

58. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Kazahstan o mednarodnem cestnem prevozu potnikov in blaga (BKZCP)

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

U K A Z

**o razglasitvi Zakona o ratifikaciji Sporazuma med Vlado Republike Slovenije
in Vlado Republike Kazahstan o mednarodnem cestnem prevozu potnikov in blaga
(BKZCP)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Kazahstan o mednarodnem cestnem prevozu potnikov in blaga (BKZCP), ki ga je sprejel Državni zbor Republike Slovenije na seji 21. maja 2010.

Št. 003-02-5/2010-18
Ljubljana, dne 29. maja 2010

dr. Danilo Türk I.r.
Predsednik
Republike Slovenije

Z A K O N

**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE
IN VLADO REPUBLIKE KAZAHSTAN O MEDNARODNEM CESTNEM PREVOZU POTNIKOV IN BLAGA
(BKZCP)**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Kazahstan o mednarodnem cestnem prevozu potnikov in blaga, sklenjen v Astani 11. novembra 2009.

2. člen

Besedilo sporazuma se v izvirniku v slovenskem in angleškem jeziku glasi:¹

S P O R A Z U M

M E D

VLADO REPUBLIKE SLOVENIJE
IN VLADO REPUBLIKE KAZAHSTAN
O MEDNARODNEM CESTNEM PREVOZU
POTNIKOV IN BLAGA

Vlada Republike Slovenije in Vlada Republike Kazahstan, v nadaljevanju pogodbenici, sta se

v želji, da bi prispevali k razvoju trgovine in gospodarskih odnosov med državama,

odločeni, da spodbujata sodelovanje pri cestnem prevozu v okviru tržnega gospodarstva,

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

v prizadevanju za razvoj različnih načinov prevoza,

ob priznavanju obojestranske prednosti razvoja cestnega prometa

sporazumeli:

A G R E E M E N T

B E T W E E N

THE GOVERNMENT OF THE REPUBLIC
OF SLOVENIA AND THE GOVERNMENT
OF THE REPUBLIC OF KAZAKHSTAN
ON INTERNATIONAL TRANSPORT OF
PASSENGERS AND GOODS BY ROAD

The Government of the Republic of Slovenia and the Government of the Republic of Kazakhstan, hereinafter referred to as the "Parties",

anxious to contribute to the development of trade and economic relations between the two states,

determined to promote collaboration in road transport within the framework of the market economy,

concerned with the environment and people protection, the rational use of energy, road safety and the improvement of driver's working conditions,

aiming towards the development of transport intermodality,

recognising the mutual advantage of development of road transport,

have agreed as follows:

¹ Besedili sporazuma v kazaškem in ruskem jeziku sta na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanjne zadeve.

I. DEL – SPLOŠNE DOLOČBE**1. člen****Obseg**

1. Določbe tega sporazuma se uporabljajo za prevoz blaga in potnikov po cesti med ozemljema pogodbenic, tranzitno čez njuni ozemlji in v tretje države ali iz njih, ki ga opravljajo prevozniki, ki imajo sedež podjetja na ozemlju ene od pogodbenic.

2. Ta sporazum ne vpliva na pravice in obveznosti, ki izhajajo iz drugih mednarodnih sporazumov, ki sta jih podpisali pogodbenici.

2. člen**Pomen izrazov**

Izrazi v tem sporazumu pomenijo:

1. »prevoznik« katero koli fizično ali pravno osebo, ki ima sedež podjetja na ozemlju ene od pogodbenic in je pooblaščena za opravljanje prevoza potnikov in/ali blaga;

2. »vozilo« motorno vozilo ali kombinacija vozil, od katerih je vsaj motorno vozilo registrirano v državi ene od pogodbenic in se uporablja ter je opremljeno izključno za prevoz potnikov in/ali blaga;

3. »prevoz« vožnjo s polnim ali praznim vozilom, tudi če se vozilo, priklopnik ali polpriklonik na delu vožnje prevaža z vlakom ali ladjo;

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

5. »ozemlje pogodbenice« ozemlje Republike Slovenije oziroma ozemlje Republike Kazahstan;

6. »država, v kateri je sedež podjetja« ozemlje pogodbenice, na katerem ima prevoznik sedež podjetja in na katerem je vozilo registrirano;

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

8. »avtobus« vozilo, ki je registrirano na ozemlju ene od pogodbenic in je po konstrukciji in opremi primerno in namejeno za prevoz potnikov ter ima poleg voznikovega več kot osem sedežev;

