

 79. Zakon o ratifikaciji Okvirnega sporazuma o Savskem bazenu, Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu in Sporazuma o spremembah in dopolnitvah Okvirnega sporazuma o Savskem bazenu in Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu (MOSSB), stran 4395.

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 OKVIRNEGA SPORAZUMA O SAVSKEM BAZENU, PROTOKOLA O REŽIMU PLOVBE K OKVIRNEMU SPORAZUMU O SAVSKEM BAZENU IN SPORAZUMA O SPREMEMBAH IN DOPOLNITVAH OKVIRNEGA SPORAZUMA O SAVSKEM BAZENU IN PROTOKOLA O REŽIMU PLOVBE K OKVIRNEMU SPORAZUMU O SAVSKEM BAZENU (MOSSB)**

Razgllašam Zakon o ratifikaciji Okvirnega sporazuma o Savskem bazenu, Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu in Sporazuma o spremembah in dopolnitvah Okvirnega sporazuma o Savskem bazenu in Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu (MOSSB), ki ga je sprejel Državni zbor Republike Slovenije na seji 17. junija 2004.

Št. 001-22-139/04

Ljubljana, dne 28. junija 2004

dr. Janez Drnovšek l.

r.

Predsednik  
Republike Slovenije

## **Z A K O N**

### **O RATIFIKACIJI OKVIRNEGA SPORAZUMA O SAVSKEM BAZENU, PROTOKOLA O REŽIMU PLOVBE K OKVIRNEMU SPORAZUMU O SAVSKEM BAZENU IN SPORAZUMA O SPREMEMBAH IN DOPOLNITVAH OKVIRNEGA SPORAZUMA O SAVSKEM BAZENU IN PROTOKOLA O REŽIMU PLOVBE K OKVIRNEMU SPORAZUMU O SAVSKEM BAZENU (MOSSB)**

#### **1. člen**

Ratificira se Okvirni sporazum o Savskem bazenu, podpisan 3. decembra 2002 v Kranjski Gori, Protokol o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu, podpisan 3. decembra 2002 v Kranjski Gori, in Sporazum o spremembah in dopolnitvah Okvirnega sporazuma o Savskem bazenu in Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu, podpisan 2. aprila 2004 v Ljubljani.

#### **2. člen**

Besedila se v angleškem izvorniku in slovenskem prevodu glasijo:

### **FRAMEWORK AGREEMENT ON THE SAVA RIVER BASIN**

Bosnia and Herzegovina, Republic of Croatia, Republic of Slovenia and Federal Republic of Yugoslavia (hereinafter: Parties),

Recognizing the vital importance of trans-boundary co-operation for the Parties aimed towards sustainable development of the Sava River Basin;

Wishing to establish navigation, maintenance and marking navigable parts of the Sava River and its tributaries, for regulating the international regime of navigation as specified in the Convention on the Regime on the Navigation on the Danube (Belgrade 1948);

Being aware of the need to promote sustainable water management by regulating utilization, protection of the

waters and aquatic eco-system and protection against the detrimental effects of the waters in the Sava River Basin, taking into consideration the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Sofia 1994);

Taking into account the great political, economic and social changes that have taken place in the region of the Sava River Basin;

Confirming our commitment to a sustainable development of the region that should be brought about in co-operation with the countries in the region, and with the view to ensure that this Agreement fits, in a coherent way, in accordance with the European Union integration process;

Desiring to develop mutual co-operation on the basis of principles of equal rights, State sovereignty and territorial integrity, good faith and good neighborliness;

Aware of the ever increasing importance attached to the protection of the environment and natural resources, as well as the need for enhanced co-operation for an effective protection of the Sava River Basin;

Recognizing the great value of the Sava River Basin and its environment and natural assets, for the economic and social well-being and living standards of the citizens;

Taking into account the benefits for the Parties that could be derived from, and harms that could be avoided or mitigated as a result of, joint activities of the Parties in the framework of the Sava River Basin co-operation;

Having in mind that the Sava River Basin is part of the Danube Basin and that several international law regimes established by multilateral instruments of international water law, international environmental law and European Union legislation are applied to water resources of the Danube River Basin;

Wishing to join their efforts on sustainable management of water resources of the Sava River Basin with the efforts of other countries and international institutions and arrangements present in the Danube Basin;

Acknowledging the important contribution of the Stability Pact for South Eastern Europe and the international community and wishing to continue the cooperation under this Agreement;

Have agreed as follows:

## **PART 1 GENERAL PROVISIONS**

### **Article 1**

#### **Definitions**

For the purposes of this Agreement:

1) "Transboundary Impact" means any adverse effect on the river environment resulting from a change in water regime, caused by human activity and stretching out beyond an area under the jurisdiction of a Party, and which change may affect life and property, safety of facilities, and the aquatic ecosystem concerned.

2) "The Sava River Basin" is the geographical area extended over the territories of the Parties, determined by the watershed limits of the Sava River and its tributaries, which comprises surface and ground waters, flowing into a common terminus.

3) "Water Regime" comprises quantity and quality conditions of the waters of the Sava River Basin in space and time influenced by human activities or natural changes.

### **Article 2**

#### **Objective of the Agreement**

1) The Parties shall cooperate in order to achieve the following goals:

- a) Establishment of an international regime of navigation on the Sava River and its navigable tributaries;
- b) Establishment of sustainable water management; and
- c) Undertaking of measures to prevent or limit hazards, and reduce and eliminate adverse consequences, including those from floods, ice hazards, droughts and incidents involving substances hazardous to water.

2) For the purpose of carrying out the goals stated in Paragraph 1 of this Article, the Parties shall cooperate in the process of the creation and realization of joint plans and development programs of the Sava River Basin and harmonization of their legislation with EU legislation.

## **PART TWO GENERAL PRINCIPLES OF COOPERATION**

### **Article 3**

#### **General Obligation to Cooperate**

1) The Parties shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit, and good faith in order to attain the goals of the present agreement.

2) The Parties shall cooperate on the basis of, and in accordance with, Directive 2000/60/EC of the EU Parliament and Council of October 23, 2000, Establishing a Framework for Community Activities in the Field of Water Policy (hereinafter: EU Water Framework Directive).

#### **Article 4**

##### **Exchange of Data and Information**

Pursuant to Article 3 of this Agreement, the Parties shall, on a regular basis, exchange information on the water regime of the Sava River Basin, the regime of navigation, legislation, organizational structures, and administrative and technical practices.

#### **Article 5**

##### **Cooperation with International Organizations**

In realization of this Agreement, the Parties shall especially cooperate with:

- a) The International Commission for Protection of Danube River (hereinafter: ICPDR);
- b) The Danube Commission;
- c) The United Nations Economic Commission for Europe (hereinafter: UN/ECE), and
- d) Institutions of the European Union.

#### **Article 6**

##### **Cooperation with National Organizations (Authorities or Bodies)**

1) The Parties agree to nominate organizations (authorities or bodies) competent for realization of this Agreement on the part of the Sava River Basin within their territories.

2) The Parties agree to inform the Chairman of the International Sava River Basin Commission (as established in Article 15 of this Agreement) of the nomination of the organizations (authorities or bodies) stated in paragraph 1 of this Article.

#### **Article 7**

##### **Principle of Reasonable and Equitable Utilization of the Waters**

1) The Parties are entitled, within their territories, to a reasonable and equitable share of the beneficial uses of the Sava River Basin water resources.

2) Reasonable and equitable share within the meaning of Paragraph 1 of this Article is to be determined in any particular case in light of the relevant factors according to international law.

#### **Article 8**

##### **Transboundary Impact**

1) The Parties shall agree on how to regulate all issues concerning measures aimed at securing integrity of the water regime in the Sava River Basin and the elimination or reduction of transboundary impacts on the waters of the other parties caused by economic or other activities.

2) For that purpose, the Parties shall, by separate protocol, regulate the procedures for the issuance of water law acts (licenses, permits and confirmations) for installations and activities that may have a transboundary impact on the integrity of the water regime.

#### **Article 9**

##### **No Harm Rule**

The Parties shall, in utilizing waters of the Sava River Basin in their territories, cooperate and take all appropriate measures to prevent causing significant harm to other Party(ies).

## **PART THREE AREAS OF CO-OPERATION**

### **Article 10**

#### **Regime of Navigation**

1) Navigation on the Sava River from Sisak to the mouth of the Danube River and on all navigable parts of the Sava tributaries shall be open to merchant vessels of any state.

2) The provision in Paragraph 1 of this Article shall not apply to transport between ports within the territory of one Party.

3) Merchant vessels shall be free to enter the ports on navigable waterways referred to in paragraph 1 of this Article for the purpose of loading or unloading, re-supply or other related operations, provided they observe the national regulations of the Party in whose territory the port is situated, as well as the rules passed by the International Sava River Basin Commission.

4) The Parties shall undertake measures to maintain the waterways within their territories in navigable condition, as well as to undertake measures to improve the conditions of navigation and not to prevent or obstruct navigation.

5) The navigation of vessels of war, vessels performing police or administrative functions or in general exercising any other form of public service is not allowed outside of the boundaries of the State whose flag is flying unless otherwise agreed to by the concerned Parties.

6) The Parties agree to regulate by a separate Protocol on the Regime of Navigation, all issues regarding navigation, such as:

a) Institutional arrangements (rules of navigation, technical rules for vessels, marking of navigable waterways, etc.);

b) Expenses relating to the maintenance of navigable waterways and the regime of navigation.

7) Determination of the fairway of the Sava River and its navigable tributaries that form the border between Bosnia and Herzegovina and the Republic of Croatia remains exclusively within the jurisdiction of those two states.

8) Determination of the fairway of the Sava River and its navigable tributaries that form the border between Bosnia and Herzegovina and the Federal Republic of Yugoslavia remains exclusively within the jurisdiction of those two states.

### **Article 11**

#### **Sustainable Water Management**

The Parties agree to cooperate on management of the waters of the Sava River Basin in a sustainable manner, which includes integrated management of surface and ground water resources, in a manner that shall provide for:

a) Water in sufficient quantity and of appropriate quality for the preservation, protection and improvement of aquatic eco-systems (including flora and fauna and eco-systems of natural ponds and wetlands);

b) Waters in sufficient quantity and of appropriate quality for navigation and other kinds of use/utilization;

c) Protection against detrimental effects of water (flooding, excessive groundwater, erosion and ice hazards);

d) Resolution of conflicts of interest caused by different uses and utilizations; and

e) Effective control of the water regime.

### **Article 12**

#### **The Sava River Basin Management Plan**

1) The Parties agree to develop joint and /or integrated Plan on the management of the water resources of the Sava River Basin and to cooperate on its preparatory activities.

2) The Sava River Basin Management Plan shall be adopted by the Parties on the proposal of the International Sava River Basin Commission.

3) Cooperation stated in Paragraph 1 of this Article shall be coordinated with activities of the ICPDR.

4) All issues concerning the preparation and realization of the Sava River Basin Management Plan may be regulated with separate protocols.

