestni prevoz blaga in potnikov.

16. člen**Začetek veljavnosti in trajanje sporazuma**

1. Ta sporazum začne veljati, ko pogodbenici druga drugo po diplomatski poti obvestita, da so končani postopki za začetek njegove veljavnosti v skladu z notranjo zakonodajo.

2. Ta sporazum velja, razen če ga ena pogodbenica ne odpove s pisnim obvestilom po diplomatski poti. V takem primeru sporazum preneha veljati šest mesecev po tem, ko je druga pogodbenica prejela obvestilo.

V potrditev tega sta podpisana, ki sta bila za to pravilno pooblaščenca, podpisala ta sporazum.

Sklenjeno v Ljubljani 26. junija 2013 v dveh izvirkih v angleškem jeziku.

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