9. »linijski prevoz potnikov« prevoz potnikov po določeni progi, ki se opravlja v skladu z vnaprej določenim in objavljenim voznim redom in tarifami. Potniki vstopajo ali izstopajo na vnaprej določenih postajališčih;

10. »izmenični prevoz« prevoz, pri katerem se vnaprej oblikovane skupine potnikov prevažajo iz istega odhodnega kraja v isti namembni kraj. Vsaka skupina je pozneje pripeljana nazaj v odhodni kraj. Odhodni oziroma namembni kraj pomeni kraj, v katerem se vožnja začne, oziroma kraj, v katerem se vožnja konča, pri čemer so v obeh primerih vključeni okoliški kraji v polmeru 50 km.

Izmenični prevoz lahko vključuje nastanitev potnikov v namembnem kraju in po potrebi med potovanjem.

V nizu izmeničnih voženj se prva vožnja nazaj v odhodni kraj in zadnja vožnja v namembni kraj opravita s praznim vozilom;

11. »občasni prevoz« prevoz, ki ni opredeljen ne kot linijski prevoz potnikov niti ne kot izmenični prevoz. Pogostost ali število prevozov ne vpliva na njihovo uvrstitev v občasni prevoz;

PART I – GENERAL PROVISIONS**Article 1****Scope**

1. The provisions of present Agreement shall apply to the carriage of goods and passengers by road between the territories of the Parties, in transit through their territories and to/from third countries performed by carriers established on the territory of one of the Parties.

2. This Agreement does not affect the rights and obligations arising from the other international agreements the Parties have signed.

Article 2**Definitions**

The terms used in present Agreement have the following meaning:

1. "Transport Operator" means any physical or legal entity established on the territory of one of the Parties and authorised to carry out transport of passengers and/or goods.

2. "Vehicle" means a motor vehicle or a combination of vehicles, at least the motor vehicle of which is registered in the country of one of the Parties, and used and equipped exclusively for the carriage of passengers and/or goods.

3. "Transport" means the runs of a vehicle, either laden or unladen, as well as the vehicle, trailer or semi-trailer is carried by train or boat for part of the journey.

4. "Cabotage" means the transport of passengers or goods carried out by a transport operator of the country of the one Party between individual places within the territory of the other Party.

5. "Territory of a Party" means respectively the territory of the Republic of Slovenia and the territory of the Republic of Kazakhstan.

6. "Country of establishment" means the territory of a Party within which the transport operator is established and the vehicle is registered.

7. "Host country" means the territory of a Party in which the transport operator is operating not being established there with its vehicle not registered there as well.

8. "Bus" means a vehicle registered on the territory of one of the Parties and suitable and intended for the transport of passengers by virtue of construction and equipment, which have more than eight sitting places, excluding the driver's seat.

9. "Regular passenger service" means a service whereby passengers are carried over a specified route, according to a timetable and rates set and published in advance. During this service passengers are picked up or set down at predetermined stopping points.

10. "Shuttle service" means a service whereby groups of passengers formed in advance are carried from a single place of departure to a single place of destination. The same group of the passengers is carried back to the place of departure on a later journey. Place of departure and place of destination respectively means the place where the journey begins and the place where the journey ends, including the surrounding locality within a 50 km radius in each case.

A shuttle service may include accommodation of passengers at its destination and, if needed, during the journey.

The first return journey and the last outward journey in a series of shuttles are made unladen.

11. "Occasional service" means a service not determined within the definitions of a regular passenger service nor a shuttle service. The frequency or number of services does not affect their classification as an occasional service.

12. »kontrolni dokument« potniško spremnico za avtobuse, ki je v skladu z vzorcem, o katerem se dogovori skupni odbor iz 14. člena tega sporazuma;

13. »dovolilnica« dokument, ki ga izda pristojni organ ene pogodbenice in zagotavlja pravico/možnost, da vozilo, ki je registrirano na ozemlju druge pogodbenice, potuje na ozemlje pogodbenice, ki je izdala dovolilnico, ali čezen;

14. »posebna dovolilnica« dokument, ki ga izda pristojni organ ene pogodbenice in omogoča, da cestno vozilo, ki je registrirano na ozemlju druge pogodbenice, opravlja prevoz ne-deljivega tovora izredne velikosti in teže na njenem ozemlju;

15. »tranzit« prevoz potnikov in/ali blaga z vozilom, ki je registrirano na ozemlju ene pogodbenice, čez ozemlje druge pogodbenice;

16. »nevarne snovi« snovi, ki lahko glede na svoje lastnosti in značilnosti med prevozom, natovarjanjem, raztovarjanjem in skladbiščenjem povzročijo škodo na strojni opremi, opremi, zgradbah in objektih kot tudi smrt, poškodbe ali bolezni ljudi in živali ter škodo v okolju.