### **Article 13**

#### **Extraordinary Impacts on the Water Regime**

1) The Parties shall establish a coordinated or joint system of measures, activities, warnings and alarms in the Sava River Basin for extraordinary impacts on the water regime, such as sudden and accidental pollution, discharge of artificial accumulations and retentions caused by collapsing or inappropriate handling, flood, ice, drought, water shortage, and obstruction of navigation.

2) In realization of the obligation in paragraph 1 of this Article, the Parties shall act in accordance with activities undertaken in the framework of The Convention for Protection and Sustainable Use of Danube River and in the scope of the procedures agreed within the ICPDR.

## **PART FOUR MECHANISM OF CO-OPERATION**

### **Article 14**

#### **Meeting of the Parties**

1) The first Meeting of the Parties shall be convened no later than one year after the date of entry into force of this Agreement. Thereafter, an ordinary Meeting of the Parties shall be held at least once every two years, unless otherwise decided by the Parties, or at the written request of any Party.

2) At their Meetings, the Parties shall keep under continuous review the implementation of this Agreement on the basis of reports of the International Sava River Basin Commission, and shall:

a) Review the work and operations of the International Sava River Basin Commission and make decisions based on its recommendations;

b) Consider and adopt proposals for protocols and amendments to this agreement; and

c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Agreement.

3) All decisions of the Meeting of the Parties shall be made by consensus.

### **Article 15**

#### **International Sava River Basin Commission**

1) For the implementation of this Agreement, the Parties shall establish the International Sava River Basin Commission (hereinafter: Sava Commission).

2) The Sava Commission shall have the international legal capacity necessary for the exercise of its functions.

### **Article 16**

#### **Functions of the Sava Commission**

1) For the realization of this Agreement, the Sava Commission shall make:

a) Decisions aimed to provide conditions for safe navigation;

b) Decisions on the conditions for financing construction of navigable waterways and their maintenance;

c) Decisions on its own work, budget and procedures; and

d) Recommendations on all other issues regarding realization of this Agreement.

2) Decisions of the Sava Commission referred to in Paragraph 1 of this Article shall be binding upon all the Parties unless, for the decisions referred to under a) and b), any of the Sava Commission members withdraws his/her vote within 30 days after a decision has been made, or informs the Sava Commission that the decision is subject to the approval of the relevant authority of his/ her State.

### **Article 17**

#### **Financing the Sava Commission**

The Sava Commission shall be financed by regular annual contributions of the Parties and from other sources.

### **Article 18**

#### **Secretariat**

1) The Sava Commission shall establish a Secretariat.

2) The Secretariat shall be run by a Secretary who shall have three Deputies.

3) The Secretary shall be responsible to the Sava Commission.

## **Article 19**

### **Seat of the Sava Commission**

- 1) The seat of the Sava Commission shall be decided through diplomatic channels.
- 2) The Sava Commission is authorized to conclude a Seat Agreement with the host country on the exercise of its functions.
- 3) The Parties may agree to change the seat of the Sava Commission.

## **Article 20**

### **Statute**

- 1) The Sava Commission has a Statute, which is a part of this Agreement as Annex I.
- 2) All issues related to the work of the Sava Commission and its Secretariat shall be regulated by Statute.

## **Article 21**

### **Monitoring Implementation of the Agreement**

- 1) The Parties agree to establish a methodology of permanent monitoring of implementation of the Agreement and activities based upon it.
- 2) The implementation monitoring methodology will include timely provision of information to stakeholders and the general public by the authorities responsible for implementation of the Agreement.
- 3) The Parties shall establish an implementation monitoring methodology within two years after the Agreement has entered into force.

## **PART FIVE DISPUTE SETTLEMENT**

## **Article 22**

### **General Provisions**

- 1) If a dispute arises between two or more Parties about the interpretation or implementation of this Agreement, they shall seek a solution by negotiation.
- 2) If the concerned parties are unable to resolve the dispute through negotiation, upon the request of one of the concerned parties, they may jointly seek good services, mediation or conciliation from a third party, or they may agree to refer the dispute to arbitration in accordance with Annex II of this Agreement, or to the International Court of Justice.
- 3) If, within six months from submitting a request as stated in Paragraph 2 of this Article, the concerned parties are unable to resolve the dispute through negotiation, good services, mediation or conciliation, any Party concerned may request that an independent fact-finding expert committee be established.

## **Article 23**

### **Fact-Finding Expert Committee**

- 1) The Fact Finding Expert Committee (hereinafter: Committee) shall be composed of three experts. Each Party in dispute shall appoint one expert. These two experts shall select by common agreement a third expert who is not a citizen of any concerned Party and who shall be chairman of the Committee.
- 2) If one side in dispute consists of two or more Parties of the Agreement they shall jointly appoint one expert of the Committee.
- 3) If the nominated members of the Committee are unable to decide on the selection of a chairman within three months of the submission of the request for establishing the Committee, each concerned party may request the President of the International Court of Justice to nominate a chairman, who shall not be citizen of any concerned Party.

## **Article 24**

### **Role of the Fact Finding Expert Committee**

- 1) The Committee shall adopt its rules of procedure.
- 2) The concerned Parties are obliged, upon the request of the Committee, to provide all information regarding the dispute and to permit the Committee to enter its territories and to inspect locations, installations and equipment necessary to its work, in accordance with national legislation.
- 3) The Parties and experts of the Committee shall protect the confidentiality of any information they receive in confidence during the work of the Committee.
- 4) The Committee shall adopt by majority vote the report of its findings including an explanation of the findings. If the report is not adopted by unanimous vote, a dissenting opinion may be submitted and shall be included in the report.
- 5) The Committee shall submit the report to the concerned parties within two months of the date on which it was established, unless it finds it necessary to extend this period for not more than next two months.
- 6) Expenses of the Committee shall be borne equally by the concerned parties.

## **PART SIX FINAL PROVISIONS**

### **Article 25**

#### **Annexes**

The annexes to this Agreement shall constitute an integral part thereof.

### **Article 26**

#### **Amendments to the Agreement**

- 1) Any Party may propose amendments to this Agreement.
- 2) The text of any proposed amendment shall be submitted in writing to the Secretariat, who shall communicate it to all Parties at least ninety days before the meeting of the Parties at which it is proposed for adoption.
- 3) The Parties shall adopt any proposed amendment by consensus. The Chairman of the Sava Commission shall notify the Depositary of any amendments adopted by the Parties.
- 4) Amendments shall enter into force, *mutatis mutandis*, in accordance with the procedure referred to in Article 28 of this Agreement.

### **Article 27**

#### **Reservation**

No reservations may be made to this Agreement.

### **Article 28**

#### **Duration and Entering into Force**

- 1) This agreement shall be concluded for an indefinite period of time.
- 2) This Agreement shall be subject to ratification.
- 3) Instruments of ratification shall be lodged as soon as possible with the Depositary identified in Article 33 of this Agreement. The Depositary shall inform the Parties of the date of deposit of each instrument of ratification.
- 4) This Agreement shall enter into force on the thirtieth day after the date of deposit of the fourth instrument of ratification. The Depositary shall notify the Parties of the date of the entry into force of the Agreement.

### **Article 29**

#### **Other Agreements**

- 1) Nothing in the present Agreement shall affect the rights or obligations of a Party arising from any agreement that is in force on the date on which this Agreement comes into force.
- 2) For the implementation of this Agreement the Parties may enter into bi- or multi-lateral agreements or arrangements, which shall not be in conflict with this Agreement.
- 3) The Parties shall agree to adapt existing bilateral agreements, if necessary, to avoid contradictions with basic principles of this Agreement.

## **Article 30**

### **Protocols**

1) In implementing this Agreement, the Parties shall, in addition to the protocols referred to in other provisions of this Agreement, conclude other protocols for regulating:

- a) Protection against flood, excessive groundwater, erosion, ice hazards, drought and water shortages;
- b) Water use/utilization;
- c) Exploitation of stone, sand, gravel and clay;
- d) Protection and improvement of water quality and quantity;
- e) Protection of aquatic eco-systems;
- f) Prevention of the water pollution caused by navigation, and
- g) Emergency situations.

2) The Parties may agree to conclude other protocols necessary for the implementation of this Agreement.

## **Article 31**

### **Termination and Withdrawal**

1) This Agreement may be terminated by mutual agreement of all Parties.

2) Any Party to this Agreement may withdraw from this Agreement by giving written notice to the Depository of this Agreement, who shall immediately communicate to the Parties.

3) Such notice of withdrawal shall take effect one year after the date of its receipt by the Depository, unless such notice is withdrawn beforehand or the Parties mutually agree otherwise.

4) Unless all remaining Parties agree otherwise, a withdrawal as referred to in Paragraph 2 of this Article shall not release the notifying Party from any of its commitments concerning programs, projects, and studies begun under this Agreement.

## **Article 32**

### **International Borders**

Establishing and marking of interstate borders among the Parties shall not be affected by any provision of this Agreement or its implementation.

## **Article 33**

### **Depository**

1) One original of this Agreement shall be deposited by the Government of the Party in whose territory signing of this Agreement shall take place with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall act as Depository.

2) The Depository shall, upon entry into force of this Agreement, ensure its registration in accordance with Article 102 of the Charter of the United Nations.

Done at Kranjska Gora, on December 3rd, 2002 in five originals in the English language, one to be retained by each Party, and one to be deposited with the Depository.

For Bosnia and Herzegovina  
Svetozar Mihajlović (s)

For the Republic of Croatia  
Tonino Picula (s)

For the Republic of Slovenia  
Dr. Dimitrij Rupel (s)

For the Federal Republic of  
Yugoslavia  
Goran Svilanović (s)

## **ANNEX I**



# **STATUTE OF THE INTERNATIONAL SAVA RIVER BASIN COMMISSION (Sava Commission)**

Structures and procedures of the Sava Commission supplementary to Article 15 of this Agreement shall be established as follows:

## **Article 1**

### **Composition of the Sava Commission**

- 1) The Sava Commission shall be composed of two representatives of each Party, one member and one deputy member.
- 2) The Sava Commission may have permanent and ad hoc expert groups.

## **Article 2**

### **Chairmanship of the Sava Commission**

- 1) The Sava Commission shall have a Chairman.
- 2) The Chairman shall represent the Sava Commission.
- 3) The term of office of the Chairman of the Sava Commission shall last three years and shall be rotated following the English alphabetical listing of the Parties.
- 4) Lots shall be drawn for the first Chairman.
- 5) In the absence of the Chairman, the Sava Commission shall be chaired by a Vice Chairman, who shall be a member from the next Party following the English alphabetical listing of the Parties.
- 6) All issues concerning the Chairmanship shall be regulated by the Rules of Procedure.

## **Article 3**

### **Sessions of the Sava Commission**

- 1) The Sava Commission shall convene one regular session every year and, if necessary, may convene special sessions.
- 2) The Chairman shall convene special sessions at the request of one or more Parties or on his/her own initiative.
- 3) The Chairman shall propose the agenda. Representatives of each Party may propose agenda items.
- 4) The sessions of the Sava Commission shall be held in private unless the Sava Commission decides otherwise.
- 5) The Sava Commission may invite observers to its sessions.
- 6) Each Party may invite experts as advisors to its representatives to the sessions. The experts' names shall be communicated to the Secretariat of the Sava Commission.
- 7) The first session of the Sava Commission shall be held within six months of the date of entry into force of this Agreement.

## **Article 4**

### **Tasks and competencies of the Sava Commission**

1. In implementing this Agreement, the Sava Commission shall:
  - a) Develop a methodology and program for preparation of a joint and/or integrated Sava River Basin Management Plan (hereinafter: Plan);
  - b) Coordinate the establishment of a unified information system;
  - c) Propose the Plan;
  - d) Carry out and coordinate the preparation of studies;
  - e) Propose priorities for waterworks constructions and implementation of measures from the Plan;
  - f) Coordinate activities related to, inter alia:
    - Regulation of waters in Sava River Basin for all purposes;
    - Protection against detrimental effects of the water;
    - Water pollution prevention;
    - Extraordinary impacts on the water regime;
    - Use and utilization of the waters, including hydro-energy potential of the Sava River Basin, and

- Issuing water regulation acts;
  - g) Coordinate the establishment of unified profiles for water regime control;
  - h) Coordinate activities on conservation, protection, and improvement of the aquatic eco- system of the Sava River Basin;
  - i) Make decisions in order to provide conditions for safe navigation on the River Sava and its tributaries, inter alia, by:
    - Adopting the plan on marking, maintenance and development of navigable waterways;
    - Adopting the unified rules of navigation, taking into account specific conditions of certain parts of the navigable waterways;
    - Adopting the technical rules concerning inland navigation vessels and rules on obtaining the boatmaster certificates;
    - Establishing the River Information Service;
  - j) Exercise other tasks and duties in accordance with the Agreement or as particularly entrusted by the Parties;
  - k) Cooperate and harmonize activities with international and national organizations (authorities and bodies), and
  - l) Issue documents and publications.
- 2) In discharging its functions, the Sava Commission shall make decisions on its own work and procedures, such as:
- a) Rules of Procedure;
  - b) Financial Rules;
  - c) Main functions and structure of the Secretariat and job description of the officials and support staff, and
  - d) Staff Regulations of the Secretariat.

## **Article 5**

### **Adopting Decisions and Recommendations of the Sava Commission**

- 1) Each Party shall have one vote.
- 2) At least one member from each Party shall be present at each session of the Sava Commission.
- 3) Decisions and recommendations of the Sava Commission shall be adopted by unanimous vote.
- 4) The Sava Commission may use a written procedure for adoption of decisions and recommendations in urgent cases as determined by the Rules of Procedure. The Sava Commission shall decide whether a situation is an urgent case.

## **Article 6**

### **Financing the Sava Commission**

- 1) The Parties shall contribute to the financing of the Sava Commission on an equal basis.
- 2) The Sava Commission shall adopt an annual or biennial budget of proposed expenditures and consider budget estimates for the fiscal period following thereafter.
- 3) The Parties shall bear the expenses related to the participation of their representatives, experts and advisers in the Sava Commission.
- 4) The Parties shall bear the costs of the regular monitoring and assessment activities, carried out in their territories.

## **Article 7**

### **Secretariat**

- 1) The Secretariat shall perform administrative and executive services for the Sava Commission.
- 2) The Secretariat shall consist of officials and support staff.
- 3) The officials of the Secretariat are the Secretary, his Deputies and Advisors.
- 4) The officials shall be appointed by the Sava Commission, and support staff by the Secretary, following a competitive selection procedure and requirements of the rules and regulations referred to in Article 4 Paragraph 2 of this Annex.
- 5) The officials shall be nationals of the Parties, represented on equal basis.

## **Article 8**

### **Official Languages of the Sava Commission**

- 1) The official languages of the Sava Commission and its Secretariat, permanent and ad hoc expert groups shall be the official languages of Bosnia and Herzegovina (Bosnian, Croatian, Serbian), Croatian, Serbian and Slovenian.
- 2) The Sava Commission may use other languages if necessary.

## **Article 9**

### **Permanent and Ad hoc Expert Groups**

- 1) Permanent and ad hoc expert groups may be set up in order to investigate specific issues, determined by the Sava Commission.
- 2) The expert groups shall act in accordance with their specific mandate.
- 3) The expert groups shall consist of experts appointed by the Sava Commission.
- 4) The expert groups shall have a chairman appointed by the Sava Commission.
- 5) For the purpose referred to in Paragraph 1 of this Article the Sava Commission may also engage individual experts.

## **Article 10**

### **Reports**

The Sava Commission submits to the Parties an annual report on its activities as well as further reports as required by the Parties.

## **Article 11**

### **Immunities**

- 1) Representatives of the Parties and officials of the Secretariat of the Sava Commission, in performing of their official duties shall enjoy, within and with respect to all Parties, the following immunities:
  - a) Immunity from jurisdiction in respect of words spoken or written and all acts performed by them in their official capacity. This immunity shall continue to apply even after the person concerned have ceased to be representatives of the Parties or officials of the Secretariat of the Sava Commission;
  - b) Immunity from inspection and seizure of their official baggage;
  - c) Inviolability of all official documents, data and other material;
- 2) No immunities shall be granted to the representatives of the Parties and the officials of the Secretariat of the Sava Commission in any act involving traffic violations.

## **ANNEX II**

## **DISPUTE SETTLEMENT BY ARBITRAGE**

Dispute settlement by arbitration referred to in Article 22 of this Agreement shall be established as follows:

### **Article 1**

- 1) The Parties in dispute concerning interpretation and application of the Agreement shall notify the Secretariat of the Sava Commission on their agreement to settle the dispute in an arbitration tribunal.
- 2) The notification shall indicate the issue for arbitration, including the Article(s) of the Agreement in which interpretation or application is in dispute.
- 3) Upon receiving notification to refer a dispute to the arbitration tribunal, the Sava Commission Secretariat shall pass the notification to all Parties of the Agreement, within 15 days following the date of receipt of notification.

### **Article 2**

- 1) The arbitration tribunal shall consist of three members. Each Party in dispute shall designate an arbitrator. The arbitrators designated by the Parties in dispute shall then appoint one arbitrator by common agreement, who shall be chairman of the arbitration tribunal.
- 2) If one side in the dispute consists of two or more Parties of the Agreement, they shall jointly appoint one member of the arbitration tribunal.
- 3) The chairman of the arbitration tribunal shall not be a citizen of any Party of the Agreement, shall not have

his/her usual place of residence in or be an employee of one of the Parties in dispute, and shall not have had any previous ties in any capacity with the subject case.

4) If the designated arbitrators cannot agree on the choice of the president of the arbitration tribunal within two months following the designation of the second arbitrator, each Party in dispute can request from the President of the International Court of Justice designation of the chairman of the arbitration tribunal, within two months, in accordance with Paragraph 2 of this Article.

5) If any one of the Parties has not designated its arbitrator within two months following the delivery of the notification in Article 1 of this Annex to the Secretariat of the Sava Commission, the other Party can inform the President of the International Court of Justice who shall, within two months, designate the chairman of the arbitration tribunal. After his or her appointment, the chairman of the arbitration tribunal will request the Party that did not designate the arbitrator to do so within two months. If the Party does not comply, the chairman will inform the President of the International Court of Justice who shall make the appointment within two months.

### **Article 3**

- 1) The arbitration tribunal shall reach its decision in accordance with international law and this Agreement.
- 2) The arbitration tribunal shall draw up its own Rules of Procedure.
- 3) Procedures and questions of merit of the arbitration tribunal shall be decided by majority vote.

### **Article 4**

- 1) The arbitration tribunal may use all means necessary for fact-finding.
- 2) The Parties in dispute shall ensure that all that is needed for efficient conduct of the arbitration procedure is made.

### **Article 5**

The Parties and members of the arbitration tribunal are obligated to maintain confidentiality of all confidential information received during the proceedings.

### **Article 6**

Absence from the proceedings of one of the Parties in dispute shall not prohibit the proceedings from continuing.

### **Article 7**

- 1) Any Party of the Agreement that has a legal interest in the subject of dispute and which could be affected by the decision of the arbitration tribunal, may intervene in the proceedings with approval of the arbitration tribunal.
- 2) The decision of the arbitration tribunal shall be binding on any Party that has intervened in the proceedings as described in paragraph 1 of this Article.

### **Article 8**

The arbitration tribunal shall reach its decision within five months of its inception, unless it finds it necessary to extend that term for not more than an additional five months.

### **Article 9**

- 1) The decision of the arbitration tribunal shall include rationale.
- 2) This decision shall be binding for all Parties in dispute.
- 3) The arbitration tribunal shall deliver its decision to the Parties in dispute and to the Secretariat of the Sava Commission, who shall pass the decision to all Parties of the Agreement.

### **Article 10**

If the Parties in dispute cannot agree on the interpretation or implementation of the arbitration tribunal's decision, each Party may request that the arbitration tribunal assist with the resolution. If the arbitration tribunal is not available, the Parties may request that another arbitration tribunal be established in the same manner as the first one to assist with the resolution.

### **Article 11**

- 1) Each Party in dispute shall bear its own expenses.
- 2) The Parties in dispute shall equally share the expenses of the arbitration proceedings, including expenses of the arbitrators. The arbitration tribunal shall have its own record of expenses and shall submit it to the Parties as an annex to the decision in accordance with its Rules of Procedure.

## **P R O T O C O L ON THE NAVIGATION REGIME TO THE FRAMEWORK AGREEMENT ON THE SAVA RIVER BASIN**

Pursuant to the provisions referred to in Article 10, Paragraph 6 of the Framework Agreement on the Sava River Basin (hereinafter: The Agreement), Bosnia and Herzegovina, the Republic of Croatia, Republic of Slovenia and the Federal Republic of Yugoslavia (hereinafter: The Parties) have agreed as follows:

### **Article 1**

Navigation on the Sava River from the river kilometer 0.00 to the river kilometer 586.00, on the Kolubara River from the river kilometer 0.00 to the river kilometer 5.00, on the Drina River from the river kilometer 0.00 to the river kilometer 15.00, on the Bosna River from the river kilometer 0.00 to the river kilometer 5.00, on the Vrbas River from the river kilometer 0.00 to the river kilometer 3.00, on the Una River from the river kilometer 0.00 to the river kilometer 15.00 and on the Kupa River from the river kilometer 0.00 to the river kilometer 5.00, shall be carried out in accordance with the provisions of Article 10 of the Framework Agreement on the Sava River Basin.

### **Article 2**

- 1) Navigation on the rivers referred to in Article 1 of this Protocol shall be carried out in accordance with the Rules of Navigation to be determined by the International Sava River Basin Commission (hereinafter: Sava Commission) and the competent authorities of the Parties.
- 2) The Rules determined by the competent authorities of the Parties shall be in accordance with the decisions of the Sava Commission.