3. člen

Pristojna organa

Pristojna organa za izvajanje tega sporazuma sta:

v Republiki Sloveniji: Ministrstvo za promet Republike Slovenije,

v Republiki Kazahstan: Ministrstvo za promet in zveze Republike Kazahstan.

Pri spremembah pristojnih organov iz tega odstavka se imena pristojnih organov sporočijo drugi pogodbenici po diplomatski poti.

4. člen

Skupni odbor

1. Za pravilno izvajanje tega sporazuma in reševanje vprašanj v zvezi z njim se ustanovi skupni odbor iz predstavnikov pristojnih organov pogodbenic (v nadaljevanju skupni odbor).

2. Po potrebi lahko sodelujejo tudi predstavniki drugih organov.

II. DEL – PREVOZ POTNIKOV

5. člen

Linijski prevoz

1. Za linijski prevoz potnikov, ki se opravlja med ozemljema pogodbenic ali tranzitno čez njuni ozemlji, velja sistem dovolilnic, ki jih izdata pristojna organa pogodbenic.

2. Vlogo za dovolilnico je treba predložiti pristojnemu organu v državi, v kateri ima prevoznik sedež podjetja, in jo je treba poslati pristojnemu organu države druge pogodbenice. Če pristojni organ druge pogodbenice vlogo odobri, se dovolilnica pošlje pristojnemu organu pogodbenice, na ozemlju katere ima prevoznik sedež.

O obliki vloge za dovolilnico in o dokumentih, ki ji morajo biti priloženi, odloča skupni odbor, ustanovljen po 14. členu tega sporazuma.

12. "Control document" means the passenger waybill for buses, which is in conformity with the specimen agreed upon by the Joint Committee referred to in Article 4 of this Agreement.

13. "Permit" means the document, issued by the competent authorities of one Party, which shall grant the right/possibility to the vehicle registered in the territory of the other Party to perform a journey to or through the territory of the Party, which has issued the permit.

14. "Special permit" means a document issued by the competent authority of one of the Party, enabling to perform the transport of the indivisible bulky and heavy goods on the territory of the Party by road vehicles registered on the territory of the other Party.

15. "Transit" means the transport of passengers and/or goods by a vehicle registered in the territory of the one Party through the territory of the other Party.

16. "Dangerous goods" means the goods, which can be the cause of damage to hardware, equipment, buildings and constructions, as well as of death, injury or sickness of people, animals, and damage to environment, by virtue of properties and features inherent to them, while being transported, loaded, unloaded and stored.

Article 3

Competent Authorities

The Competent Authorities for the implementation of present Agreement are:

In the Republic of Slovenia: the Ministry of Transport of the Republic of Slovenia;

In the Republic of Kazakhstan: the Ministry of Transport and Communications of the Republic of Kazakhstan.

In case of changes of competent authorities indicated in this paragraph, the names of competent authorities are communicated to the other Party through diplomatic channels.

Article 4

Joint Committee

1. For the purpose of proper implementation of present Agreement and for solution of the issues related to it, a Joint Committee shall be set up from the representatives of the competent authorities of the Parties (hereinafter referred to as – Joint Committee).

2. If needed, the representatives of other authorities may also participate.

Part II – PASSENGER TRANSPORT

Article 5

Regular service

1. Regular passenger services operated between the territories of the Parties or in transit through their territories are subject to a system of permits issued by the competent authority of the Parties.

2. The permit application should be made to the competent authority in the country of establishment of the transport operator and should be sent to the competent authority of the country of the other Party. If the competent authority of the other Party approves the application, the permit is communicated to the competent authority of the Party, in the territory of which the transport operator is established.

The Joint Committee decides on the form that the permit application takes and the supporting documents required.

3. Dovolilnice izdata pristojna organa pogodbenic na podlagi skupnega dogovora.

Odločitev, ali se dovolilnica izda ali ne, se sprejme v treh mesecih, razen v posebnih okoliščinah.

Dovolilnice veljajo največ pet let. Določajo pogoje opravljanja prevozov, vključno z okoljevarstvenimi in varnostnimi standardi, ki jih morajo izpolnjevati vozila.

4. O spremembah pogojev opravljanja prevozov in odpovedi linije se odloča po postopku, določenem v drugem in tretjem odstavku tega člena.

Če ni več povpraševanja po liniji, jo lahko prevoznik odpove s trimesečnim odpovednim rokom pristojnim organom, ki sta dovolilnici izdala, in strankam.

6. člen

Občasni in izmenični prevoz

1. Za občasni in izmenični prevoz potnikov, ki se opravlja med ozemljema pogodbenic in tranzitno čez njuni ozemlji, velja sistem dovolilnic, ki sta jih izdala pristojna organa pogodbenic.

Skupni odbor, ustanovljen po 14. členu tega sporazuma, se dogovori o zahteh tehničnih, okoljevarstvenih in varnostnih standardov, ki jih morajo izpolnjevati vozila, s katerimi se opravlja prevoz, določen v tem členu.

2. Kot izjema k prvemu odstavku tega člena so spodaj navedeni prevozi izvzeti iz sistema dovolilnic na ozemlju države gostiteljice:

a) 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,

b) prevoz s polnim vozilom v namembni kraj in s praznim vozilom nazaj v odhodni kraj,

c) prevoz s praznim vozilom v namembni kraj in s polnim vozilom nazaj v odhodni kraj pod pogojem, da je potnike predhodno pripeljal isti prevoznik na ozemlje pogodbenice, na katerem jih spet prevzame in odpelje na ozemlje države, na katerem ima sedež podjetja.

3. Med potovanjem z liberaliziranim prevozom ni dovoljeno sprejemati potnikov v vozilo, razen če je za to izdana posebna dovolilnica.

Skupni odbor, ustanovljen po 14. členu tega sporazuma, lahko razširi vrste občasnega prevoza, za katere dovolilnice niso potrebne.

4. Vlogo za dovolilnico je treba predložiti pristojnemu organu v državi gostiteljici.

Skupni odbor, ustanovljen po 14. členu tega sporazuma, odloča o obliku vloge za dovolilnico in o dokumentih, ki ji morajo biti priloženi.

5. Za občasni prevoz, za katerega dovolilnica ni potrebna in se opravlja z avtobusi, je potreben kontrolni dokument. Pogoje za uporabo in vsebino kontrolnega dokumenta določi skupni odbor iz 14. člена tega sporazuma.

7. člen

Skupne določbe za prevoz potnikov

1. Dovolilnice za prevoz niso prenosljive na druge prevoznike.

2. Opravljanje kabotaže je prepovedano.

3. Permits are issued by the competent authorities of the Parties by joint agreement.

The decision to grant or refuse the issue of permit is taken within a period of three months.

Permits are valid for a maximum of five years. They set out the operating conditions, including environmental and safety standards vehicles must meet.

4. Changes in operating conditions and the cancellation of the service are decided under the procedure set out in paragraph 2 and 3 of present Article.

If there is no longer any demand for the service, the operator can cancel it, giving a three-month prior notice to the competent authorities, which issued the permits, and to customers.

Article 6

Occasional and shuttle services

1. The occasional and shuttle passenger services operated between the territories of the Parties and in transit through their territories are subject to a system of permits issued by the competent authorities of the Parties.

The Joint Committee agrees upon technical, environmental and safety standards requirements that the vehicles carrying out the transport stipulated by present article must comply with.

2. The services listed below are exempt from permit system on the territory of the host country:

a) closed-door tours whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them to the place of departure;

b) services, which make the outward journey laden and the return journey unladen;

c) services, which make the outward journey unladen and the return journey laden, provided that passengers have been previously brought by the same carrier to the territory of the Party where they are picked up again and carried to the territory of the country of establishment.

3. The picking up of passengers on a liberalised service journey is not permitted unless special permit is granted.

The Joint Committee may extend the permit exemption to other categories of occasional services.

4. The permit application should be made to the competent authority in the host country.

The Joint Committee decides on the form that the permit application takes and the supporting documents required.

5. The occasional services exempted from permit requirements and operated by using buses must be covered by a control document. The conditions of use and the content of the control document are laid down by the Joint Committee.