### **Article 3**

The Parties acknowledge equal status of all vessels in:

- a) payment of navigation and port fees, services and taxes;
- b) use of pilotage services;
- c) use of port equipment, anchorage sites, navigation locks and other vessel equipment for general use;
- d) loading and unloading vessels, embarking and disembarking persons;
- e) conducting all types of controls and issuing documents by the competent authorities; and
- f) furnishing vessels with fuel, lubricants, water and other supplies;
- g) discharging waste, wastewater and used mineral oils generated onboard vessels.

### **Article 4**

- 1) The competent authorities of the Parties shall be in charge of customs, police and sanitary procedures and shall communicate the rules on these procedures to the Sava Commission which shall assist in their harmonization.
- 2) The customs, police and sanitary rules pertaining to navigation on the rivers referred to in Article 1 of this Protocol shall be applied to vessels without discrimination in terms of nationality. These rules shall be of such nature so as not to hinder navigation.
- 3) Customs and border formal procedures shall be conducted at the sites designated by the competent authorities of the Parties. The Parties shall inform the Sava Commission on the location of these sites.

### **Article 5**

The competent authorities of the Parties shall supervise navigation in a uniform manner in accordance with the decisions of the Sava Commission and national regulations of the Parties.

### **Article 6**

- 1) In cases where both banks of the river as referred to in Article 1 of this Protocol are in the territory of one Party, that Party shall be entitled to seal the items designated for transit or put them under the supervision of the

competent authorities. In addition, that Party shall be entitled to request from the master or shipper a written statement verifying whether he is transporting items prohibited for import to the respective Party, but it shall not be entitled to ban the transportation of such items. These procedures may not be used as pretext for inspection of said items or preventing and/or delaying the transit. The master or shipper who submits an incorrect statement shall be liable for it and all possible consequences in accordance with the law of the Party to which authorities the statement was given.

2) In cases where the river as referred to in Article 1 of this Protocol forms a border between two Parties, the vessels, persons and items in transit shall be exempted from all formal border-crossing procedures during the transit.

#### **Article 7**

In navigation, vessels may use onboard coastal equipment for navigation-related communication in the manner prescribed by the Sava Commission.

#### **Article 8**

1) The Parties shall mutually recognize the vessels documents and qualification documents for crew, including the boat master license.

2) Basic technical rules for vessels and requirements for obtaining the boat master license shall be determined by the Sava Commission.

#### **Article 9**

1) With the aim to provide navigation safety, the Sava Commission shall adopt annual and multi-annual plans for marking navigable waterways and carry out the activities referred to in Article 10 Paragraph 4 of the Agreement.

2) The Sava Commission shall establish the rules related to dimensions of the fairway in accordance with the international categorization.

3) In cases where the river referred to in Article 1 of this Protocol forms a border between two Parties, the manner of executing the activities and measures referred to in Article 10 Paragraph 4 of the Agreement shall be agreed between the Parties.

4) The Sava Commission shall establish the manner of marking the navigable waterway on the rivers referred to in Article 1 of this Protocol.

#### **Article 10**

1) The Sava Commission is authorized to make decisions on collecting fees for the use of the fairway on the rivers referred to in Article 1 of this Protocol as well as on the amounts and the manner of collecting such fees.

2) The funds obtained from the collection of the fees referred to in Paragraph 1 of this Article shall be used exclusively for financing the activities and measures referred to in Article 10 Paragraph 4 of the Agreement and shall not serve as a source of profit.

#### **Article 11**

1) This Protocol shall be concluded for an indefinite period of the time.

2) This Protocol shall be subject to ratification, acceptance or approval.

3) Instruments of ratification, acceptance or approval shall be lodged as soon as possible with the Depositary identified in Article 14 of this Protocol. The Depositary shall inform the Parties of the date of deposit of each instrument of ratification, acceptance or approval.

4) This Protocol shall enter into force on the thirtieth day after the date of deposit of the fourth instrument of ratification, acceptance or approval. The Depositary shall notify the Parties of the date of the entry into force of this Protocol.

#### **Article 12**

1) The provisions of the Agreement related to amendments, withdrawal and dispute settlement shall apply to this Protocol.

2) This Protocol may be terminated by mutual agreement of all Parties.

3) The Protocol shall terminate in case of the termination of the Agreement.

#### **Article 13**

No reservations may be made to this Protocol.

#### **Article 14**

1) One original of this Protocol shall be deposited by the Government of the Party in whose territory signing of this Protocol shall take place with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall act as Depositary.

2) The Depositary shall, upon entry into force of this Protocol, ensure its registration in accordance with Article 102 of the Charter of the United Nations.

Done at Kranjska Gora, on December 3rd, 2002 in five originals in the English language, one to be retained by each Party, and one to be deposited with the Depositary.

For Bosnia and Herzegovina  
Svetozar Mihajlović (s)

For the Republic of Croatia  
Tonino Picula (s)

For the Republic of Slovenia  
Dr. Dimitrij Rupel (s)

For the Federal Republic of  
Yugoslavia  
Goran Svilanović (s)

## **Agreement on the Amendments to the Framework Agreement on the Sava River Basin and the Protocol on the navigation Regime to the Framework Agreement on the Sava River Basin**

Bosnia and Herzegovina, Republic of Croatia, Republic of Slovenia and Serbia and Montenegro, (hereinafter: Parties),

Having in mind a need for amendment of Article 33, Paragraph 1 of the Framework Agreement on the Sava River Basin, as well as Article 14 Paragraph 1 of the Protocol on the Navigation Regime to the Framework Agreement on the Sava River Basin, signed in Kranjska gora on 3 December 2002,

Have agreed as follows:

#### **Article 1**

Article 33 Paragraph 1 of the Framework Agreement on the Sava River Basin shall be amended to read as follows:

"The Government of the Republic of Slovenia shall be the depositary of this Agreement."

#### **Article 2**

Article 14 Paragraph 1 of the Protocol on the Navigation Regime to the Framework Agreement on the Sava River basin shall be amended to read as follows:

"The Government of the Republic of Slovenia shall be the depositary of this Protocol."

#### **Article 3**

1. This Agreement shall be concluded for an indefinite period of time.
2. This Agreement shall be subject to ratification, acceptance or approval.
3. Instruments of ratification, acceptance or approval shall be deposited as soon as possible with the Depositary referred to Articles 1 and 2 of this Agreement. The Depositary shall inform the Parties of the date of deposit of each instrument of ratification, acceptance or approval.
4. This Agreement shall enter into force on the thirtieth day after the date of deposit of the fourth instrument of ratification, acceptance or approval, but not prior to entry into force of the Framework Agreement on the Sava River Basin and the Protocol on the Navigation Regime to the Framework Agreement. The Depositary shall notify the parties of the date of the entry into force of the Agreement.
5. This Agreement shall be provisionally applied from the date of its signature.

Done at Ljubljana, on 2 April 2004 in four originals in English language, one to be retained by each Party.

For Bosnia and Herzegovina  
Mladen Bosić (s)

For the Republic of Croatia  
Spomenka Cek (s)

For Serbia and Montenegro  
Zdravko Tuvic (s)

For the Republic of  
Slovenia  
Samuel Žbogar (s)

## **OKVIRNI SPORAZUM O SAVSKEM BAZENU**

Bosna in Hercegovina, Republika Hrvaška, Republika Slovenija in Zvezna republika Jugoslavija (v nadaljnjem besedilu pogodbenice) so se,

ker se zavedajo, da je čezmejno sodelovanje, katerega cilj je trajnostni razvoj Savskega bazena, zanje življenjskega pomena;

ker zaradi ureditve mednarodnega režima plovbe, opredeljenega v Konvenciji o režimu plovbe na reki Donavi (Beograd 1948), želijo vzpostaviti plovbo ter vzdrževati in označiti plovne dele reke Save in njenih pritokov;

ker se zavedajo potrebe po spodbujanju trajnostnega upravljanja voda tako, da se s predpisi uredijo uporaba in varstvo voda ter vodnega ekosistema in zaščita voda pred škodljivimi učinki v Savskem bazenu ob upoštevanju Konvencije o sodelovanju za varstvo in trajnostno uporabo reke Donave (Sofija 1994);

ob upoštevanju velikih političnih, gospodarskih in družbenih sprememb, nastalih na območju Savskega bazena;

ob potrditvi svoje sprejete zaveze glede trajnostnega razvoja tega območja, ki naj bi se uresničeval v sodelovanju z državami na tem območju, in z namenom zagotovitve usklajenosti sporazuma s procesom vključevanja v Evropsko unijo;

v želji, da bi medsebojno sodelovanje razvijale po načelih enakih pravic, državne suverenosti in ozemeljske celovitosti, poštenosti in dobrih sosedskih odnosov;

ker se zavedajo vedno večjega pomena, ki se pripisuje varstvu okolja in naravnih virov, in potrebe po tesnejšem sodelovanju zaradi učinkovitega varstva Savskega bazena;

ker se zavedajo velikega pomena Savskega bazena in njegovega okolja ter naravnega bogastva za gospodarsko in družbeno blaginjo ter življenjski standard državljanov;

ob upoštevanju koristi, ki jih bodo pogodbenice od tega imele, in škode, ki jo bo s skupnimi dejavnostmi pogodbenic v okviru sodelovanja v Savskem bazenu mogoče preprečiti ali ublažiti;

ker vedo, da je Savski bazen del Donavskega bazena in da se za vodne vire Donavskega bazena uporablja več mednarodnih pravnih režimov, vzpostavljenih z večstranskimi instrumenti mednarodnega vodnega prava, mednarodnega okoljskega prava in zakonodaje Evropske unije;

v želji, da bi svoja prizadevanja za trajnostno upravljanje vodnih virov Savskega bazena lahko združile s prizadevanji drugih držav in mednarodnih ustanov ter dogovori, ki že obstajajo v Donavskem bazenu;

ker priznavajo pomemben prispevek Pakta stabilnosti za jugovzhodno Evropo in mednarodne skupnosti in v okviru tega sporazuma želijo sodelovati tudi v prihodnje, dogovorile, kot sledi:

### **1. DEL SPLOŠNE DOLOČBE**

#### **1. člen**

#### **Opredelitev pojmov**

V tem sporazumu:

1) »čezmejni vpliv« pomeni vsakršen negativni učinek na rečno okolje, ki je posledica spremembe vodnega režima zaradi človekove dejavnosti in sega čez območje pod jurisdikcijo pogodbenice in sprememba katerega lahko prizadene življenje in premoženje, varnost naprav in objektov ter zadevni vodni ekosistem;

2) »Savski bazen« je geografsko območje, ki se razteza čez ozemlja pogodbenic in je določeno z razvodnico savskega porečja, kar obsega površinske in podzemne vode, ki se stekajo v skupno strugo;

3) »vodni režim« obsega količinske in kakovostne razmere voda Savskega bazena v prostoru in času, na katere vplivajo človekove dejavnosti ali naravne spremembe.



## **2. člen**

### **Cilj sporazuma**

- 1) Pogodbenice sodelujejo, da bi dosegle te cilje:
  - a) vzpostavitev mednarodnega režima plovbe po reki Savi in njenih plovnih pritokih;
  - b) vzpostavitev trajnostnega upravljanja voda;
  - c) sprejetje ukrepov za preprečevanje ali omejevanje nevarnosti ter zmanjševanje in odpravljanje negativnih posledic, vključno s tistimi, ki jih povzročajo poplave, led, suša in nezgode z nevarnimi snovmi, škodljivimi za vodo.
- 2) Da bi izpolnjevale cilje, navedene v prvem odstavku tega člena, pogodbenice sodelujejo pri izdelavi in uresničevanju skupnih načrtov in razvojnih programov za Savski bazen ter pri usklajevanju svoje zakonodaje z zakonodajo EU.

## **2. DEL SPLOŠNA NAČELA SODELOVANJA**

## **3. člen**

### **Splošna obveznost sodelovanja**

- 1) Pogodbenice sodelujejo po načelu popolne enakosti, ozemeljske celovitosti, medsebojne koristi in zaupanja, da dosežejo cilje tega sporazuma.
- 2) Pogodbenice sodelujejo na podlagi Direktive 2000/60/ES Parlamenta in Sveta EU z dne 23. oktobra 2000, ki vzpostavlja okvir za dejavnosti Skupnosti na področju vodne politike (v nadaljnjem besedilu Okvirna direktiva EU o vodah), in v skladu z njo.

## **4. člen**

### **Izmenjava podatkov in informacij**

V skladu s 3. členom tega sporazuma si pogodbenice redno izmenjujejo informacije o vodnem režimu Savskega bazena, režimu plovbe, zakonodaji, organizacijskih strukturah in upravnih ter tehničnih zadevah.

## **5. člen**

### **Sodelovanje z mednarodnimi organizacijami**

- Pri uresničevanju tega sporazuma pogodbenice sodelujejo predvsem:
- a) z Mednarodno komisijo za varstvo reke Donave (v nadaljnjem besedilu ICPDR);
  - b) Donavsko komisijo;
  - c) Ekonomsko komisijo Združenih narodov za Evropo (v nadaljnjem besedilu UN/ECE) in
  - d) ustanovami Evropske unije.

## **6. člen**

### **Sodelovanje z nacionalnimi organizacijami (organi ali telesi)**

- 1) Pogodbenice soglašajo, da bodo imenovale organizacije (organe ali telesa), ki bodo pristojne za uresničevanje tega sporazuma na delu Savskega bazena na svojem ozemlju.
- 2) Pogodbenice soglašajo, da bodo predsednika Mednarodne komisije za Savski bazen (kot je opredeljena v 15. členu tega sporazuma) obvestile o imenovanju organizacij (organov ali teles), navedenih v prvem odstavku tega člena.

## **7. člen**

### **Načelo razumne in pravične uporabe voda**

- 1) Pogodbenice so na svojem ozemlju upravičene do razumnega in pravičnega deleža koristne uporabe vodnih virov Savskega bazena.

2) Razumen in pravičen delež v smislu prvega odstavka tega člena je treba v vsakem posameznem primeru določiti glede na ustrezne dejavnike v skladu z mednarodnim pravom.

## **8. člen**

### **Čezmejni vpliv**

1) Pogodbenice se sporazumejo o tem, kako urejati vsa vprašanja v zvezi z ukrepi za varstvo celovitosti vodnega režima v Savskem bazenu in odpravo ali zmanjšanje čezmejnih vplivov gospodarskih ali drugih dejavnosti na vode drugih pogodbenic.

2) V ta namen pogodbenice s posebnim protokolom opredelijo postopke za izdajo pravnih aktov v zvezi z vodami (dovolilnic, dovoljenj in potrdil) za objekte in dejavnosti, ki lahko čezmejno vplivajo na celovitost vodnega režima.

## **9. člen**

### **Pravilo o neškodovanju**

Pogodbenice pri uporabljanju voda Savskega bazena na svojem ozemlju sodelujejo in sprejemajo vse ustrezne ukrepe za preprečevanje večje škode drugi pogodbenici ali drugim pogodbenicam.

## **3. DEL PODROČJA SODELOVANJA**

## **10. člen**

### **Režim plovbe**

1) Plovba po reki Savi od Siska do ustja reke Donave in na vseh plovnih delih pritokov Save je možna za trgovske ladje vseh držav.

2) Določba prvega odstavka tega člena se ne uporablja za prevoz med pristanišči na območju ene pogodbenice.

3) Trgovske ladje lahko neovirano priplujejo v pristanišča po plovnih vodnih poteh iz prvega odstavka tega člena zaradi nakladanja ali razkladanja, ponovne oskrbe ali drugih s tem povezanih dejavnosti, če spoštujejo notranje predpise pogodbenice, na ozemlju katere je pristanišče, in pravila, ki jih je sprejela Mednarodna komisija za Savski bazen.

4) Pogodbenice sprejmejo ukrepe za vzdrževanje vodnih poti, ki so na njihovem ozemlju, v plovnem stanju, pa tudi ukrepe za izboljšanje plovnih razmer in preprečevanje oviranja plovbe.

5) Plovba vojnih ladij in ladij, ki opravljajo policijske ali upravne naloge ali v splošnem opravljajo kakršne koli druge javne storitve, ni dovoljena zunaj meja države, pod zastavo katere pluje, razen če se zadevne pogodbenice ne dogovorijo drugače.

6) Pogodbenice se sporazumejo, da bodo s posebnim protokolom o režimu plovbe urejale vsa vprašanja, povezana s plovbo, kot so:

- a) institucionalna ureditev (pravila o plovbi, tehnična pravila za ladje, označevanje plovnih vodnih poti itd.);
- b) stroški, povezani z vzdrževanjem plovnih vodnih poti in režimom plovbe.

7) Določitev plovne poti reke Save in njenih plovnih pritokov, ki oblikujejo mejo med Bosno in Hercegovino ter Republiko Hrvaško, je v izključni jurisdikciji teh dveh držav.

8) Določitev plovne poti reke Save in njenih plovnih pritokov, ki oblikujejo mejo med Bosno in Hercegovino ter Zvezno republiko Jugoslavijo, je v izključni jurisdikciji teh dveh držav.

## **11. člen**

### **Trajnostno upravljanje voda**

Pogodbenice soglašajo, da bodo sodelovale pri trajnostnem upravljanju voda Savskega bazena, kar vključuje celovito upravljanje površinskih in podzemnih vodnih virov na tak način, da so zagotovljeni:

- a) voda v zadostni količini in ustrezne kakovosti za ohranjanje, varovanje in izboljšanje vodnih ekosistemov (vključno z rastlinstvom in živalstvom ter ekosistemi naravnih ribnikov in mokrišč);
- b) vode v zadostni količini in ustrezne kakovosti za plovbo in druge vrste uporabe;
- c) zaščita pred škodljivimi učinki vode (poplave, previsoka podzemna voda, erozija led);
- d) reševanje interesnih sporov, nastalih zaradi različne uporabe, ter
- e) učinkovit nadzor vodnega režima.

## 12. člen

### Načrt upravljanja Savskega bazena

- 1) Pogodbenice soglašajo, da bodo razvile skupni in/ali celostni načrt upravljanja vodnih virov Savskega bazena in sodelovale pri njegovih pripravah.
- 2) Pogodbenice sprejmejo načrt upravljanja Savskega bazena na predlog Mednarodne komisije za Savski bazen.
- 3) Sodelovanje, navedeno v prvem odstavku tega člena, se usklajuje z dejavnostmi ICPDR.
- 4) Vsa vprašanja, povezana s pripravo in uresničevanjem načrta upravljanja Savskega bazena, se lahko urejajo s posebnimi protokoli.

## 13. člen

### Izredni vplivi na vodni režim

- 1) Pogodbenice vzpostavijo usklajen ali skupen sistem ukrepov, dejavnosti, opozoril in alarmov v Savskem bazenu za izredne vplive na vodni režim, kot so nenadno onesnaževanje, odvajanje iz umetnih akumulacij in materiala zaradi zrušitev ali neustreznega ravnanja, poplave, led, suša, nizke vode in oviranje plovbe.
- 2) Pri uresničevanju obveznosti iz prvega odstavka tega člena pogodbenice ravnajo v skladu z dejavnostmi, prevzetimi v okviru Konvencije za zaščito in trajnostno uporabo reke Donave, in v mejah postopkov, dogovorjenih na ICPDR.

## 4. DEL NAČIN SODELOVANJA

## 14. člen

### Zasedanje pogodbenic

- 1) Prvo zasedanje pogodbenic se skliče najpozneje eno leto po datumu začetka veljavnosti tega sporazuma. Redna zasedanja pogodbenic so nato najmanj enkrat na dve leti, če pogodbenice ne sklenejo drugače, ali na pisno zahtevo katere koli pogodbenice.
- 2) Pogodbenice na svojih zasedanjih na podlagi poročil Mednarodne komisije za Savski bazen spremljajo izvajanje tega sporazuma in
  - a) pregledujejo delo in dejavnosti Mednarodne komisije za Savski bazen ter sprejemajo sklepe, ki temeljijo na njenih priporočilih;
  - b) obravnavajo in sprejemajo predloge protokolov in sprememb tega sporazuma ter
  - c) obravnavajo in sprejemajo dodatne ukrepe, ki so potrebni za doseganje ciljev tega sporazuma.
- 3) Vsi sklepi zasedanj pogodbenic se sprejemajo soglasno.

## 15. člen

### Mednarodna komisija za Savski bazen

- 1) Za izvajanje tega sporazuma pogodbenice ustanovijo Mednarodno komisijo za Savski bazen (v nadaljnjem besedilu Savska komisija).
- 2) Savska komisija ima mednarodno pravno sposobnost, potrebno za opravljanje njenih nalog.

## 16. člen

### Naloge Savske komisije

- 1) Da bi uresničevala ta sporazum, Savska komisija sprejema:
  - a) sklepe, da bi zagotovila razmere za varno plovbo;
  - b) sklepe o pogojih za financiranje graditve plovnih vodnih poti in njihovega vzdrževanja;
  - c) sklepe o svojem lastnem delu, proračunu in postopkih ter
  - d) priporočila o vseh drugih vprašanih glede uresničevanja tega sporazuma.
- 2) Sklepi Savske komisije iz prvega odstavka tega člena zavezujejo vse pogodbenice, razen če glede sklepov iz točk a) in b) kdo od članov Savske komisije v 30 dneh po sprejetju sklepa ne umakne svojega glasu ali Savsko komisijo obvesti, da mora sklep odobriti pristojni organ njegove države.

## **17. člen**

### **Financiranje Savske komisije**

Savska komisija se financira z rednimi letnimi prispevki pogodbenic in iz drugih virov.

## **18. člen**

### **Sekretariat**

- 1) Savska komisija ustanovi sekretariat.
- 2) Sekretariat vodi sekretar, ki ima tri namestnike.
- 3) Sekretar je odgovoren Savski komisiji.