Article 7

Common provisions for passenger services

1. Transport permits are not transferable to other transport operators.

2. The running of cabotage services is prohibited.

III. DEL – PREVOZ BLAGA**8. člen****Sistem dovolilnic**

1. Prevozniki, katerih sedež podjetja je na ozemlju ene od pogodbenic, lahko na podlagi sistema univerzalnih dovolilnic opravljajo:

- a) prevoz med ozemljema pogodbenic,
- b) tranzitni prevoz;
- c) prevoz med krajem na ozemlju druge pogodbenice in krajem na ozemlju tretje države, če načrtovana pot poteka čez ozemlje države, v kateri je vozilo registrirano.

2. Prevoz med krajem na ozemlju druge pogodbenice in krajem na ozemlju tretje države se opravlja s posebno dovolilnico, če načrtovana pot ne poteka čez ozemlje države registracije.

3. Skupni odbor, ustanovljen po 14. členu tega sporazuma, določa druge vrste dovolilnic. Po potrebi lahko daje predloge za opravljanje prevoza brez dovolilnice.

9. člen**Prevoz, za katerega dovolilnice niso potrebne**

1. Dovolilnice iz 6. člena tega sporazuma niso potrebne za:

- a) prevoz z vozili, katerih skupna dovoljena masa, vključno s priklopnikami, ne presega 6 ton ali katerih dovoljena nosilnost, vključno s priklopnikami, ne presega 3,5 tone,
- b) občasen prevoz na letališča ali z njih, kadar je letalski prevoz preusmerjen,
- c) prevoz poškodovanih ali pokvarjenih vozil in prevoz servisnih vozil,
- d) vožnje praznega tovornega vozila, poslanega kot zamenjava za vozilo, ki se je pokvarilo v drugi državi, in po popravilu tudi povratna vožnja vozila, ki se je pokvarilo,
- e) prevoz zdravil in medicinske opreme za človekoljubno pomoč v nujnih primerih in ob naravnih nesrečah,
- f) prevoz umetniških del in predmetov za sejme,
- g) prevoz rekvizitov, pripomočkov in živali na gledališke, glasbene, filmske, športne in cirkuške predstave ter sejme, pa tudi radijskih, filmskih in televizijskih posnetkov za nekomercialne namene,
- h) prevoz pošte,
- i) prevoz pepela in posmrtnih ostankov.

2. Skupni odbor, ustanovljen po 14. členu tega sporazuma, lahko razširi seznam vrst prevoza, za katere dovolilnice niso potrebne.

10. člen**Skupne določbe za prevoz blaga**

1. Pristojna organa pogodbenic si vsako leto izmenjata dogovorjeno število neizpolnjenih obrazcev dovolilnic.

Dovolilnice veljajo do 31. januarja naslednjega koledarskega leta.

2. Dovolilnice niso prenosljive na druge prevoznike.

3. Dovolilnica se lahko hkrati uporablja samo za eno vozilo. Pri kombinaciji vozil je motorno vozilo odločilni dejavnik pri tem, ali se dovolilnica izda ali ni potrebna.

4. Skupni odbor, ustanovljen po 14. členu tega sporazuma, določi kvoto, vrsto in dodatne pogoje za uporabo dovolilnic.

PART III – GOODS TRANSPORT**Article 8****Permit system**

1. Transport operators established on the territory of one of the Parties may undertake under the system of universal permits:

- a) transport between the territories of the two Parties;
- b) transit transport;
- c) transport between a point on the territory of the other Party and a point on the territory of the third country, provided that the itinerary passes through the territory of the country where the vehicle is registered.

2. Transport between a point on the territory of the other Party and a point on the territory of the third country is performed with a special permit if the itinerary does not pass through the territory of the country of the registration.

3. The Joint Committee lays down other types of permits. If needed, it may put forward proposals on the running of transport without permits.

Article 9**Exemption from permit requirements**

1. Permits referred to in Article 8 of present Agreement are not required for:

- a) transport by vehicles, whose Total Permissible Laden Weight [TPLW], including trailers, does not exceed 6 tons, or when the permitted payload, including trailers, does not exceed 3.5 tons;
- b) transport on an occasional basis, to or from airports, in case air services are diverted;
- c) transport of vehicles, which are damaged or have broken down, and the runs of breakdown repair vehicles;
- d) unladen runs of a goods vehicle sent to replace a vehicle, which has broken down in another country, and also the return run of the broken vehicle after its repair;
- e) transport of medical supplies and equipment needed for humanitarian aiding in case of emergencies and natural disasters;
- f) transport of works and objects of art for fairs;
- g) transport of properties, accessories and animals of theatrical, musical, film, sports and circus performances and fairs, and records of radio, film and television production with non-commercial purposes;
- h) transport of mail;
- i) transport of ashes and remains of dead.