## **19. člen**

### **Sedež Savske komisije**

- 1) Sedež Savske komisije se določi po diplomatski poti.
- 2) Savska komisija je pooblaščenca, da z vlado gostiteljico sklene sporazum o sedežu in opravljanju svojih nalog.
- 3) Pogodbenice se lahko dogovorijo o spremembi sedeža Savske komisije.

## **20. člen**

### **Statut**

- 1) Savska komisija ima statut, ki je kot Priloga I sestavni del tega sporazuma.
- 2) Statut ureja vsa vprašanja, povezana z delom Savske komisije in njenega sekretariata.

## **21. člen**

### **Spremljanje izvajanja sporazuma**

- 1) Pogodbenice soglašajo, da bodo vzpostavile metodologijo stalnega spremljanja izvajanja sporazuma in dejavnosti, ki temeljijo na njem.
- 2) Metodologija spremljanja izvajanja bo vključevala pravočasno obveščanje uporabnikov in javnosti s strani organov, odgovornih za izvajanje sporazuma.
- 3) Pogodbenice vzpostavijo metodologijo spremljanja izvajanja v dveh letih po začetku veljavnosti sporazuma.

## **5. DEL REŠEVANJE SPOROV**

## **22. člen**

### **Splošne določbe**

- 1) Če med dvema ali več pogodbenicami nastane spor zaradi razlage ali izvajanja tega sporazuma, si ga prizadevajo rešiti s pogajanjem.
- 2) Če zadevne pogodbenice spora na zahtevo ene od pogodbenic ne morejo rešiti s pogajanjem, lahko tretjo stran skupaj prosijo za posredovanje ali pa se sporazumejo, da bodo spor v skladu s Prilogo II tega sporazuma predložile v reševanje arbitraži ali Meddržavnemu sodišču.
- 3) Če zadevne pogodbenice v šestih mesecih po predloženi zahtevi iz drugega odstavka tega člena spora ne morejo rešiti s pogajanjem ali posredovanjem, lahko vsaka vpletena stran zahteva, da se ustanovi neodvisna strokovna komisija za ugotovitev dejanskega stanja.

## **23. člen**

### **Strokovna komisija za ugotovitev dejanskega stanja**

1) Strokovna komisija za ugotovitev dejanskega stanja (v nadaljnjem besedilu komisija) je sestavljena iz treh članov. Stranki v sporu imenujeta po enega izvedenca. Izvedenca sporazumno izbereta tretjega izvedenca, ki ni državljan nobene vpletene pogodbenice in je predsednik komisije.

2) Če eno stran v sporu sestavljata dve ali več pogodbenic sporazuma, te skupaj imenujejo enega izvedenca komisije.

3) Če se imenovani člani komisije v treh mesecih po predloženi zahtevi za ustanovitev komisije ne morejo sporazumeti o tem, koga naj izberejo za predsednika komisije, lahko vsaka vpletena pogodbenica zahteva, da predsednika, ki ni državljan nobene vpletene pogodbenice, imenuje predsednik Meddržavnega sodišča.

## **24. člen**

### **Naloge Strokovne komisije za ugotovitev dejanskega stanja**

1) Komisija sprejme svoj poslovnik.

2) Vpletene pogodbenice morajo na zahtevo komisije priskrbeti vse informacije o sporu in komisiji dovoliti, da v skladu z notranjo zakonodajo vstopi na ozemlje pogodbenice in pregleda lokacije, objekte in opremo, ki jo potrebuje pri svojem delu.

3) Pogodbenice in izvedenci komisije varujejo zaupnost informacij, ki jih med delom komisije prejmejo kot zaupno.

4) Komisija sprejme poročilo o svojih ugotovitvah, vključno z obrazložitvijo ugotovitev, z večino glasov. Če poročilo ni sprejeto soglasno, se lahko predloži nasprotno mnenje, ki se vključi v poročilo.

5) Komisija predloži poročilo vpletenim pogodbenicam v dveh mesecih po datumu njegove izdelave, razen če meni, da bi bilo treba ta rok podaljšati za največ dva meseca.

6) Vpletene pogodbenice krijejo stroške komisije v enakih deležih.

## **6. DEL KONČNE DOLOČBE**

## **25. člen**

### **Priloge**

Priloge k temu sporazumu so njegov sestavni del.

## **26. člen**

### **Spremembe sporazuma**

1) Vsaka pogodbenica lahko predlaga spremembe tega sporazuma.

2) Besedilo vsake predlagane spremembe se v pisni obliki predloži sekretariatu, ki ga vsem pogodbenicam pošlje vsaj devdeset dni pred zasedanjem pogodbenic, na katerem bo besedilo predlagano v sprejetje.

3) Pogodbenice vsako predlagano spremembo sprejmejo soglasno. Predsednik Savske komisije depozitarja uradno obvesti o spremembah, ki so jih sprejele pogodbenice.

4) Spremembe začnejo veljati mutatis mutandis v skladu s postopkom iz 28. člena tega sporazuma.

## **27. člen**

### **Pridržki**

K temu sporazumu niso mogoči pridržki.

## **28. člen**

### **Trajanje in začetek veljavnosti**

1) Ta sporazum se sklene za nedoločen čas.

2) Ta sporazum se ratificira.

3) Listine o ratifikaciji se čim prej deponirajo pri depozitarju, ki je določen v 33. členu tega sporazuma. Depozitar obvesti pogodbenice o datumu deponiranja vsake listine o ratifikaciji.

4) Ta sporazum začne veljati trideset dni po deponiranju četrte listine o ratifikaciji. Depozitar uradno obvesti pogodbenice o datumu začetka veljavnosti sporazuma.

## **29. člen**

### **Drugi sporazumi**

1) Nobena določba v tem sporazumu ne vpliva na pravice ali obveznosti pogodbenice, ki izhajajo iz katerega koli sporazuma, ki velja na dan, ko je ta sporazum začel veljati.

2) Pogodbenice lahko sklepajo dvostranske ali večstranske sporazume ali dogovore o izvajanju tega sporazuma, ki niso v nasprotju s tem sporazumom.

3) Pogodbenice soglašajo, da bodo sprejete dvostranske sporazume, če bo to potrebno, prilagodile tako, da se bodo izognile protislovjem s temeljnimi načeli tega sporazuma.

## **30. člen**

### **Protokoli**

1) Poleg protokolov, omenjenih v drugih določbah tega sporazuma, pogodbenice pri izvajanju tega sporazuma sklenejo še druge protokole, ki urejajo:

- a) varstvo pred poplavami, previsokimi podzemnimi vodami, erozijo, ledom, sušo in nizkimi vodami;
- b) uporabo voda;
- c) gospodarsko izkoriščanje kamna, peska, proda in ilovice;
- d) varstvo in izboljšanje kakovosti in količine vode;
- e) varstvo vodnih ekosistemov;
- f) preprečevanje onesnaževanja voda, ki ga povzroča plovba, in
- g) izredne razmere.

2) Pogodbenice se lahko sporazumejo o sklenitvi še drugih protokolov, potrebnih za izvajanje tega sporazuma.

## **31. člen**

### **Prenehanje veljavnosti in odpoved**

1) Ta sporazum lahko preneha veljati z medsebojnim soglasjem vseh pogodbenic.

2) Vsaka pogodbenica tega sporazuma lahko sporazum odpove s pisnim obvestilom, poslanim depozitarju tega sporazuma, ki o tem takoj obvesti pogodbenice.

3) Obvestilo o odpovedi začne veljati eno leto po datumu, ko ga je prejel depozitar, če obvestilo pred tem ni bilo umaknjeno ali se pogodbenice niso drugače dogovorile.

4) Če se preostale pogodbenice ne dogovorijo drugače, odpoved iz drugega odstavka tega člena pogodbenice, ki je poslala obvestilo, ne odvezuje nobenih njenih obveznosti, ki se nanašajo na programe, projekte in raziskave, začete po tem sporazumu.

## **32. člen**

### **Mednarodne meje**

Nobena določba tega sporazuma ali izvajanje sporazuma ne vpliva na določitev ali označevanje meddržavnih mej med pogodbenicami.

## **33. člen**

### **Depozitar**

1) Vlada pogodbenice, na ozemlju katere je podpisan ta sporazum, deponira en izvirnik tega sporazuma pri generalnem sekretarju Združenih narodov. Generalni sekretar Združenih narodov je depozitar.

2) Depozitar ob začetku veljavnosti tega sporazuma poskrbi za njegovo registracijo v skladu s 102. členom Ustanovne listine Združenih narodov.

Sestavljeno v Kranjski Gori 3. decembra 2003 v petih izvirkih v angleškem jeziku, od katerih enega obdrži vsaka pogodbenica, eden pa se shrani pri depozitarju.

Za Bosno in Hercegovino  
Svetozar Mihajlović I. r.

Za Republiko Hrvaško  
Tonino Picula I. r.

Za Republiko Slovenijo  
Dr. Dimitrij Rupel I. r.

Za Zvezno republiko  
Jugoslavijo  
Goran Svilanović I. r.

## **PRILOGA I**

# **STATUT MEDNARODNE KOMISIJE ZA SAVSKI BAZEN (Savska komisija)**

Organiziranost in delovanje Savske komisije dodatno k 15. členu tega sporazuma sta:

### **1. člen**

#### **Sestava Savske komisije**

- 1) Savsko komisijo sestavljata po dva predstavnika vsake pogodbenice, in sicer en član in en namestnik člana.
- 2) Savska komisija lahko ima stalne in ad hoc strokovne skupine.

### **2. člen**

#### **Predsedovanje Savski komisiji**

- 1) Savska komisija ima predsednika.
- 2) Predsednik zastopa Savsko komisijo.
- 3) Mandat predsednika Savske komisije traja tri leta in se menjava po angleškem abecednem redu pogodbenic.
- 4) Prvi predsednik se določi z žrebom.
- 5) Če je predsednik odsoten, Savski komisiji predseduje podpredsednik, ki je član iz pogodbenice, ki je naslednja na seznamu po angleškem abecednem redu.
- 6) Vsa vprašanja glede predsedovanja ureja poslovnik.

### **3. člen**

#### **Seje Savske komisije**

- 1) Savska komisija vsako leto skliče eno redno sejo, in če je treba, lahko sklicuje tudi posebne seje.
- 2) Predsednik lahko sklicuje posebne seje na zahtevo ene ali več pogodbenic ali na svojo pobudo.
- 3) Predsednik predlaga dnevni red. Predstavniki vsake pogodbenice lahko predlagajo točke dnevnega reda.
- 4) Seje Savske komisije so, če se Savska komisija ne odloči drugače, zaupne.
- 5) Savska komisija lahko na svoje seje povabi opazovalce.
- 6) Vsaka pogodbenica lahko na seje povabi izvedence kot svetovalce njenim predstavnikom. Imena izvedencev se sporočijo sekretariatu Savske komisije.
- 7) Prva seja Savske komisije je v šestih mesecih po datumu začetka veljavnosti tega sporazuma.

### **4. člen**

#### **Naloge in pristojnosti Savske komisije**

- 1) Pri izvajanju tega sporazuma Savska komisija:
  - a) razvija metodologijo in program za pripravo skupnega in/ali celostnega načrta za upravljanje Savskega

bazena (v nadaljnjem besedilu načrt);

- b) usklajuje vzpostavljanje enotnega informacijskega sistema;
  - c) predlaga načrt;
  - d) izvaja in usklajuje pripravo študij;
  - e) predlaga prednostne naloge pri upravljanju voda in izvajanju ukrepov iz načrta;
  - f) usklajuje dejavnosti, povezane med drugim:
    - z urejanjem voda v Savskem bazenu za vse namene;
    - varstvom pred škodljivimi učinki vode;
    - preprečevanjem onesnaževanja voda;
    - izrednimi vplivi na vodni režim;
    - uporabo voda, vključno s hidroenergetskimi zmogljivostmi Savskega bazena, in
    - izdajanjem pravnih aktov za urejanje voda;
  - g) usklajuje določitev enotnih profilov za nadzor vodnega režima;
  - h) usklajuje dejavnosti ohranjanja, varovanja in izboljšanja vodnega ekosistema v Savskem bazenu;
  - i) pripravlja sklepe za zagotavljanje razmer za varno plovbo na reki Savi in njenih pritokih med drugim:
    - s sprejetjem načrta za označevanje, vzdrževanje in razvoj plovnih vodnih poti;
    - sprejetjem enotnih pravil o plovbi ob upoštevanju posebnih razmer na določenih delih plovnih vodnih poti;
    - sprejetjem tehničnih pravil o plovilih za plovbo po celinskih vodah in pridobitvi spričeval za upravljanje čolnov;
    - ustanovitvijo rečne informacijske službe;
  - j) opravlja druge naloge in dolžnosti v skladu s sporazumom ali naloge, ki ji jih posebej zaupajo pogodbenice;
  - k) sodeluje z mednarodnimi in nacionalnimi organizacijami (organi in telesi) ter z njimi usklajuje dejavnosti in
  - l) izdaja dokumente in publikacije.
- 2) Pri opravljanju svojih nalog Savska komisija sprejema sklepe o svojem lastnem delu in postopkih, kot so:
- a) poslovnik;
  - b) finančna pravila;
  - c) glavne naloge in organiziranost sekretariata ter opis del uradnikov in pomožnega osebja ter
  - d) kadrovski pravilnik sekretariata.

## 5. člen

### Sprejemanje sklepov in priporočil Savske komisije

- 1) Vsaka pogodbenica ima en glas.
- 2) Na vsakem zasedanju Savske komisije je navzoč vsaj en član iz vsake pogodbenice.
- 3) Sklepi in priporočila Savske komisije se sprejemajo soglasno.
- 4) V nujnih primerih, določenih v poslovniku, lahko Savska komisija uporabi pisni postopek za sprejetje sklepov in priporočil. Savska komisija odloča o tem, ali je zadeva nujna.

## 6. člen

### Financiranje Savske komisije

- 1) Pogodbenice v enakih deležih prispevajo k financiranju Savske komisije.
- 2) Savska komisija sprejme letni ali dveletni proračun predlaganih izdatkov in prouči proračunske načrte za naslednje finančno obdobje.
- 3) Pogodbenice krijejo stroške, povezane z udeležbo njihovih predstavnikov, izvedencev in svetovalcev v Savski komisiji.
- 4) Pogodbenice krijejo stroške dejavnosti rednega spremljanja stanja in presoj, ki se opravljajo na njihovem ozemlju.

## 7. člen

### Sekretariat

- 1) Sekretariat opravlja upravne in izvršilne naloge za Savsko komisijo.
- 2) Sekretariat sestavljajo uradniki in pomožno osebje.
- 3) Uradniki sekretariata so sekretar, njegovi namestniki in svetovalci.
- 4) Uradnike imenuje Savska komisija, pomožno osebje pa sekretar po razpisnem postopku in v skladu s pravili in predpisi iz drugega odstavka 4. člena te priloge.
- 5) Uradniki so državljani pogodbenic, ki so enakopravno zastopane.

## 8. člen



## Uradni jeziki Savske komisije

- 1) Uradni jeziki Savske komisije in njenega sekretariata, stalnih in ad hoc strokovnih skupin so uradni jeziki Bosne in Hercegovine (bošnjaški, hrvaški, srbski), hrvaški, srbski in slovenski.
- 2) Savska komisija lahko, če je treba, uporablja tudi druge jezike.

## 9. člen

### Stalne in ad hoc strokovne skupine

- 1) Stalne in ad hoc strokovne skupine se lahko ustanovijo, da bi preiskovale posebne zadeve, ki jih določi Savska komisija.
- 2) Strokovne skupine delujejo v skladu s svojimi posebnimi pooblastili.
- 3) Strokovne skupine sestavljajo izvedenci, ki jih imenuje Savska komisija.
- 4) Strokovne skupine imajo predsednika, ki ga imenuje Savska komisija.
- 5) Za namene iz prvega odstavka tega člena lahko Savska komisija zaposli posamezne izvedence.

## 10. člen

### Poročila

Savska komisija predloži pogodbenicam letno poročilo o svojih dejavnostih, pa tudi nadaljnja poročila, če jih zahtevajo pogodbenice.

## 11. člen

### Imunitete

- 1) Predstavniki pogodbenic in uradniki sekretariata Savske komisije pri opravljanju svojih uradnih dolžnosti v državah pogodbenicah in v zvezi z vsemi pogodbenicami uživajo te imunitete:
  - a) imuniteto pred sodnim postopkom za izrečene ali napisane besede in vsa dejanja, ki jih opravljajo po službeni dolžnosti. Ta imuniteta velja tudi po tem, ko zadevna oseba ni več predstavnica pogodbenic ali uradnik sekretariata Savske komisije;
  - b) imuniteto pred preiskavo in zasegom njihove uradne prtljage;
  - c) nedotakljivost vseh uradnih dokumentov, podatkov in drugega gradiva.
- 2) Pri dejanjih, ki vključujejo prometne prekrške, se predstavnikom pogodbenic in uradnikom sekretariata Savske komisije ne priznajo nobene imunitete.

## PRILOGA II

## REŠEVANJE SPOROV Z ARBITRAŽO

Reševanje sporov z arbitražo iz 22. člena tega sporazuma je določeno, kot sledi:

### 1. člen

- 1) Stranki v sporu glede razlage in uporabe sporazuma uradno obvestita sekretariat Savske komisije o soglasju, da bosta spor reševali na arbitražnem sodišču.
- 2) Uradno obvestilo navaja zadevo za arbitražo, vključno s členom (členi) sporazuma, katerega (katerih) razlaga ali uporaba je sporna.
- 3) Ko sekretariat Savske komisije prejme uradno obvestilo o reševanju spora pred arbitražnim sodiščem, ga v 15 dneh po datumu prejema pošlje vsem pogodbenicam sporazuma.

### 2. člen

- 1) Arbitražno sodišče sestavljajo tri člani. Vsaka stranka v sporu imenuje enega razsodnika. Razsodnika, ki ju imenujeta stranki v sporu, nato s skupnim soglasjem imenujeta razsodnika, ki je predsednik arbitražnega sodišča.
- 2) Če eno stran v sporu sestavljata dve ali več pogodbenic sporazuma, te skupaj imenujejo enega člana arbitražnega sodišča.
- 3) Predsednik arbitražnega sodišča ne sme biti državljan nobene pogodbenice sporazuma, ne sme imeti stalnega prebivališča ali biti zaposlen v kateri od strank v sporu in s sporno zadevo ne sme biti predhodno kakor koli povezan.

4) Če se imenovana razsodnika v dveh mesecih po imenovanju drugega razsodnika ne moreta sporazumeti o izbiri predsednika arbitražnega sodišča, lahko vsaka stranka v sporu od predsednika Meddržavnega sodišča zahteva, da v skladu z drugim odstavkom tega člena v dveh mesecih imenuje predsednika arbitražnega sodišča.

5) Če stranka svojega razsodnika ni imenovala v dveh mesecih po tem, ko je bilo uradno obvestilo iz 1. člena te priloge dostavljeno sekretariatu Savske komisije, lahko druga stranka o tem obvesti predsednika Meddržavnega sodišča, ki v dveh mesecih določi predsednika arbitražnega sodišča. Ko je predsednik arbitražnega sodišča tako določen, od stranke, ki ni imenovala razsodnika, zahteva, da to stori v dveh mesecih. Če ta stranka tega ne stori, predsednik arbitražnega sodišča o tem obvesti predsednika Meddržavnega sodišča, ki opravi imenovanje v dveh mesecih.

### **3. člen**

- 1) Arbitražno sodišče sprejme svojo odločitev v skladu z mednarodnim pravom in tem sporazumom.
- 2) Arbitražno sodišče sestavi svoj poslovnik.
- 3) O postopkih in vsebinskih vprašanjih arbitražnega sodišča se odloča z večino glasov.

### **4. člen**

- 1) Arbitražno sodišče lahko uporablja vsa sredstva, potrebna za ugotavljanje dejstev.
- 2) Stranki v sporu zagotovita, da je storjeno vse potrebno za učinkovito vodenje arbitražnega postopka.

### **5. člen**

Stranki in člani arbitražnega sodišča morajo spoštovati zaupnost vseh zaupnih informacij, ki so jih prejeli med postopkom.

### **6. člen**

Če se katera od strank v sporu ne udeleži postopka, se ta kljub temu lahko nadaljuje.

### **7. člen**

1) Pogodbenica sporazuma, ki ima pravni interes v predmetu spora, na katerega bi odločitev arbitražnega sodišča lahko vplivala, sme z odobritvijo arbitražnega sodišča poseči v postopek.

2) Odločitev arbitražnega sodišča zavezuje vsako pogodbenico, ki je posegla v postopek, kot je opisano v prvem odstavku tega člena.

### **8. člen**

Arbitražno sodišče sprejme svojo odločitev v petih mesecih po začetku obravnave, razen če ne ugotovi, da je treba ta rok podaljšati za največ pet mesecev.

### **9. člen**

- 1) Odločitev arbitražnega sodišča vključuje utemeljitev.
- 2) Ta odločitev zavezuje obe stranki v sporu.
- 3) Arbitražno sodišče pošlje svojo odločitev strankama v sporu in sekretariatu Savske komisije, ki jo nato pošlje vsem pogodbenicam sporazuma.

### **10. člen**

Če se stranki v sporu ne moreta sporazumeti o razlagi ali izvajanju odločitve arbitražnega sodišča, lahko vsaka stranka zahteva, da ji arbitražno sodišče pomaga pri rešitvi. Če arbitražno sodišče ni na voljo, lahko stranki zahtevata, da se na enak način, kot je bilo ustanovljeno prvo arbitražno sodišče, ustanovi še eno arbitražno sodišče, da bi pomagalo pri rešitvi.

### **11. člen**

- 1) Vsaka stranka v sporu krije svoje stroške.
- 2) Stranki v sporu v enakem deležu krijeta stroške arbitražnega postopka, vključno z izdatki za razsodnike. Arbitražno sodišče ima svojo evidenco o izdatkih in jo v skladu s svojim poslovníkom predloži strankama kot prilogo k svoji odločitvi.

# **PROTOKOL**

## **O REŽIMU PLOVBE K OKVIRNEMU SPORAZUMU O SAVSKEM BAZENU**

Na podlagi določb šestega odstavka 10. člena Okvirnega sporazuma o Savskem bazenu (v nadaljnjem besedilu sporazum) so se Bosna in Hercegovina, Republika Hrvaška, Republika Slovenija in Zvezna republika Jugoslavija (v nadaljnjem besedilu pogodbenice) sporazumele, kot sledi:

### **1. člen**

Plovba po reki Savi od rečnega kilometra 0,00 do rečnega kilometra 586,00, po reki Kolubari od rečnega kilometra 0,00 do rečnega kilometra 5,00, po reki Drini od rečnega kilometra 0,00 do rečnega kilometra 15,00, po reki Bosni od rečnega kilometra 0,00 do rečnega kilometra 5,00, po reki Vrbas od rečnega kilometra 0,00 do rečnega kilometra 3,00, po reki Uni od rečnega kilometra 0,00 do rečnega kilometra 15,00 in po reki Kupi od rečnega kilometra 0,00 do rečnega kilometra 5,00 poteka v skladu z določbami 10. člena Okvirnega sporazuma o Savskem bazenu.

### **2. člen**

1) Plovba po rekah iz 1. člena tega protokola poteka v skladu s pravili o plovbi, ki jih določijo Mednarodna komisija za Savski bazen (v nadaljnjem besedilu Savska komisija) in pristojni organi pogodbenic.  
2) Pravila, ki jih določajo pristojni organi pogodbenic, so v skladu s sklepi Savske komisije.

### **3. člen**

Pogodbenice vsem plovilom priznavajo enak status glede:

- a) plačevanja plovnih in pristaniških pristojbin, storitev in taks;
- b) uporabe storitev pilotaže;
- c) uporabe pristaniške opreme, sidrišč, plovnih zapor in druge navigacijske opreme za splošno uporabo;
- d) nakladanja in razkladanja plovil, vkrcavanja in izkrcavanja potnikov;
- e) opravljanja vseh vrst kontrol in izdajanja listin s strani pristojnih organov;
- f) oskrbe plovil z gorivom, mazivi, vodo in drugim ter
- g) odvoza odpadkov, odplak in izrabljenih mineralnih olj, nastalih na plovilih.

### **4. člen**

1) Pristojni organi pogodbenic skrbijo za carinske, policijske in sanitarne postopke ter pravila o teh postopkih pošljejo Savski komisiji, ki pomaga pri njihovem usklajevanju.  
2) Carinska, policijska in sanitarna pravila, ki se nanašajo na plovbo po rekah iz 1. člena tega protokola, se za plovila uporabljajo ne glede na državno pripadnost. Ta pravila so taka, da ne ovirajo plovbe.  
3) Carinske in mejne formalnosti se opravljajo na krajih, ki jih določijo pristojni organi pogodbenic.  
Pogodbenice obvestijo Savsko komisijo o lokaciji teh krajev.

### **5. člen**

Pristojni organi pogodbenic nadzorujejo plovbo na enotni podlagi v skladu s sklepi Savske komisije in notranjimi predpisi pogodbenic.

### **6. člen**

1) Če sta oba bregova reke iz 1. člena tega protokola na ozemlju ene pogodbenice, ima ta pogodbenica pravico, da zapečati pošiljke v tranzitu ali jih da pod nadzor pristojnih organov. Poleg tega ima ta pogodbenica pravico, da od poveljnika ali naročnika prevoza blaga zahteva pisno izjavo, s katero preveri, ali prevaža pošiljke, katerih uvoz v zadevno državo je prepovedan, nima pa pravice, da bi prepovedala prevažanje takih pošiljk. Ti postopki se ne smejo uporabiti zato, da bi bile navedene pošiljke pregledane, in tudi ne smejo preprečiti tranzita in/ali povzročiti zamude v tranzitu. Poveljnik ali naročnik prevoza blaga, ki predloži nepravilno izjavo, je odgovoren zanjo in za vse možne posledice v skladu s pravom pogodbenice organom, za katere je bila taka izjava dana.

2) Če reka iz 1. člena tega protokola oblikuje mejo med dvema pogodbenicama, so plovila, potniki in pošiljke v tranzitu oproščeni vseh mejnih formalnosti med tranzitom.

### **7. člen**

Med plovbo lahko plovila uporabljajo ladijsko in obalno opremo za sporočila, povezana s plovbo, na način, ki ga predpiše Savska komisija.

#### **8. člen**

- 1) Pogodbenice si medsebojno priznavajo ladijske listine in listine o usposobljenosti posadke, vključno s spričevalom za upravljanje plovila.
- 2) Temeljna tehnična pravila o plovilih in pogoje za pridobitev spričevala za upravljanje plovila določi Savska komisija.

#### **9. člen**

- 1) Da bi zagotavljala varnost plovbe, Savska komisija sprejema letne in večletne načrte za označevanje plovnih vodnih poti in opravlja dejavnosti iz četrtega odstavka 10. člena sporazuma.
- 2) Savska komisija določa pravila o dolžini plovne poti v skladu z mednarodno kategorizacijo.
- 3) Če reka iz 1. člena tega protokola oblikuje mejo med dvema pogodbenicama, se pogodbenici dogovorita o načinu opravljanja dejavnosti in izvajanja ukrepov iz četrtega odstavka 10. člena sporazuma.
- 4) Savska komisija določi način za označevanje plovne vodne poti na rekah iz 1. člena tega protokola.

#### **10. člen**

- 1) Savska komisija je pooblaščenca, da odloča o pobiranju pristojbin za uporabo plovne poti na rekah iz 1. člena tega protokola in zneskih ter načinu pobiranja takih pristojbin.
- 2) Sredstva, pridobljena s pobiranimi pristojbinami iz prvega odstavka tega člena, se uporabljajo izključno za financiranje dejavnosti in ukrepov iz četrtega odstavka 10. člena sporazuma in niso namenjena ustvarjanju dobička.

#### **11. člen**

- 1) Ta protokol se sklene za nedoločen čas.
- 2) Ta protokol se ratificira, sprejme ali odobri.
- 3) Listine o ratifikaciji, sprejetju ali odobritvi se čim prej deponirajo pri depozitarju, ki je določen v 14. členu tega protokola. Depozitar obvesti pogodbenice o datumu deponiranja vsake listine o ratifikaciji, sprejetju ali odobritvi.
- 4) Ta protokol začne veljati trideseti dan po deponiranju četrte listine o ratifikaciji, sprejetju ali odobritvi. Depozitar uradno obvesti pogodbenice o datumu začetka veljavnosti tega protokola.

#### **12. člen**

- 1) Določbe sporazuma, ki se nanašajo na spremembe, odpoved in reševanje sporov, se uporabljajo za ta protokol.
- 2) Ta protokol lahko preneha veljati z medsebojnim soglasjem vseh pogodbenic.
- 3) Protokol preneha veljati, če preneha veljati sporazum.

#### **13. člen**

K temu protokolu niso mogoči pridržki.

#### **14. člen**

- 1) Vlada pogodbenice, na ozemlju katere je podpisan ta protokol, deponira en izvornik tega protokola pri generalnem sekretarju Združenih narodov. Generalni sekretar Združenih narodov je depozitar.
- 2) Depozitar ob začetku veljavnosti tega protokola poskrbi za njegovo registracijo v skladu s 102. členom Ustanovne listine Združenih narodov.

Sestavljeno v Kranjski Gori 3. decembra 2002 v petih izvornikih v angleškem jeziku, od katerih enega obdrži vsaka pogodbenica, eden pa se shrani pri depozitarju.

Za Bosno in Hercegovino  
Svetozar Mihajlović I. r.

Za Republiko Hrvaško  
Tonino Picula I. r.

Za Republiko Slovenijo  
Dr. Dimitrij Rupel I. r.

Za Zvezno republiko  
Jugoslavijo  
Goran Svilanović I. r.

## **S p o r a z u m** **o spremembah in dopolnitvah** **Okvirnega sporazuma o Savskem bazenu in Protokola o režimu plovbe k** **Okvirnemu sporazumu o Savskem bazenu**

Bosna in Hercegovina, Republika Hrvaška, Republika Slovenija ter Srbija in Črna gora (v nadaljevanju pogodbenice), so se ob upoštevanju, da je treba spremeniti prvi odstavek 33. člena Okvirnega sporazuma o Savskem bazenu, kot tudi prvi odstavek 14. člena Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu, ki sta bila podpisana 3. decembra 2002 v Kranjski Gori, sporazumele, kot sledi:

### **1. člen**

Prvi odstavek 33. člena Okvirnega sporazuma o Savskem bazenu se spremeni, tako da se glasi:  
»Vlada Republike Slovenije je depozitar tega sporazuma.«

### **2. člen**

Prvi odstavek 14. člena Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu se spremeni, tako, da se glasi:  
»Vlada Republike Slovenije je depozitar tega Protokola.«

### **3. člen**

1. Ta sporazum se sklene za nedoločen čas.
2. Ta sporazum se ratificira, sprejme ali odobri.
3. Listine o ratifikaciji, sprejetju ali odobritvi se čimprej deponirajo pri depozitarju, navedenem v 1. in 2. členu tega Sporazuma. Depozitar obvesti pogodbenice o datumu deponiranja vsake listine o ratifikaciji, sprejetju ali odobritvi.
4. Ta sporazum začne veljati trideseti dan po datumu deponiranja četrte listine o ratifikaciji, sprejetju ali odobritvi, vendar ne pred začetkom veljavnosti Okvirnega sporazuma o Savskem bazenu in Protokola o režimu plovbe k Okvirnemu sporazumu o Savskem bazenu. Depozitar uradno obvesti pogodbenice o datumu začetka veljavnosti tega sporazuma.
5. Ta sporazum se začasno uporablja od datuma podpisa.

Sestavljeno v Ljubljani, dne 2. aprila 2004, v štirih izvornikih v angleškem jeziku, od katerih vsaka pogodbenica obdrži enega.

Za Bosno in Hercegovino

Mladen Bosić I. r.

Za Republiko Hrvaško  
Spomenka Cek I. r.

Za Srbijo in Črno goro  
Zdravko Tuvić I. r.

Za Republiko Slovenijo

Samuel Žbogar I. r.

### **3. člen**

Za izvajanje okvirnega sporazuma, protokola in sporazuma o spremembah in dopolnitvah okvirnega sporazuma in protokola skrbita Ministrstvo za promet in Ministrstvo za okolje, prostor in energijo.

### **4. člen**

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

Št. 326-04/04-23/1

Ljubljana, dne 17. junija 2004

EPA 1340-III

Predsednik  
Državnega zbora  
Republike Slovenije  
Borut Pahor I. r.