2. The Joint Committee may extend the list of transport categories exempted from the permit requirements.

Article 10**Common provisions for goods transport**

1. The competent authorities of the two Parties exchange an agreed number of blanks of permits annually.

The permits shall be valid until 31 January of the successive calendar year.

2. Permits are not transferable to other transport operators.

3. Permit can only be used for one vehicle at a time. In case of combination of vehicles, the motor vehicle is the determining factor in issuance of or exemption from permits.

4. The Joint Committee determines the quota, category and further conditions governing permit use.

IV. DEL – SKUPNE DOLOČBE**11. člen****Davki in dajatve**

1. Vozila, s katerimi se opravlja mednarodni cestni prevoz blaga, potnikov in prtljage, registrirana na ozemlju ene pogodbenice in so začasno na ozemlju druge pogodbenice, so po določilih tega sporazuma oproščena plačila vseh davkov v zvezi z lastništvom, registracijo in upravljanjem vozila.

2. Gorivo (največ 200 litrov za tovorna vozila in največ 600 litrov za avtobuse), ki je v serijsko vgrajenih, standardnih rezervoarjih vozila in je namenjeno pogonu vozila, ter maziva in rezervni deli so oproščeni vseh carinskih dajatev v skladu z notranjo zakonodajo države gostiteljice.

Neuporabljeni rezervni deli se izvozijo iz države. Zamenjani deli se izvozijo ali uničijo v prisotnosti carinskih uradnikov pogodbenice.

3. Za prevoz, za katerega veljajo določila tega sporazuma, se zaračunavajo nadomestila za uporabo cest, cestnine in druge dajatve za uporabo cestnega omrežja ali mostov. Cestnine in druge pristojbine se prevoznikom držav pogodbenic zaračunavajo brez razlikovanja.

12. člen**Mase in dimenzijske**

1. Največja dovoljena masa, osna obremenitev in dimenzije vozila ne smejo presegati tistih, ki so vpisane v registracijskih dokumentih, niti ne zgornjih meja, veljavnih v državi gostiteljici.

2. Uporaba vozil, katerih masa in dimenzijske presegajo dovoljeno zgorno mejo, je v državi gostiteljici dovoljena le s posebno dovolilnico, ki se pridobi vnaprej.

13. člen**Oprema in druge značilnosti**

1. Vozila za prevoz nevarnega blaga morajo biti opremljena v skladu z zahtevami veljavnih določb mednarodnega prava.

2. Oprema, ki je v vozilih nameščena za spremljanje in nadzorovanje časa vožnje in počitka voznega osebja, mora biti v skladu z veljavnimi določbami mednarodnega prava.

3. Pogodbenici se zavezujeta, da bosta na podlagi tega sporazuma spodbujali uporabo vozil, ki izpolnjujejo varnostne standarde in standarde glede izpustov.

14. člen**Nadzor**

Dovolilnice, kontrolni in drugi dokumenti po tem sporazu mu kot tudi tovorni list, potniške spremnice, potrdila o zavarovanju, potrdila o usposobljenosti in vsi drugi dokumenti, potrebni po mednarodnih sporazumih, ki sta jih podpisali pogodbenici, in/ali po notranji zakonodaji držav pogodbenic, morajo biti v vozilih in jih je treba pokazati na zahtevo pooblaščenih uradnih oseb.

15. člen**Obveznosti prevoznikov in kršitve**

1. Prevozniki države ene pogodbenice in njihovo vozno osebje morajo na ozemlju druge pogodbenice spoštovati veljavno notranjo zakonodajo te države.

PART IV – COMMON PROVISIONS**Article 11****Taxes and duties**

1. Vehicles performing international road transport of goods, passengers and luggage and registered on the territory of the one Party and temporarily located on the territory of the other Party under the terms of present Agreement are exempt from payment of all taxes related to the ownership, registration and running of the vehicle.

2. The fuel (no more than 200 litres for goods transport vehicles and no more than 600 litres for buses) contained in the normal built-in by the manufacturer fixed tanks of the vehicle for driving the vehicle, as well as lubricants and spare parts are exempt from all customs duties in compliance with national legislation of the host country.

Unused spare parts must be exported from the country. Substituted parts must be exported or eliminated in presence of the Customs officials of the respective Party.

3. The transport covered by the terms of present Agreement is subject to the road user charges, tolls and other duties levied for the use of the road network or bridges in the host country. The tolls and other charges are indiscriminately levied on transport operators of the countries of both Parties.

Article 12**Weights and dimensions**

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

2. The use of vehicles, whose weight and dimensions exceed the upper permissible limits is permitted in the host country, provided that a special permit have been applied for in advance.

Article 13**Equipment and other characteristics**

1. Vehicles carrying dangerous goods must be fitted out and equipped in accordance with the requirements of the applicable provisions of the international laws.

2. Equipment used to monitor crew driving and rest time on vehicles must comply with the applicable provisions of the international laws.

3. The Parties undertake promoting the use of vehicles meeting safety and emission standards within the framework of present Agreement.

Article 14**Control**

The permits, control documents and other papers under present Agreement, as well as the consignment note, passenger waybills, insurance certificates, training certificates and all other papers required under international agreements the state Parties have signed and/or under national legislation of the state Parties, must be kept in vehicles and be produced at the request of authorised officials.

Article 15**Obligations of transport operators and infringements**

1. The transport operators of the country of the one Party and the crews of their vehicles must comply with national legislation in force of the other Party, when on the territory of that country.

2. Če prevoznik države ene pogodbenice krši določbe tega sporazuma, pristojni organ pogodbenice, na katere oziroma je bila storjena kršitev, brez vpliva na pravne postopke svoje države uradno obvesti pristojni organ druge pogodbenice, ki bo ukrepal tako, kot je določeno v notranji zakonodaji njegove države. V posebej hudih primerih lahko pristojni organ države gostiteljice začasno prepove vstop na ozemlje svoje države do sprejetja odločitve pristojnega organa v državi, v kateri ima prevoznik sedež. Pristojna organa pogodbenic se medsebojno obveščata o sprejetih odločitvah.

2. In case of any infringement of the provisions of present Agreement by a transport operator of the country of the one Party, the Competent Authority of the Party, on whose territory the infringement occurred shall notify the competent authority of the other Party without prejudice to the legal proceedings of its own country, which will take such steps as provided by the national legislation of its own country. Apart from that, the competent authority of the host country may temporarily prohibit access to the territory of its country pending a decision by the competent authority in the country of establishment. The competent authorities of the Parties shall keep each other mutually informed on taken decisions.

V. DEL – KONČNE DOLOČBE

16. člen

Začetek veljavnosti in trajanje sporazuma

1. Ta sporazum začne veljati na dan prejema zadnjega pisnega uradnega obvestila, s katerim se pogodbenici uradno obvestita, da so končani njuni notranje pravni postopki, potrebeni za začetek njegove veljavnosti.

2. Ta sporazum velja za nedoločen čas. Pogodbenica ga lahko odpove s pisnim uradnim obvestilom drugi pogodbenici. Sporazum preneha veljati tri mesece po datumu prejema takega uradnega obvestila.

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

Skljenjeno v Astani dne 11. novembra 2009 v slovenskem, kazaškem, ruskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah pri razlagi določb tega sporazuma prevlada angleško besedilo.

Za Vlado
Republike Slovenije
Samuel Žbogar l.r.

Za Vlado
Republike Kazahstan
Abelgazi Kusajinov l.r.

PART V – FINAL PROVISIONS

Article 16

Entry into force and duration of the Agreement

1. This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels, by which the Parties notify each other that their internal legal procedures necessary for its entry into force have been completed.

2. This Agreement shall remain in force for an indefinite period of time. One of the Parties may terminate it by written notification to the other Party through diplomatic channels. This Agreement shall expire three months following the date of the receipt of the notification.

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

Done in Astana on 11 November 2009, in duplicate in Slovene, Kazakh, Russian, and English, all texts are equally authentic. In case of any divergence of interpretation of the provisions of present Agreement, the English text shall prevail.

For the Government
of the Republic of Slovenia
Samuel Žbogar (s)

For the Government
of the Republic of Kazakhstan
Abelgazi Kusajinov (s)

3. člen
Za izvajanje tega sporazuma skrbi Ministrstvo za promet.

4. člen

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

Št. 326-07/10-131/9
Ljubljana, dne 21. maja 2010
EPA 1024-V

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik