

38.

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

UREDBO

O RATIFIKACIJI SPORAZUMA O IZVAJANJU XI. DELA KONVENCIJE ZDRUŽENIH NARODOV O POMORSKEM MEDNARODNEM PRAVU Z DNE 10. DECEMBRA 1982

1. člen

Ratificira se Sporazum o izvajanju XI. dela Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982, sprejet v New Yorku 28. julija 1994.

2. člen

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

AGREEMENT RELATING TO THE IMPLEMENTATION OF PART XI OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982

*The States Parties to this Agreement,
Recognizing* the important contribution of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Convention") to the maintenance of peace, justice and progress for all peoples of the world,

Reaffirming that the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Mindful of the importance of the Convention for the protection and preservation of the marine environment and of the growing concern for the global environment,

Having considered the report of the Secretary-General of the United Nations on the results of the informal consultations among States held from 1990 to 1994 on outstanding issues relating to Part XI and related provisions of the Convention (hereinafter referred to as "Part XI"),

Noting the political and economic changes, including market-oriented approaches, affecting the implementation of Part XI,

Wishing to facilitate universal participation in the Convention

Considering that an agreement relating to the implementation of Part XI would best meet that objective,

Have agreed as follows:

Article 1

Implementation of Part XI

1. The States Parties to this Agreement undertake to implement Part XI in accordance with this Agreement.
2. The Annex forms an integral part of this Agreement.

Article 2

Relationship between this Agreement and Part XI

1. The provisions of this Agreement and Part XI shall be interpreted and applied together as a single instrument. In the event of any inconsistency between this Agreement and Part XI, the provisions of this Agreement shall prevail.
2. Articles 309 to 319 of the Convention shall apply to this Agreement as they apply to the Convention.

SPORAZUM O IZVAJANJU XI. DELA KONVENCIJE ZDRUŽENIH NARODOV O POMORSKEM MEDNARODNEM PRAVU Z DNE 10. DECEMBRA 1982

Države pogodbenice tega sporazuma, ki priznavajo pomemben prispevek Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982 (v nadaljevanju "konvencija") za ohranitev miru, pravičnosti in napredka za vsa ljudstva sveta,

ponovno zatrjujejo, da so morsko dno in njegovo podzemlje zunaj meja državne jurisdikcije (v nadaljevanju "Cone") kot tudi bogastva Cone skupna dediščina človeštva,

se zavedajo pomena konvencije za varovanje in ohranjanje morskega okolja in naraščajoče skrbi za globalno okolje,

so proučile poročilo generalnega sekretarja Združenih narodov o izidih neformalnih posvetovanj med državami v času od 1990 do 1994 o odprtih vprašanjih, ki se nanašajo na XI. del, in ustrezna določila konvencije (v nadaljevanju "XI. del"),

upoštevajo politične in gospodarske spremembe, vključno s tržno usmerjenimi pristopi, ki vplivajo na izvajanje XI. dela,

v želji, da bi olajšale univerzalno sodelovanje v konvenciji,

so menile, da bi temu cilju najbolje ustrežal sporazum o izvajanju XI. dela,

so se sporazumele:

1. člen

Izvajanje XI. dela

1. Države pogodbenice tega sporazuma se zavezujejo, da bodo XI. del izvajale v skladu s tem sporazumom.
2. Aneks je sestavni del tega sporazuma.

2. člen

Razmerje med tem sporazumom in XI. delom

1. Določbe tega sporazuma in XI. dela se razlagajo in uporabljajo skupaj kot en instrument. V primeru neskladnosti med tem sporazumom in XI. delom prevladajo določbe tega sporazuma.
2. Členi 309 do 319 konvencije se uporabljajo za ta sporazum tako, kot se uporabljajo za konvencijo.

Article 3
Signature

This Agreement shall remain open for signature at United Nations Headquarters by the States and entities referred to in article 305, paragraph 1 (a), (c), (d), (e) and (f), of the Convention for 12 months from the date of its adoption.

Article 4
Consent to be bound

1. After the adoption of this Agreement, any instrument of ratification or formal confirmation of or accession to the Convention shall also represent consent to be bound by this Agreement.

2. No State or entity may establish its consent to be bound by this Agreement unless it has previously established or establishes at the same time its consent to be bound by the Convention.

3. A State or entity referred to in article 3 may express its consent to be bound by this Agreement by:

- (a) Signature not subject to ratification, formal confirmation or the procedure set out in article 5;
- (b) Signature subject to ratification or formal confirmation, followed by ratification or formal confirmation;
- (c) Signature subject to the procedure set out in article 5; or
- (d) Accession.

4. Formal confirmation by the entities referred to in article 305, paragraph 1 (f), of the Convention shall be in accordance with Annex IX of the Convention.

5. The instruments of ratification, formal confirmation or accession shall be deposited with the Secretary-General of the United Nations.

Article 5
Simplified procedure

1. A State or entity which has deposited before the date of the adoption of this Agreement an instrument of ratification or formal confirmation of or accession to the Convention and which has signed this Agreement in accordance with article 4, paragraph 3 (c), shall be considered to have established its consent to be bound by this Agreement 12 months after the date of its adoption, unless that State or entity notifies the depositary in writing before that date that it is not availing itself of the simplified procedure set out in this article.

2. In the event of such notification, consent to be bound by this Agreement shall be established in accordance with article 4, paragraph 3 (b).

Article 6
Entry into force

1. This Agreement shall enter into force 30 days after the date on which 40 States have established their consent to be bound in accordance with articles 4 and 5, provided that such States include at least seven of the States referred to in paragraph 1 (a) of resolution II of the Third United Nations Conference on the Law of the Sea (hereinafter referred to as "resolution II") and that at least five of those States are developed States. If these conditions for entry into force are fulfilled before 16 November 1994, this Agreement shall enter into force on 16 November 1994.

2. For each State or entity establishing its consent to be bound by this Agreement after the requirements set out in paragraph 1 have been fulfilled, this Agreement shall enter into force on the thirtieth day following the date of establishment of its consent to be bound.

3. člen
Podpis

Ta sporazum je na voljo za podpis vsem državam in subjektom, navedenim v (a), (c), (d), (e) in (f) 1. odstavka 305. člena konvencije, na sedežu Združenih narodov 12 mesecev od datuma njegovega sprejema.

4. člen
Privolitev v zavezanost

1. Po sprejetju tega sporazuma pomeni vsaka listina o ratifikaciji ali uradni potrditvi ali pristopu h konvenciji tudi privolitev v zavezanost s tem sporazumom.

2. Nobena država ali subjekt ne more privoliti v zavezanost s tem sporazumom, če ni pred tem ali hkrati privolil v zavezanost s konvencijo.

3. Država ali v 3. členu navedeni subjekt lahko izrazi svojo privolitev v zavezanost s tem sporazumom s:

- (a) podpisom brez pridrška ratifikacije, uradne potrditve ali postopka, določenega v 5. členu;
- (b) podpisom s pridržkom ratifikacije ali uradne potrditve in ki mu sledi ratifikacija ali uradna potrditev;
- (c) podpisom, po postopku, opisanem v 5. členu; ali
- (d) pristopom.

4. Uradna potrditev s strani subjektov, navedenih v (f) 1. odstavka 305. člena konvencije, mora biti v skladu z aneksom IX konvencije.

5. Listine o ratifikaciji, uradni potrditvi ali pristopu se deponirajo pri generalnem sekretarju Združenih narodov.

5. člen
Poenostavljeni postopek

1. Za državo ali subjekt, ki je pred sprejetjem tega sporazuma deponiral listino o ratifikaciji ali uradni potrditvi konvencije ali pristopu h konvenciji in ki je podpisal ta sporazum v skladu s (c) 3. odstavka 4. člena, velja, da je privolil v zavezanost s tem sporazumom 12 mesecev po datumu sprejema sporazuma, razen če ta država ali subjekt pred tem datumom pisno ne obvesti deponitarja, da ne bo uporabil poenostavljenega postopka, opisanega v tem členu.

2. V primeru takšne notifikacije je treba privolitev v zavezanost s tem sporazumom dati v skladu z (b) 3. odstavka 4. člena.

6. člen
Začetek veljavnosti

1. Ta sporazum začne veljati 30 dni od dne, ko 40 držav privoli v zavezanost v skladu s 4. in 5. členom, pod pogojem, da je najmanj sedem od teh držav navedenih v (a) 1. odstavka resolucije II Tretje konference Združenih narodov o pomorskem mednarodnem pravu (v nadaljevanju "resolucija II") in da je med temi državami najmanj pet razvitih držav. Če so ti pogoji za začetek veljavnosti izpolnjeni pred 16. novembrom 1994, začne ta sporazum veljati 16. novembra 1994.

2. Za vsako državo ali subjekt, ki privoli v zavezanost s tem sporazumom po izpolnitvi zahtev iz 1. odstavka, začne ta sporazum veljati trideseti dan od dne, ko privoli v zavezanost.

Article 7

Provisional application

1. If on 16 November 1994 this Agreement has not entered into force, it shall be applied provisionally pending its entry into force by:

(a) States which have consented to its adoption in the General Assembly of the United Nations, except any such State which before 16 November 1994 notifies the depositary in writing either that it will not so apply this Agreement or that it will consent to such application only upon subsequent signature or notification in writing;

(b) States and entities which sign this Agreement, except any such State or entity which notifies the depositary in writing at the time of signature that it will not so apply this Agreement;

(c) States and entities which consent to its provisional application by so notifying the depositary in writing;

(d) States which accede to this Agreement.

2. All such States and entities shall apply this Agreement provisionally in accordance with their national or internal laws and regulations, with effect from 16 November 1994 or the date of signature, notification of consent or accession, if later.

3. Provisional application shall terminate upon the date of entry into force of this Agreement. In any event, provisional application shall terminate on 16 November 1998 if at that date the requirement in article 6, paragraph 1, of consent to be bound by this Agreement by at least seven of the States (of which at least five must be developed States) referred to in paragraph 1 (a) of resolution II has not been fulfilled.

Article 8

States Parties

1. For the purposes of this Agreement, "States Parties" means States which have consented to be bound by this Agreement and for which this Agreement is in force.

2. This Agreement applies *mutatis mutandis* to the entities referred to in article 305, paragraph 1 (c), (d), (e) and (f), of the Convention which become Parties to this Agreement in accordance with the conditions relevant to each, and to that extent "States Parties" refers to those entities.

Article 9

Depositary

The Secretary-General of the United Nations shall be the depositary of this Agreement.

Article 10

Authentic texts

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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

Done at New York, this 28th day of July, one thousand nine hundred and ninety-four.

7. člen

Začasna uporaba

1. Če ta sporazum ne začne veljati 16. novembra 1994, ga do začetka njegove veljavnosti začasno uporabljajo:

(a) države, ki so privolile v njegovo sprejetje v Generalni skupščini Združenih narodov, razen držav, ki pred 16. novembrom 1994 depozitarja pisno obvestijo, da tega sporazuma bodisi ne bodo tako uporabljale ali pa bodo privolile v takšno uporabo le z naknadnim podpisom ali pisno notifikacijo;

(b) države in subjekti, ki podpišejo ta sporazum, razen tistih držav ali subjektov, ki ob podpisu depozitarja pisno obvestijo, da tega sporazuma ne bodo tako uporabljale;

(c) države in subjekti, ki privolijo v začasno uporabo in o tem depozitarja pisno obvestijo;

(d) države, ki pristopijo k temu sporazumu.

2. Vse te države in subjekti začasno uporabljajo ta sporazum v skladu s svojimi državnimi ali notranjimi zakoni in predpisi od 16. novembra 1994 ali datuma podpisa, notifikacije o privolitvi ali pristopu, če je to kasneje.

3. Začasna uporaba preneha z dnem začetka veljavnosti tega sporazuma. V vsakem primeru pa začasna uporaba preneha 16. novembra 1998, če do tega dne najmanj sedem držav (od katerih mora biti vsaj pet razvitih držav) od tistih, navedenih v (a) 1. odstavka resolucije II, ne izpolni zahteve po privolitvi v zavezanost s tem sporazumom iz 1. odstavka 6. člena.

8. člen

Države pogodbenice

1. Za namene tega sporazuma pomeni izraz "države pogodbenice" države, ki so privolile v zavezanost s tem sporazumom in za katere velja ta sporazum.

2. Ta sporazum se uporablja *mutatis mutandis* za subjekte, navedene v (c), (d), (e) in (f) 1. odstavka 305. člena konvencije, ki postanejo pogodbenice tega sporazuma v skladu s pogoji, ustreznimi za vsako pogodbenico, in v tem smislu se izraz "države pogodbenice" nanaša na te subjekte.

9. člen

Depozitar

Generalni sekretar Združenih narodov je depozitar tega sporazuma.

10. člen

Verodostojna besedila

Izvirno besedilo tega sporazuma, katerega arabsko, kitajsko, angleško, francosko, rusko in špansko besedilo je enako verodostojno, se hrani pri generalnem sekretarju Združenih narodov.

V potrditev tega so spodaj podpisani pooblaščenca, za to pravilno pooblaščenca, podpisali ta sporazum.

Sestavljeno v New Yorku osemindvajsetega julija tisoč devetsto štiriindevetdeset.

ANNEX

SECTION 1.

COSTS TO STATES PARTIES AND INSTITUTIONAL ARRANGEMENTS

1. The International Seabed Authority (hereinafter referred to as "the Authority") is the organization through which States Parties to the Convention shall, in accordance with the regime for the Area established in Part XI and this Agreement, organize and control activities in the Area, particularly with a view to administering the resources of the Area. The powers and functions of the Authority shall be those expressly conferred upon it by the Convention. The Authority shall have such incidental powers, consistent with the Convention, as are implicit in, and necessary for, the exercise of those powers and functions with respect to activities in the Area.

2. In order to minimize costs to States Parties, all organs and subsidiary bodies to be established under the Convention and this Agreement shall be cost-effective. This principle shall also apply to the frequency, duration and scheduling of meetings.

3. The setting up and the functioning of the organs and subsidiary bodies of the Authority shall be based on an evolutionary approach, taking into account the functional needs of the organs and subsidiary bodies concerned in order that they may discharge effectively their respective responsibilities at various stages of the development of activities in the Area.

4. The early functions of the Authority upon entry into force of the Convention shall be carried out by the Assembly, the Council, the Secretariat, the Legal and Technical Commission and the Finance Committee. The functions of the Economic Planning Commission shall be performed by the Legal and Technical Commission until such time as the Council decides otherwise or until the approval of the first plan of work for exploitation.

5. Between the entry into force of the Convention and the approval of the first plan of work for exploitation, the Authority shall concentrate on:

(a) Processing of applications for approval of plans of work for exploration in accordance with Part XI and this Agreement;

(b) Implementation of decisions of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (hereinafter referred to as "the Preparatory Commission") relating to the registered pioneer investors and their certifying States, including their rights and obligations, in accordance with article 308, paragraph 5, of the Convention and resolution II, paragraph 13;

(c) Monitoring of compliance with plans of work for exploration approved in the form of contracts;

(d) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(e) Study of the potential impact of mineral production from the Area on the economies of developing land-based producers of those minerals which are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work done in this regard by the Preparatory Commission;

ANEKS

1. POGLAVJE

STROŠKI DRŽAV POGODBENIC IN INSTITUCIONALNI ARANŽMAJI

1. Mednarodna oblast za morsko dno (v nadaljevanju "Oblast") je organizacija, preko katere države pogodbenice konvencije v skladu z režimom, ki je za Cono določen v XI. delu in tem sporazumu, organizirajo in nadzorujejo dejavnosti v Coni, predvsem upravljanje bogastev Cone. Pristojnosti in naloge Oblasti so tiste, ki so ji izrecno zaupane s konvencijo. Oblast ima takšna priložnostna pooblastila v skladu s konvencijo, ki so nujna in potrebna za izvajanje tistih pristojnosti in nalog, ki se nanašajo na dejavnosti v Coni.

2. Da bi kar najbolj zmanjšali stroške držav pogodbenic, morajo biti vsi organi in pomožna telesa, ustanovljeni po tej konvenciji in tem sporazumu, stroškovno učinkoviti. To načelo velja tudi za pogostnost, trajanje in razporejanje sestankov.

3. Ustanovitev in delovanje organov in pomožnih teles Oblasti temeljita na razvojnem pristopu ob upoštevanju funkcionalnih potreb teh organov in pomožnih teles, da bi lahko učinkovito opravljali svoje obveznosti na različnih stopnjah razvoja dejavnosti v Coni.

4. Začetne naloge Oblasti izvajajo po začetku veljavnosti konvencije Skupščina, Svet, Sekretariat, Pravna in tehnična komisija in Odbor za finance. Dejavnosti Ekonomsko-planske komisije izvaja Pravna in tehnična komisija, dokler Svet drugače ne odloči ali do odobritve prvega delovnega načrta za izkoriščanje.

5. Med začetkom veljavnosti konvencije in odobritvijo prvega delovnega načrta za izkoriščanje se Oblast osredotoči na:

(a) obravnavanje vlog za odobritev delovnih načrtov za raziskovanje v skladu z XI. delom in tem sporazumom;

(b) izvajanje odločitev Pripravljalne komisije za Mednarodno oblast za morsko dno in za Mednarodno sodišče za pomorsko mednarodno pravo (v nadaljevanju "Pripravljalna komisija"), ki se nanašajo na registrirane pionirske investitorje in njihove države, vključno z njihovimi pravicami in obveznostmi v skladu s 5. odstavkom 308. člena konvencije in 13. odstavkom resolucije II;

(c) nadzor usklajenosti z delovnimi načrti za raziskovanje, odobrenimi v obliki pogodb;

(d) spremljanje in proučevanje trendov ter razvoja, ki se nanašajo na rudarske dejavnosti na globokomorskem dnu, vključno z redno analizo pogojev na svetovnem trgu kovin in ceno kovin, trendi in pričakovanji;

(e) proučevanje možnega vpliva proizvodnje rud iz Cone na gospodarstva držav v razvoju kopenskih proizvajalk teh rud, ki bodo verjetno najresneje prizadete, z namenom, da bi zmanjšali njihove težave in jim pomagali pri njihovi gospodarski prilagoditvi ob upoštevanju dela, ki ga je v zvezi s tem opravila Pripravljalna komisija;

(f) Adoption of rules, regulations and procedures necessary for the conduct of activities in the Area as they progress. Notwithstanding the provisions of Annex III, article 17, paragraph 2 (b) and (c), of the Convention, such rules, regulations and procedures shall take into account the terms of this Agreement, the prolonged delay in commercial deep seabed mining and the likely pace of activities in the Area;

(g) Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment;

(h) Promotion and encouragement of the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area;

(i) Acquisition of scientific knowledge and monitoring of the development of marine technology relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(j) Assessment of available data relating to prospecting and exploration;

(k) Timely elaboration of rules, regulations and procedures for exploitation, including those relating to the protection and preservation of the marine environment.

6. (a) An application for approval of a plan of work for exploration shall be considered by the Council following the receipt of a recommendation on the application from the Legal and Technical Commission. The processing of an application for approval of a plan of work for exploration shall be in accordance with the provisions of the Convention, including Annex III thereof, and this Agreement, and subject to the following:

(i) A plan of work for exploration submitted on behalf of a State or entity, or any component of such entity, referred to in resolution II, paragraph 1 (a) (ii) or (iii), other than a registered pioneer investor, which had already undertaken substantial activities in the Area prior to the entry into force of the Convention, or its successor in interest, shall be considered to have met the financial and technical qualifications necessary for approval of a plan of work if the sponsoring State or States certify that the applicant has expended an amount equivalent to at least US\$ 30 million in research and exploration activities and has expended no less than 10 per cent of that amount in the location, survey and evaluation of the area referred to in the plan of work. If the plan of work otherwise satisfies the requirements of the Convention and any rules, regulations and procedures adopted pursuant thereto, it shall be approved by the Council in the form of a contract. The provisions of section 3, paragraph 11, of this Annex shall be interpreted and applied accordingly;

(ii) Notwithstanding the provisions of resolution II, paragraph 8 (a), a registered pioneer investor may request approval of a plan of work for exploration within 36 months of the entry into force of the Convention. The plan of work for exploration shall consist of documents, reports and other data submitted to the Preparatory Commission both before and after registration and shall be accompanied by a certificate of compliance, consisting of a factual report describing the status of fulfilment of obligations under the pioneer investor regime, issued by the Preparatory Commission in accordance with resolution II, paragraph 11 (a). Such a plan of work shall be considered to be approved. Such an approved plan of work shall be in the form of a contract concluded between the Authority and the registered pioneer

(f) sprejem pravil, predpisov in postopkov, potrebnih za vodenje dejavnosti v Coni, tako kot se te razvijajo. Kljub določilom (b) in (c) 2. odstavka 17. člena aneksa III konvencije morajo biti takšna pravila, predpisi in postopki upoštevati pogoje tega sporazuma, podaljšano zakasnitev komercialnega globokomorskega rudarjenja in verjetno hitrost dejavnosti v Coni;

(g) sprejem pravil, predpisov in postopkov, ki vključujejo uporabne standarde, predpisane za varovanje in ohranjanje morskega okolja;

(h) pospeševanje in spodbujanje znanstvenega raziskovanja morja glede na dejavnosti v Coni ter zbiranja in širjenja dosežkov takšnih raziskav in analiz, kadar so ti na voljo, s posebnim poudarkom na raziskovanju, ki se nanaša na vpliv dejavnosti v Coni na okolje;

(i) pridobivanje znanstvenega znanja in spremljanje razvoja morske tehnologije glede na dejavnosti v Coni, predvsem tehnologije, ki se nanaša na varovanje in ohranjanje morskega okolja;

(j) ocena razpoložljivih podatkov, ki se nanašajo na iskanje in raziskovanje;

(k) pravočasna izdelava pravil, predpisov in postopkov za izkoriščanje, vključno s tistimi, ki se nanašajo na varovanje in ohranjanje morskega okolja.

6. (a) vlogo za odobritev delovnega načrta za raziskovanje obravnava Svet po prejemu priporočila vloge, ki ga posreduje Pravna in tehnična komisija. Obravnava vloge za odobritev delovnega načrta za raziskovanje mora biti v skladu z določili konvencije, vključno z njenim aneksom III in s tem sporazumom ter pod naslednjimi pogoji:

(i) za delovni načrt za raziskovanje, predložen v imenu države ali pravnega subjekta ali kakršne koli sestavne enote takšnega subjekta, navedenega v (ii) ali (iii) (a) 1. odstavka resolucije II, ki ni registrirani pionirski investitor, ki je že izvajal znatne dejavnosti v Coni pred začetkom veljavnosti konvencije, ali pa naslednik njegovih upravičenj, velja, da je v skladu s finančnimi in tehničnimi pogoji, ki so potrebni za odobritev delovnega načrta, če država ali države, ki zanj jamčijo potrdijo, da je investitor porabil znesek v vrednosti najmanj 30 milijonov US \$ za raziskovanje in raziskovalne dejavnosti ter porabil najmanj 10% tega zneska za krajevno določitev, pregled in oceno sektorja, na katerega se delovni načrt nanaša. Če delovni načrt sicer ustreza zahtevam konvencije in katerim koli pravilom, predpisom in postopkom, sprejetim v skladu z njo, ga odobri Svet v obliki pogodbe. Določila 11. odstavka 3. poglavja tega aneksa se razlagajo in uporabljajo skladno s tem;

(ii) kljub določilom (a) 8. odstavka resolucije II lahko registrirani pionirski investitor zahteva odobritev delovnega načrta za raziskovanje v 36 mesecih po začetku veljavnosti konvencije. Delovni načrt za raziskovanje sestavljajo dokumenti, poročila in drugi podatki, predloženi Pripravljalni komisiji tako pred kot po registraciji, ter potrdilo o izpolnjenih obveznostih, sestavljeno iz poročila o dejanskem izpolnjevanju obveznosti po režimu pionirskega investitorja, ki ga izda Pripravljalna komisija v skladu z (a) 11. odstavka resolucije II. Za takšen delovni načrt velja, da je odobren. Tako odobreni delovni načrt ima obliko pogodbe, sklenjene med Oblastjo in registriranim pionirskim investitorjem v skladu z XI. delom in tem sporazumom. Taksa 250.000 US \$, plačana v skladu z (a) 7. odstavka resolucije II, se nanaša na fazo

investor in accordance with Part XI and this Agreement. The fee of US\$ 250,000 paid pursuant to resolution II, paragraph 7 (a), shall be deemed to be the fee relating to the exploration phase pursuant to section 8, paragraph 3, of this Annex. Section 3, paragraph 11, of this Annex shall be interpreted and applied accordingly;

(iii) In accordance with the principle of non-discrimination, a contract with a State or entity or any component of such entity referred to in subparagraph (a) (i) shall include arrangements which shall be similar to and no less favourable than those agreed with any registered pioneer investor referred to in subparagraph (a) (ii). If any of the States or entities or any components of such entities referred to in subparagraph (a) (i) are granted more favourable arrangements, the Council shall make similar and no less favourable arrangements with regard to the rights and obligations assumed by the registered pioneer investors referred to in subparagraph (a) (ii), provided that such arrangements do not affect or prejudice the interests of the Authority;

(iv) A State sponsoring an application for a plan of work pursuant to the provisions of subparagraph (a) or (ii) may be a State Party or a State which is applying this Agreement provisionally in accordance with article 7, or a State which is a member of the Authority on a provisional basis in accordance with paragraph 12;

(v) Resolution II, paragraph 8 (c), shall be interpreted and applied in accordance with subparagraph (a) (iv).

(b) The approval of a plan of work for exploration shall be in accordance with article 153, paragraph 3, of the Convention.

7. An application for approval of a plan of work shall be accompanied by an assessment of the potential environmental impacts of the proposed activities and by a description of a programme for oceanographic and baseline environmental studies in accordance with the rules, regulations and procedures adopted by the Authority.

8. An application for approval of a plan of work for exploration, subject to paragraph 6 (a) (i) or (ii), shall be processed in accordance with the procedures set out in section 3, paragraph 11, of this Annex.

9. A plan of work for exploration shall be approved for a period of 15 years. Upon the expiration of a plan of work for exploration, the contractor shall apply for a plan of work for exploitation unless the contractor has already done so or has obtained an extension for the plan of work for exploration. Contractors may apply for such extensions for periods of not more than five years each. Such extensions shall be approved if the contractor has made efforts in good faith to comply with the requirements of the plan of work but for reasons beyond the contractor's control has been unable to complete the necessary preparatory work for proceeding to the exploitation stage or if the prevailing economic circumstances do not justify proceeding to the exploitation stage.

10. Designation of a reserved area for the Authority in accordance with Annex III, article 8, of the Convention shall take place in connection with approval of an application for a plan of work for exploration or approval of an application for a plan of work for exploitation and exploitation.

11. Notwithstanding the provisions of paragraph 9, an approved plan of work for exploration which is sponsored by at least one State provisionally applying this Agreement shall terminate if such a State ceases to apply this Agreement provisionally and has not become a member on a provisional basis in accordance with paragraph 12 or has not become a State Party.

12. Upon the entry into force of this Agreement, States and entities referred to in article 3 of this Agreement which

raziskovanja v skladu s 3. odstavkom 8. poglavja tega aneksa. 11. odstavek 3. poglavja tega aneksa se tudi tako razlaga in uporablja;

(iii) v skladu z načelom nediskriminacije mora pogodba z državo ali pravnim subjektom ali katerim koli sestavnim delom takšnega subjekta, navedenega v (i) pododstavka (a), vsebovati aranžmaje, ki so podobni in ne manj ugodni od tistih, o katerih je dogovorjeno s katerim koli registriranim pionirskim investitorjem, navedenim v (ii) pododstavka (a). Če so kateri koli od držav ali pravnih subjektov, navedenih v (i) pododstavka (a), podeljeni ugodnejši aranžmaji, se mora Svet dogovoriti za podobne in ne manj ugodne aranžmaje glede na pravice in obveznosti, ki jih prevzamejo registrirani pionirski investitorji, navedeni v (ii) pododstavka (a), pod pogojem, da takšni aranžmaji ne vplivajo na interese Oblasti ali pa vanje ne posegajo;

(iv) država, ki jamči za vlogo za delovni načrt v skladu z določbami (i) ali (ii) pododstavka (a), je lahko država pogodbenica ali država, ki ta sporazum uporablja začasno v skladu s 7. členom, ali pa država, ki je članica Oblasti na začasni osnovi v skladu z 12. odstavkom;

(v) pododstavek (c) 8. odstavka resolucije II se razlaga in uporablja v skladu s (iv) pododstavka (a).

(b) Odobritev delovnega načrta za raziskovanje mora biti v skladu s 3. odstavkom 153. člena konvencije.

7. Vlogo za odobritev delovnega načrta spremljata ocena možnih vplivov predlaganih dejavnosti na okolje in opis programa oceanografskih in ekoloških študij v skladu s pravili, predpisi in postopki, ki jih je sprejela Oblast.

8. Vloga za odobritev delovnega načrta za raziskovanje se s pridržkom (i) ali (ii) pododstavka (a) 6. odstavka obravnava v skladu s postopki, določenimi v 11. odstavku 3. poglavja tega aneksa.

9. Delovni načrt za raziskovanje se odobri za dobo petnajstih let. Ob izteku delovnega načrta za raziskovanje zaprosi izvajalec za delovni načrt za izkoriščanje, če tega ni že storil ali pridobil podaljšanja delovnega načrta za raziskovanje. Izvajalci lahko zaprosijo za takšna podaljšanja rokov za obdobja največ 5 let za vsak načrt. Takšna podaljšanja se odobrijo, če si je izvajalec prizadeval v dobri veri izpolniti zahteve delovnega načrta, vendar pa zaradi vzrokov, na katere ni mogel vplivati, ni mogel izpolniti potrebnih pripravljalnih del za prehod na stopnjo izkoriščanja, ali pa če prevladujejo gospodarske okoliščine ne upravičujejo prehoda na stopnjo izkoriščanja.

10. Pridržani sektor za Oblast v skladu z 8. členom aneksa III konvencije se določi v povezavi z odobritvijo vloge za delovni načrt za raziskovanje ali odobritvijo vloge za delovni načrt za raziskovanje in izkoriščanje.

11. Kljub določilom 9. odstavka pa odobreni delovni načrt za raziskovanje, za katerega jamči le ena država, ki začasno uporablja ta sporazum, preneha veljati, če takšna država preneha začasno uporabljati ta sporazum in ni postala članica na začasni osnovi v skladu z 12. odstavkom ali pa ni postala država pogodbenica.

12. Ob začetku veljavnosti tega sporazuma lahko države in subjekti, navedeni v 3. členu tega sporazuma, ki ga

have been applying it provisionally in accordance with article 7 and for which it is not in force may continue to be members of the Authority on a provisional basis pending its entry into force for such States and entities, in accordance with the following subparagraphs:

(a) If this Agreement enters into force before 16 November 1996, such States and entities shall be entitled to continue to participate as members of the Authority on a provisional basis upon notification to the depositary of the Agreement by such a State or entity of its intention to participate as a member on a provisional basis. Such membership shall terminate either on 16 November 1996 or upon the entry into force of this Agreement and the Convention for such member, whichever is earlier. The Council may, upon the request of the State or entity concerned, extend such membership beyond 16 November 1996 for a further period or periods not exceeding a total of two years provided that the Council is satisfied that the State or entity concerned has been making efforts in good faith to become a party to the Agreement and the Convention;

(b) If this Agreement enters into force after 15 November 1996, such States and entities may request the Council to grant continued membership in the Authority on a provisional basis for a period or periods not extending beyond 16 November 1998. The Council shall grant such membership with effect from the date of the request if it is satisfied that the State or entity has been making efforts in good faith to become a party to the Agreement and the Convention;

(c) States and entities which are members of the Authority on a provisional basis in accordance with subparagraph (a) or (b) shall apply the terms of Part XI and this Agreement in accordance with their national or internal laws, regulations and annual budgetary appropriations and shall have the same rights and obligations as other members, including:

(i) The obligation to contribute to the administrative budget of the Authority in accordance with the scale of assessed contributions;

(ii) The right to sponsor an application for approval of a plan of work for exploration. In the case of entities whose components are natural or juridical persons possessing the nationality of more than one State, a plan of work for exploration shall not be approved unless all the States whose natural or juridical persons comprise those entities are States Parties or members on a provisional basis;

(d) Notwithstanding the provisions of paragraph 9, an approved plan of work in the form of a contract for exploration which was sponsored pursuant to subparagraph (c) (ii) by a State which was a member on a provisional basis shall terminate if such membership ceases and the State or entity has not become a State Party;

(e) If such a member has failed to make its assessed contributions or otherwise failed to comply with its obligations in accordance with this paragraph, its membership on a provisional basis shall be terminated.

13. The reference in Annex III, article 10, of the Convention to performance which has not been satisfactory shall be interpreted to mean that the contractor has failed to comply with the requirements of an approved plan of work in spite of a written warning or warnings from the Authority to the contractor to comply therewith.

14. The Authority shall have its own budget. Until the end of the year following the year during which this Agreement enters into force, the administrative expenses of the Authority shall be met through the budget of the United Nations. Thereafter, the administrative expenses of the Authority shall be met by assessed contributions of its members,

časno uporabljajo v skladu s 7. členom in za katere ne velja, še naprej ostanejo člani Oblasti na začasnih osnovah do začetka njegove veljavnosti za te države in subjekte v skladu z naslednjimi pododstavki:

(a) če začne ta sporazum veljati pred 16. novembrom 1996, lahko takšne države in subjeki še naprej sodelujejo kot člani Oblasti na začasnih osnovah, tako depozitarja sporazuma obvestijo o svojem namenu, da bodo sodelovali kot člani na takšnih osnovah. To članstvo preneha bodisi 16. novembra 1996 ali ob začetku veljavnosti tega sporazuma in konvencije za takšnega člana, odvisno od tega, kaj se zgodi prej. Svet lahko na zahtevo prizadete države ali subjekta takšno članstvo podaljša po 16. novembru 1996 za nadaljnje obdobje ali obdobja, ki niso daljša od skupaj dveh let, če je Svet prepričan, da si prizadeta država ali subjekt v dobri veri prizadeva postati pogodbenica tega sporazuma in konvencije;

(b) če ta sporazum začne veljati po 15. novembru 1996, lahko takšne države in subjeki zaprosijo Svet, da jim omogoči neprekinjeno članstvo v Oblasti na začasnih osnovah za obdobje ali obdobja, ki ne trajajo dlje kot do 16. novembra 1998. Svet lahko takšno članstvo odobri z veljavnostjo od datuma zahteve, če je prepričan, da si država ali subjekt v dobri veri prizadeva postati pogodbenica tega sporazuma in konvencije;

(c) države in subjeki, člani Oblasti na začasnih osnovah, uporabljajo v skladu s pododstavkom (a) ali (b) določbe XI. dela in tega sporazuma v skladu s svojimi državnimi ali notranjimi zakoni, predpisi in letnimi proračunskimi sredstvi ter imajo enake pravice in obveznosti kot druge članice, vključno z:

(i) obveznostjo, da prispevajo v administrativni proračun Oblasti v skladu z lestvico prispevkov;

(ii) pravico, da jamčijo za vlogo za odobritev delovnega načrta za raziskovanje. V primeru pravnih subjektov, katerih sestavni deli so fizične ali pravne osebe z državljanstvom več kot ene države, se delovni načrt za raziskovanje ne odobri, če niso vse države, katerih fizične ali pravne osebe sestavljajo te subjekte, države pogodbenice ali članice na začasnih osnovah;

(d) kljub določbam 9. odstavka pa odobreni delovni načrt za raziskovanje, ki ima obliko pogodbe, in katerega je v skladu z (ii) pododstavka (c) jamčila država, ki je bila članica na začasnih osnovah, preneha veljati, če takšno članstvo preneha in država ali subjekt ni postal država pogodbenica;

(e) če takšna članica ni plačala svojih odmerjenih prispevkov ali sicer ni izpolnjevala svojih obveznosti v skladu s tem odstavkom, njeno članstvo na začasnih osnovah preneha.

13. Sklicevanje v 10. členu aneksa III konvencije na izvajanje, ki ni bilo zadovoljivo, se razlaga tako, da izvajalec ni izpolnil zahtev odobrenega delovnega načrta, čeprav ga je Oblast na to pisno opozorila ali opozarjala.

14. Oblast ima svoj lastni proračun. Do konca leta, ki sledi letu, v katerem začne ta sporazum veljati, se administrativni stroški Oblasti krijejo iz proračuna Združenih narodov. Po tem pa administrativne stroške Oblasti krijejo odmerjeni prispevki njenih članic, vključno s katerimi koli članicami na začasnih osnovah v skladu z (a) 171. člena in 173. členom konvencije in tega sporazuma, dokler nima Oblast zadostnih

including any members on a provisional basis, in accordance with articles 171, subparagraph (a), and 173 of the Convention and this Agreement, until the Authority has sufficient funds from other sources to meet those expenses. The Authority shall not exercise the power referred to in article 174, paragraph 1, of the Convention to borrow funds to finance its administrative budget.

15. The Authority shall elaborate and adopt, in accordance with article 162, paragraph 2 (o) (ii), of the Convention, rules, regulations and procedures based on the principles contained in sections 2, 5, 6, 7 and 8 of this Annex, as well as any additional rules, regulations and procedures necessary to facilitate the approval of plans of work for exploration or exploitation, in accordance with the following subparagraphs:

(a) The Council may undertake such elaboration any time it deems that all or any of such rules, regulations or procedures are required for the conduct of activities in the Area, or when it determines that commercial exploitation is imminent, or at the request of a State whose national intends to apply for approval of a plan of work for exploitation;

(b) If a request is made by a State referred to in subparagraph (a) the Council shall, in accordance with article 162, paragraph 2 (o), of the Convention, complete the adoption of such rules, regulations and procedures within two years of the request;

(c) If the Council has not completed the elaboration of the rules, regulations and procedures relating to exploitation within the prescribed time and an application for approval of a plan of work for exploitation is pending, it shall none the less consider and provisionally approve such plan of work based on the provisions of the Convention and any rules, regulations and procedures that the Council may have adopted provisionally, or on the basis of the norms contained in the Convention and the terms and principles contained in this Annex as well as the principle of non-discrimination among contractors.

16. The draft rules, regulations and procedures and any recommendations relating to the provisions of Part XI, as contained in the reports and recommendations of the Preparatory Commission, shall be taken into account by the Authority in the adoption of rules, regulations and procedures in accordance with Part XI and this Agreement.

17. The relevant provisions of Part XI, section 4, of the Convention shall be interpreted and applied in accordance with this Agreement.

SECTION 2.

THE ENTERPRISE

1. The Secretariat of the Authority shall perform the functions of the Enterprise until it begins to operate independently of the Secretariat. The Secretary-General of the Authority shall appoint from within the staff of the Authority an interim Director-General to oversee the performance of these functions by the Secretariat.

These functions shall be:

(a) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(b) Assessment of the results of the conduct of marine scientific research with respect to activities in the Area, with particular emphasis on research related to the environmental impact of activities in the Area;

sredstev iz drugih virov za pokritje teh stroškov. Oblast ne izvaja pooblastila iz 1. odstavka 174. člena konvencije o izposojanju sredstev za financiranje svojega administrativnega proračuna.

15. Oblast v skladu z (ii) pododstavka (o) 2. odstavka 162. člena konvencije izdela in sprejme pravila, predpise in postopke po načelih iz 2., 5., 6., 7. in 8. poglavja tega aneksa kot tudi vsa dodatna pravila, predpise in postopke, ki so potrebni za pospešitev odobritve delovnega načrta za raziskovanje in izkoriščanje v skladu z naslednjimi pododstavki:

(a) svet lahko to stori, ko presodi, da so potrebna vsa ali nekatera od takšnih pravil, predpisov ali postopkov za izvajanje dejavnosti v Coni ali kadar ugotovi, da se bliža komercialno izkoriščanje, ali na zahtevo države, katere državljan namerava zaprositi za odobritev delovnega načrta za izkoriščanje;

(b) če da zahtevo država, navedena v pododstavku (a), Svet v skladu z (o) 2. odstavka 162. člena konvencije sprejme takšna pravila, predpise in postopke v dveh letih po zahtevi;

(c) če Svet v predpisanem času ne izdela pravil, predpisov in postopkov, ki se nanašajo na izkoriščanje, in je v postopku vloga za odobritev delovnega načrta za izkoriščanje, mora Svet vsaj obravnavati in začasno odobriti takšen delovni načrt, ki temelji na določbah konvencije in na katerem koli od pravil, predpisov in postopkov, ki jih je Svet začasno sprejel, ali na osnovi v konvenciji vsebovanih norm ter pogojev in načel iz tega aneksa in upošteva načelo nediskriminacije med izvajalci.

16. Osnutke pravil, predpisov in postopkov ter vseh priporočil, ki se nanašajo na določbe XI. dela, kot jih vsebujejo poročila in priporočila Pripravljalne komisije, Oblast upošteva pri sprejetju pravil, predpisov in postopkov v skladu z XI. delom tega sporazuma.

17. Ustrezne določbe 4. poglavja XI. dela konvencije se razlagajo in uporabljajo v skladu s tem sporazumom.

2. POGlavJE

PODJETJE

1. Sekretariat Oblasti opravlja naloge Podjetja, dokler le-to ne začne delovati neodvisno od Sekretariata. Generalni sekretar Oblasti izmed osebja Oblasti imenuje začasnega generalnega direktorja, ki nadzoruje opravljanje teh nalog Sekretariata.

Te naloge so:

(a) spremljanje in pregled trendov in razvoja globokomorskega rudarjenja, vključno z redno analizo pogojev na svetovnem trgu ter cen kovin, trendi in pričakovanji;

(b) ocena dosežkov izvajanja znanstvenega raziskovanja morja glede na dejavnosti v Coni s posebnim poudarkom na raziskovanju vpliva dejavnosti v Coni na okolje;

(c) Assessment of available data relating to prospecting and exploration, including the criteria for such activities;

(d) Assessment of technological developments relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(e) Evaluation of information and data relating to areas reserved for the Authority;

(f) Assessment of approaches to joint-venture operations;

(g) Collection of information on the availability of trained manpower;

(h) Study of managerial policy options for the administration of the Enterprise at different stages of its operation.

2. The Enterprise shall conduct its initial deep seabed mining operations through joint ventures. Upon the approval of a plan of work for exploitation for an entity other than the Enterprise, or upon receipt by the Council of an application for a joint-venture operation with the Enterprise, the Council shall take up the issue of the functioning of the Enterprise independently of the Secretariat of the Authority. If joint-venture operations with the Enterprise accord with sound commercial principles, the Council shall issue a directive pursuant to article 170, paragraph 2, of the Convention providing for such independent functioning.

3. The obligation of States Parties to fund one mine site of the Enterprise as provided for in Annex IV, article 11, paragraph 3, of the Convention shall not apply and States Parties shall be under no obligation to finance any of the operations in any mine site of the Enterprise or under its joint-venture arrangements.

4. The obligations applicable to contractors shall apply to the Enterprise. Notwithstanding the provisions of article 153, paragraph 3, and Annex III, article 3, paragraph 5, of the Convention, a plan of work for the Enterprise upon its approval shall be in the form of a contract concluded between the Authority and the Enterprise.

5. A contractor which has contributed a particular area to the Authority as a reserved area has the right of first refusal to enter into a joint-venture arrangement with the Enterprise for exploration and exploitation of that area. If the Enterprise does not submit an application for a plan of work for activities in respect of such a reserved area within 15 years of the commencement of its functions independent of the Secretariat of the Authority or within 15 years of the date on which that area is reserved for the Authority, whichever is the later, the contractor which contributed the area shall be entitled to apply for a plan of work for that area provided it offers in good faith to include the Enterprise as a joint-venture partner.

6. Article 170, paragraph 4, Annex IV and other provisions of the Convention relating to the Enterprise shall be interpreted and applied in accordance with this section.

SECTION 3.

DECISION-MAKING

1. The general policies of the Authority shall be established by the Assembly in collaboration with the Council.

2. As a general rule, decision-making in the organs of the Authority should be by consensus.

3. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Assembly on questions of procedure shall be taken by a majority of members present and voting, and decisions on questions of substance shall be taken by a two-thirds majority of members present and voting, as provided for in article 159, paragraph 8, of the Convention.

(c) ocena razpoložljivih podatkov, ki se nanašajo na iskanje in raziskovanje, vključno z merili za takšne dejavnosti;

(d) ocena tehnološkega razvoja, potrebnega za dejavnosti v Coni, predvsem tehnologije, ki se nanaša na varovanje in ohranjanje morskega okolja;

(e) ovrednotenje informacij in podatkov, ki se nanašajo na sektorje, pridržane za Oblast;

(f) ocena pristopov do poslov skupnih vlaganj;

(g) zbiranje informacij o razpoložljivi usposobljeni delovni sili;

(h) proučevanje načinov vodstvene politike pri upravljanju Podjetja na različnih stopnjah njegovega delovanja.

2. Podjetje izvaja svoja začetna globokomorska rudarska dela preko skupnih vlaganj. Ob odobritvi delovnega načrta za izkoriščanje za pravni subjekt, ki ni Podjetje, ali ko Svet sprejme vlogo za posel skupnih vlaganj s Podjetjem, se o vsebini delovanja Podjetja Svet odloči neodvisno od Sekretariata Oblasti. Če so posli skupnih vlaganj s Podjetjem skladni z zdravimi komercialnimi načeli, izda Svet v skladu z 2. odstavkom 170. člena konvencije navodilo, ki zagotavlja takšno neodvisno delovanje.

3. Obveznost držav pogodbenic, da financirajo eno rudarsko polje Podjetja v skladu s 3. odstavkom 11. člena aneksa IV konvencije, ne velja in države pogodbenice niso dolžne financirati del na nobenem rudarskem polju, ki jih izvaja Podjetje ali v okviru njegovih aranžmajev skupnih vlaganj.

4. Za Podjetje veljajo obveznosti, ki se uporabljajo za izvajalce. Kljub določilom 3. odstavka 153. člena in 5. odstavka 3. člena aneksa III konvencije ima delovni načrt za Podjetje ob odobritvi obliko pogodbe, sklenjene med Oblastjo in Podjetjem.

5. Izvajalec, ki je prispeval določeni sektor za Oblast kot pridržani sektor, ima pravico, da prvi odkloni vstop v aranžma skupnih vlaganj s Podjetjem za raziskovanje in izkoriščanje tega sektorja. Če Podjetje ne predloži vloge za delovni načrt za dejavnosti glede na takšen pridržani sektor v petnajstih letih od začetka svojega delovanja neodvisno od Sekretariata Oblasti ali v petnajstih letih od dne, ko je bil ta sektor pridržan za Oblast, kar je kasneje, ima izvajalec, ki je sektor prispeval, pravico zaprositi za delovni načrt za ta sektor, če v dobri veri ponuja, da bo Podjetje vključil kot partnerja v skupnih vlaganjih.

6. Četrti odstavek 170. člena, aneksa IV in druge določbe konvencije, ki se nanašajo na Podjetje, se razlagajo in uporabljajo v skladu s tem poglavjem.

3. POGLAVJE

ODLOČANJE

1. Skupščina določa splošno politiko Oblasti v sodelovanju s Svetom.

2. V organih Oblasti se praviloma odloča s konsenzom.

3. Če so bila izčrpana vsa prizadevanja za odločanje s konsenzom, se o vprašanih postopka v Skupščini odloča z glasovanjem večine članov, ki so navzoči in glasujejo, o vsebinskih vprašanih pa odloča dvetretjinska večina članov, ki so navzoči in glasujejo, kot je določeno v 8. odstavku 159. člena konvencije.

4. Decisions of the Assembly on any matter for which the Council also has competence or on any administrative, budgetary or financial matter shall be based on the recommendations of the Council. If the Assembly does not accept the recommendation of the Council on any matter, it shall return the matter to the Council for further consideration. The Council shall reconsider the matter in the light of the views expressed by the Assembly.

5. If all efforts to reach a decision by consensus have been exhausted, decisions by voting in the Council on questions of procedure shall be taken by a majority of members present and voting, and decisions on questions of substance, except where the Convention provides for decisions by consensus in the Council, shall be taken by a two-thirds majority of members present and voting, provided that such decisions are not opposed by a majority in any one of the chambers referred to in paragraph 9. In taking decisions the Council shall seek to promote the interests of all the members of the Authority.

6. The Council may defer the taking of a decision in order to facilitate further negotiation whenever it appears that all efforts at achieving consensus on a question have not been exhausted.

7. Decisions by the Assembly or the Council having financial or budgetary implications shall be based on the recommendations of the Finance Committee.

8. The provisions of article 161, paragraph 8 (b) and (c), of the Convention shall not apply.

9. (a) Each group of States elected under paragraph 15 (a) to (c) shall be treated as a chamber for the purposes of voting in the Council. The developing States elected under paragraph 15 (d) and (e) shall be treated as a single chamber for the purposes of voting in the Council.

(b) Before electing the members of the Council, the Assembly shall establish lists of countries fulfilling the criteria for membership in the groups of States in paragraph 15 (a) to (d). If a State fulfils the criteria for membership in more than one group, it may only be proposed by one group for election to the Council and it shall represent only that group in voting in the Council.

10. Each group of States in paragraph 15 (a) to (d) shall be represented in the Council by those members nominated by that group. Each group shall nominate only as many candidates as the number of seats required to be filled by that group. When the number of potential candidates in each of the groups referred to in paragraph 15 (a) to (e) exceeds the number of seats available in each of those respective groups, as a general rule, the principle of rotation shall apply. States members of each of those groups shall determine how this principle shall apply in those groups.

11. (a) The Council shall approve a recommendation by the Legal and Technical Commission for approval of a plan of work unless by a two-thirds majority of its members present and voting, including a majority of members present and voting in each of the chambers of the Council, the Council decides to disapprove a plan of work. If the Council does not take a decision on a recommendation for approval of a plan of work within a prescribed period, the recommendation shall be deemed to have been approved by the Council at the end of that period. The prescribed period shall normally be 60 days unless the Council decides to provide for a longer period. If the Commission recommends the disapproval of a plan of work or does not make a recommendation, the Council may nevertheless approve the plan of work in accordance with its rules of procedure for decision-making on questions of substance.

4. Odločitve Skupščine o kateri koli zadevi, za katero je pristojen tudi Svet, ali o kateri koli administrativni, proračunski ali finančni zadevi temeljijo na priporočilih Sveta. Če za kakšno zadevo Skupščina ne sprejme priporočila Sveta, zadevo vrne Svetu v nadaljnje obravnavanje. Svet ponovno obravnava zadevo z vidika stališč, ki jih je izrazila Skupščina.

5. Če so bila izčrpana vsa prizadevanja za odločanje s konsenzom, se o vprašanih postopka v Svetu odloča z glasovanjem večine članov, ki so navzoči in glasujejo, o vsebinskih vprašanih, razen v primerih, ko konvencija predpisuje odločanje s konsenzom v Svetu, pa odloča dvetretjinska večina članov, ki so navzoči in glasujejo, če takšnim odločitvam ne nasprotuje večina v kateri od zbornic, na katere se nanaša 9. odstavek. Pri odločanju si Svet prizadeva zastopati interese vseh članic Obласти.

6. Svet lahko odloži odločanje, da bi olajšal nadaljnja pogajanja, kadar je videti, da niso bila izčrpana vsa prizadevanja za doseg konsenza o določenem vprašanju.

7. Odločitve Skupščine ali Sveta, ki se nanašajo na finančne ali proračunske zadeve, temeljijo na priporočilih Obora za finance.

8. Določbe (b) in (c) 8. odstavka 161. člena konvencije se ne uporabljajo.

9. (a) Vsaka skupina držav, izvoljenih v skladu z (a) do (c) 15. odstavka, se obravnava kot zbornica za namene glasovanja v Svetu. Države v razvoju, izvoljene v skladu z (d) in (e) 15. odstavka, se za namene glasovanja v Svetu obravnavajo kot ena zbornica.

(b) Pred izvolitvijo članic Sveta določi Skupščina sezname držav, ki izpolnjujejo merila za članstvo v skupinah držav iz (a) do (d) 15. odstavka. Če država izpolnjuje merila za članstvo v več kot eni skupini, jo lahko za izvolitev v Svet predlaga samo ena skupina in pri glasovanju v Svetu predstavlja samo to skupino.

10. Vsako skupino držav v (a) do (d) 15. odstavka v Svetu predstavljajo tiste članice, ki jih imenuje ta skupina. Vsaka skupina imenuje samo toliko kandidatov, kot je število sedežev, ki jih zaseda ta skupina. Kadar je število možnih kandidatov v vsaki od skupin, navedenih v (a) do (e) 15. odstavka, večje od števila razpoložljivih sedežev v vsaki od teh skupin, velja praviloma načelo rotacije. Države članice vsake od teh skupin določijo, kako se bo to načelo uporabljalo v teh skupinah.

11. (a) Svet odobri priporočilo Pravne in tehnične komisije za odobritev delovnega načrta, če dvetretjinska večina njegovih članov, ki so navzoči in glasujejo, vključno z večino članov, ki so navzoči in glasujejo v vsaki od zbornic Sveta, ne odloči, da delovnega načrta ne odobri. Če Svet o priporočilu za odobritev delovnega načrta ne odloča v predpisanem roku, se po koncu tega roka šteje, kot da je Svet priporočilo odobril. Predpisani rok je običajno 60 dni, če se Svet ne odloči za daljše obdobje. Če komisija ne priporoča odobritve delovnega načrta ali ne izda priporočila, lahko Svet kljub temu odobri delovni načrt v skladu s svojimi pravili postopka za odločanje o vsebinskih vprašanih.

(b) The provisions of article 162, paragraph 2 (j), of the Convention shall not apply.

12. Where a dispute arises relating to the disapproval of a plan of work, such dispute shall be submitted to the dispute settlement procedures set out in the Convention.

13. Decisions by voting in the Legal and Technical Commission shall be by a majority of members present and voting.

14. Part XI, section 4, subsections B and C, of the Convention shall be interpreted and applied in accordance with this section.

15. The Council shall consist of 36 members of the Authority elected by the Assembly in the following order:

(a) Four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent in value terms of total world consumption or have had net imports of more than 2 per cent in value terms of total world imports of the commodities produced from the categories of minerals to be derived from the Area, provided that the four members shall include one State from the Eastern European region having the largest economy in that region in terms of gross domestic product and the State, on the date of entry into force of the Convention, having the largest economy in terms of gross domestic product, if such States wish to be represented in this group;

(b) Four members from among the eight States Parties which have made the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals;

(c) Four members from among States Parties which, on the basis of production in areas under their jurisdiction, are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies;

(d) Six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, island States, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals and least developed States;

(e) Eighteen members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this subparagraph. For this purpose, the geographical regions shall be Africa, Asia, Eastern Europe, Latin America and the Caribbean and Western Europe and Others.

16. The provisions of article 161, paragraph 1, of the Convention shall not apply.

SECTION 4.

REVIEW CONFERENCE

The provisions relating to the Review Conference in article 155, paragraphs 1, 3 and 4, of the Convention shall not apply. Notwithstanding the provisions of article 314, paragraph 2, of the Convention, the Assembly, on the recommendation of the Council, may undertake at any time a review of the matters referred to in article 155, paragraph 1, of the Convention. Amendments relating to this Agreement and Part XI shall be subject to the procedures contained in arti-

(b) Določbe (j) 2. odstavka 162. člena konvencije se ne uporabljajo.

12. V primeru spora v zvezi z zavrnitvijo delovnega načrta za takšen spor veljajo postopki za reševanje sporov, določeni v konvenciji.

13. V Pravni in tehnični komisiji se odločitve sprejemajo z glasovanjem večine članov, ki so navzoči in glasujejo.

14. Podpoglavji (B) in (C) 4. poglavja XI. dela konvencije se razlagajo in uporabljajo v skladu s tem poglavjem.

15. Svet sestavlja 36 članov Oblasti, ki jih izvoli Skupščina po naslednjem vrstnem redu:

(a) štirje člani izmed tistih držav pogodbenic, ki so v zadnjih petih letih, za katera so na voljo statistični podatki, porabile več kot 2 odstotka vrednosti skupne svetovne porabe ali pa so imele neto uvoz v vrednosti več kot 2 odstotka vrednosti od skupnega svetovnega uvoza blaga, izdelanega iz kategorij rud, pridobljenih iz Cone, pod pogojem, da ti štirje člani vključujejo eno državo iz vzhodnoevropske regije, ki ima največje gospodarstvo na tem območju glede na bruto domači proizvod, in državo, ki je imela na dan začetka veljavnosti konvencije največje gospodarstvo glede na bruto domači proizvod, če te države želijo biti predstavljene v takšni skupini;

(b) štirje člani izmed osmih držav pogodbenic, ki so največ vložile v pripravo in izvajanje dejavnosti v Coni, bodisi neposredno ali po svojih državljanih;

(c) štirje člani izmed držav pogodbenic, ki so na osnovi proizvodnje v območjih pod njihovo jurisdikcijo, glavne neto izvoznice kategorij rud, pridobljenih iz Cone, vključno z najmanj dvema državama v razvoju, pri katerih izvoz takšnih rud znatno vpliva na njihovo gospodarstvo;

(d) šest članov izmed držav pogodbenic v razvoju, ki predstavljajo posebne interese. Posebni interesi, ki morajo biti predstavljeni, vključujejo interese držav s številnim prebivalstvom, neobalnih držav ali držav z geografsko neugodnim položajem, otoških držav, držav, ki so glavne uvoznice kategorij rud, pridobljenih iz Cone, držav, ki so možne proizvajalke takšnih rud, in najmanj razvitih držav;

(e) osemnajst članov, izvoljenih skladno z načelom zagotavljanja pravične geografske zastopanosti mest v Svetu kot celoti, pod pogojem, da ima vsaka geografska regija najmanj enega člana, izvoljenega v skladu s tem pododstavkom. Geografske regije v ta namen so Afrika, Azija, Vzhodna Evropa, Latinska Amerika, Karibi, Zahodna Evropa in drugi.

16. Določbe 1. odstavka 161. člena konvencije se ne uporabljajo.

4. POGLAVJE

REVIZIJSKA KONFERENCA

Določbe, ki se nanašajo na revizijsko konferenco v 1., 3. in 4. odstavku 155. člena konvencije, se ne uporabljajo. Kljub določbam 2. odstavka 314. člena konvencije lahko Skupščina kadar koli na priporočilo Sveta prouči zadeve, navedene v 1. odstavku 155. člena konvencije. Za amandmaje k temu sporazumu in XI. delu veljajo postopki iz 314., 315. in 316. člena konvencije pod pogojem, da se ohranijo načela, režim in druge določbe, navedene v 2. odstavku 155.

cles 314, 315 and 316 of the Convention, provided that the principles, regime and other terms referred to in article 155, paragraph 2, of the Convention shall be maintained and the rights referred to in paragraph 5 of that article shall not be affected.

SECTION 5.

TRANSFER OF TECHNOLOGY

1. In addition to the provisions of article 144 of the Convention, transfer of technology for the purposes of Part XI shall be governed by the following principles:

(a) The Enterprise, and developing States wishing to obtain deep seabed mining technology, shall seek to obtain such technology on fair and reasonable commercial terms and conditions on the open market, or through joint-venture arrangements;

(b) If the Enterprise or developing States are unable to obtain deep seabed mining technology, the Authority may request all or any of the contractors and their respective sponsoring State or States to cooperate with it in facilitating the acquisition of deep seabed mining technology by the Enterprise or its joint venture, or by a developing State or States seeking to acquire such technology on fair and reasonable commercial terms and conditions, consistent with the effective protection of intellectual property rights. States Parties undertake to cooperate fully and effectively with the Authority for this purpose and to ensure that contractors sponsored by them also cooperate fully with the Authority;

(c) As a general rule, States Parties shall promote international technical and scientific cooperation with regard to activities in the Area either between the parties concerned or by developing training, technical assistance and scientific cooperation programmes in marine science and technology and the protection and preservation of the marine environment.

2. The provisions of Annex III, article 5, of the Convention shall not apply.

SECTION 6.

PRODUCTION POLICY

1. The production policy of the Authority shall be based on the following principles:

(a) Development of the resources of the Area shall take place in accordance with sound commercial principles;

(b) The provisions of the General Agreement on Tariffs and Trade, its relevant codes and successor or superseding agreements shall apply with respect to activities in the Area;

(c) In particular, there shall be no subsidization of activities in the Area except as may be permitted under the agreements referred to in subparagraph (b). Subsidization for the purpose of these principles shall be defined in terms of the agreements referred to in subparagraph (b);

(d) There shall be no discrimination between minerals derived from the Area and from other sources. There shall be no preferential access to markets for such minerals or for imports of commodities produced from such minerals, in particular:

(i) By the use of tariff or non-tariff barriers; and

(ii) Given by States Parties to such minerals or commodities produced by their state enterprises or by natural or

člena konvencije, ter da niso prizadete pravice, navedene v 5. odstavku tega člena.

5. POGLAVJE

PRENOS TEHNOLOGIJE

1. Poleg določb 144. člena konvencije veljajo za prenos tehnologije za namene XI. dela naslednja načela:

(a) podjetje in države v razvoju, ki želijo pridobiti tehnologijo za globokomorsko rudarjenje, si prizadevajo takšno tehnologijo pridobiti pod poštenimi in razumnimi komercialnimi pogoji in pogoji na prostem trgu ali z aranžmaji skupnih vlaganj;

(b) če podjetje ali države v razvoju ne morejo pridobiti tehnologije za globokomorsko rudarjenje, lahko Oblast zahteva od vseh ali od katerega koli izvajalca in države ali držav, ki zanje jamčijo, da z njo sodelujejo pri omogočanju pridobitve tehnologije za globokomorsko rudarjenje za Podjetje ali njihova skupna vlaganja ali pa za državo v razvoju ali države, ki si prizadevajo pridobiti takšno tehnologijo pod poštenimi in razumnimi komercialnimi pogoji in pogoji, v skladu z učinkovitim varstvom pravic intelektualne lastnine. Države pogodbenice se zavežejo v ta namen popolnoma in učinkovito sodelovati z Oblastjo in zagotoviti, da tudi izvajalci, za katere jamčijo, v celoti sodelujejo z Oblastjo;

(c) države pogodbenice praviloma spodbujajo mednarodno tehnično in znanstveno sodelovanje glede dejavnosti v Coni, bodisi med zadevnimi pogodbenicami ali z razvijanjem programov usposabljanja, tehnične pomoči in znanstvenega sodelovanja v znanosti o morju in tehnologiji ter varovanjem in ohranjanjem morskega okolja.

2. Določbe 5. člena aneksa III konvencije se ne uporabljajo.

6. POGLAVJE

PROIZVODNA POLITIKA

1. Proizvodna politika Oblasti temelji na naslednjih načelih:

(a) razvoj bogastev Cone poteka v skladu z zdravimi komercialnimi načeli;

(b) za dejavnosti v Coni se uporabljajo določbe Splošnega sporazuma o carinah in trgovini, njegove ustrezne zbirke predpisov ter nasledstveni sporazumi ali sporazumi, ki jih nadomestijo;

(c) za dejavnosti v Coni zlasti ni subvencioniranja, razen kolikor to dovoljujejo sporazumi, navedeni v pododstavku (b). Subvencioniranje za namene teh načel je določeno v pogojih sporazumov, navedenih v pododstavku (b);

(d) ni diskriminacije glede rud, pridobljenih iz Cone, in tistih iz drugih virov. Za takšne rude ali za uvoz blaga, izdelanega iz takšnih rud, ni prednostnega dostopa do trgov, in sicer predvsem:

(i) z uporabo carinskih in necarinskih ovir; in

(ii) če ga dodelijo države pogodbenice za takšne rude ali blago, ki ga izdelajo njihova državna podjetja ali fizične

juridical persons which possess their nationality or are controlled by them or their nationals;

(e) The plan of work for exploitation approved by the Authority in respect of each mining area shall indicate an anticipated production schedule which shall include the estimated maximum amounts of minerals that would be produced per year under the plan of work;

(f) The following shall apply to the settlement of disputes concerning the provisions of the agreements referred to in subparagraph (b):

(i) Where the States Parties concerned are parties to such agreements, they shall have recourse to the dispute settlement procedures of those agreements;

(ii) Where one or more of the States Parties concerned are not parties to such agreements, they shall have recourse to the dispute settlement procedures set out in the Convention;

(g) In circumstances where a determination is made under the agreements referred to in subparagraph (b) that a State Party has engaged in subsidization which is prohibited or has resulted in adverse effects on the interests of another State Party and appropriate steps have not been taken by the relevant State Party or States Parties, a State Party may request the Council to take appropriate measures.

2. The principles contained in paragraph 1 shall not affect the rights and obligations under any provision of the agreements referred to in paragraph 1 (b), as well as the relevant free trade and customs union agreements, in relations between States Parties which are parties to such agreements.

3. The acceptance by a contractor of subsidies other than those which may be permitted under the agreements referred to in paragraph 1 (b) shall constitute a violation of the fundamental terms of the contract forming a plan of work for the carrying out of activities in the Area.

4. Any State Party which has reason to believe that there has been a breach of the requirements of paragraphs 1 (b) to (d) or 3 may initiate dispute settlement procedures in conformity with paragraph 1 (f) or (g).

5. A State Party may at any time bring to the attention of the Council activities which in its view are inconsistent with the requirements of paragraph 1 (b) to (d).

6. The Authority shall develop rules, regulations and procedures which ensure the implementation of the provisions of this section, including relevant rules, regulations and procedures governing the approval of plans of work.

7. The provisions of article 151, paragraphs 1 to 7 and 9, article 162, paragraph 2 (q), article 165, paragraph 2 (n), and Annex III, article 6, paragraph 5, and article 7, of the Convention shall not apply.

SECTION 7.

ECONOMIC ASSISTANCE

1. The policy of the Authority of assisting developing countries which suffer serious adverse effects on their export earnings or economies resulting from a reduction in the price of an affected mineral or in the volume of exports of that mineral, to the extent that such reduction is caused by activities in the Area, shall be based on the following principles:

(a) The Authority shall establish an economic assistance fund from a portion of the funds of the Authority which exceeds those necessary to cover the administrative expenses of the Authority. The amount set aside for this purpose shall be determined by the Council from time to time, upon the

ali pravne osebe, ki imajo njihovo državljanstvo ali pa jih nadzorujejo same ali njihovi državljani;

(e) delovni načrt za izkoriščanje, ki ga odobri Oblast za vsako rudarsko polje, vsebuje pričakovan časovni razpored proizvodnje, ki vključuje oceno največjih letnih količin rud, v skladu z delovnim načrtom;

(f) za reševanje sporov, v zvezi z določbami sporazumov, navedenih v pododstavku (b), velja naslednje:

(i) kadar so zadevne države pogodbenice pogodbenice teh sporazumov, so jim na voljo postopki, ki jih za reševanje sporov določajo takšni sporazumi;

(ii) kadar ena ali več zadevnih držav pogodbenic niso pogodbenice teh sporazumov, so jim na voljo postopki za reševanje sporov, ki so navedeni v konvenciji;

(g) v okoliščinah, ko je po v pododstavku (b) navedenih sporazumih ugotovljeno, da država pogodbenica daje subvencije, ki so prepovedane ali pa imajo za posledico škodljive učinke za interese druge države pogodbenice, pa zadevna država pogodbenica ali države pogodbenice ne sprejmejo primernih ukrepov, lahko država pogodbenica zaprosi Svet, da ustrezno ukrepa.

2. Načela iz prvega odstavka ne vplivajo na pravice in obveznosti po kateri koli določbi sporazumov, navedenih v (b) 1. odstavka, kot tudi ne na sporazume o prosti trgovini in sporazume o carinski uniji v razmerju med državami pogodbenicami, ki so pogodbenice v takšnih sporazumih.

3. Če izvajalec prejme subvencije, ki niso dovoljene po sporazumih, navedenih v (b) 1. odstavka, pomeni to kršitev bistvenih določil pogodbe, ki sestavlja delovni načrt za izvajanje dejavnosti v Coni.

4. Vsaka država pogodbenica, ki ima razloge, da verjame, da so kršene zahteve iz (b) do (d) 1. odstavka ali 3. odstavka, lahko sproži postopke za reševanje sporov v skladu s (f) ali (g) 1. odstavka.

5. Država pogodbenica lahko kadar koli opozori Svet na dejavnosti, ki so po njenem mnenju neskladne z zahtevami iz (b) do (d) 1. odstavka.

6. Oblast oblikuje pravila, predpise in postopke, ki zagotavljajo izvajanje določb tega poglavja, vključno z ustreznimi pravili, predpisi in postopki, ki urejajo odobritev delovnih načrtov.

7. Določbe 1. do 7. in 9. odstavka 151. člena, (q) 2. odstavka 162. člena, (n) 2. odstavka 165. člena, 5. odstavka 6. člena aneksa III in 7. člena konvencije se ne uporabljajo.

7. POGLAVJE

GOSPODARSKA POMOČ

1. Politika Oblasti pri pomoči državam v razvoju, ki občutijo resne škodljive učinke na svojih izvoznih zaslužkih ali gospodarstvu kot posledica znižanja cen zadevne rude ali obsega izvoza te rude, če takšno znižanje povzročijo dejavnosti v Coni, temelji na naslednjih načelih:

(a) Oblast ustanovi sklad za gospodarsko pomoč iz dela sredstev Oblasti, ki presega potrebna sredstva za kritje administrativnih stroškov Oblasti. Na priporočilo Odbora za finance Svet občasno v ta namen določi rezervirani znesek. Za ustanovitev sklada za gospodarsko pomoč se uporabljajo le

recommendation of the Finance Committee. Only funds from payments received from contractors, including the Enterprise, and voluntary contributions shall be used for the establishment of the economic assistance fund;

(b) Developing land-based producer States whose economies have been determined to be seriously affected by the production of minerals from the deep seabed shall be assisted from the economic assistance fund of the Authority;

(c) The Authority shall provide assistance from the fund to affected developing land-based producer States, where appropriate, in cooperation with existing global or regional development institutions which have the infrastructure and expertise to carry out such assistance programmes;

(d) The extent and period of such assistance shall be determined on a case-by-case basis. In doing so, due consideration shall be given to the nature and magnitude of the problems encountered by affected developing land-based producer States.

2. Article 151, paragraph 10, of the Convention shall be implemented by means of measures of economic assistance referred to in paragraph 1. Article 160, paragraph 2 (1), article 162, paragraph 2 (n), article 164, paragraph 2 (d), article 171, subparagraph (f), and article 173, paragraph 2 (c), of the Convention shall be interpreted accordingly.

SECTION 8.

FINANCIAL TERMS OF CONTRACTS

1. The following principles shall provide the basis for establishing rules, regulations and procedures for financial terms of contracts:

(a) The system of payments to the Authority shall be fair both to the contractor and to the Authority and shall provide adequate means of determining compliance by the contractor with such system;

(b) The rates of payments under the system shall be within the range of those prevailing in respect of land-based mining of the same or similar minerals in order to avoid giving deep seabed miners an artificial competitive advantage or imposing on them a competitive disadvantage;

(c) The system should not be complicated and should not impose major administrative costs on the Authority or on the contractor. Consideration should be given to the adoption of a royalty system or a combination of a royalty and profit-sharing system. If alternative systems are decided upon, the contractor has the right to choose the system applicable to its contract. Any subsequent change in choice between alternative systems, however, shall be made by agreement between the Authority and the contractor;

(d) An annual fixed fee shall be payable from the date of commencement of commercial production. This fee may be deducted against other payments due under the system adopted in accordance with subparagraph (c). The amount of the fee shall be established by the Council;

(e) The system of payments may be revised periodically in the light of changing circumstances. Any changes shall be applied in a non-discriminatory manner. Such changes may only apply to existing contracts only at the election of the contractor. Any subsequent change in choice between alternative systems shall be made by agreement between the Authority and the contractor;

(f) Disputes concerning the interpretation or application of the rules and regulations based on these principles shall be subject to the dispute settlement procedures set out in the Convention.

sredstva od plačil, sprejetih od izvajalcev, vključno s Podjetjem, ter od prostovoljnih prispevkov;

(b) države v razvoju kopenske proizvodnje, na katerih gospodarstvo resno vpliva proizvodnja rud z globokomorskega dna, prejema pomoč iz sklada za gospodarsko pomoč Oblasti;

(c) kjer je to primerno, zagotovi Oblast iz sklada pomoč prizadetim državam v razvoju kopenskim proizvajalkam, v sodelovanju z obstoječimi globalnimi ali regionalnimi institucijami za razvoj, ki imajo infrastrukturo in znanje za izvajanje takšnih programov pomoči;

(d) obseg in trajanje takšne pomoči se določita od primera do primera. Pri tem je treba upoštevati naravo in veličino problemov, na katere naletijo prizadete države v razvoju kopenske proizvodnje.

2. Odstavek 10 151. člena konvencije se izvaja s pomočjo ukrepov gospodarske pomoči, navedenih v 1. odstavku. Pododstavek (1) 2. odstavka 160. člena, (n) 2. odstavka 162. člena, (d) 2. odstavka 164. člena, pododstavek (f) 171. člena in (c) 2. odstavka 173. člena konvencije se tako razlagajo.

8. POGLAVJE

FINANČNA DOLOČILA POGODB

1. Osnova za določitev pravil, predpisov in postopkov za finančna določila pogodb so naslednja načela:

(a) sistem plačil Oblasti mora biti pravičen tako za izvajalca kot tudi za Oblast in mora zagotavljati izvajalcu primeren način za določanje usklajenosti s takšnim sistemom;

(b) stopnje plačil po sistemu so v okviru obsega tistih, ki prevladujejo pri kopenskem pridobivanju iste ali podobnih rud, da bi se tako izognili dajanju umetne konkurenčne prednosti proizvajalcem rud z globokomorskega dna ali pa jim vsilili konkurenčno neugoden položaj;

(c) sistem naj ne bo zapleten in naj ne povzroča večjih administrativnih stroškov za Oblast ali izvajalca. Upošteva naj se sprejem sistema pristojbin ali kombinacija sistema pristojbin in delitve dobička. Če je sprejet alternativni sistem, ima izvajalec pravico, da izbere sistem, ki je uporaben za njegovo pogodbo. O vsaki naknadni spremembi pri izbiri alternativnih sistemov pa se Oblast in izvajalec sporazumno dogovorita;

(d) letna fiksna pristojbina se plačuje od dne začetka komercialne proizvodnje. Ta pristojbina se lahko kreditira iz drugih plačil, obveznih po sistemu, sprejetem v skladu s pododstavkom (c). Znesek pristojbine določi Svet;

(e) sistem plačil se lahko občasno pregleda z vidika spremenljivih okoliščin. Vse spremembe se uporabljajo na nediskriminacijski način. Takšne spremembe lahko veljajo za obstoječe pogodbe le po volji izvajalca. O vsaki naknadni spremembi izbire med alternativnimi sistemi se Oblast in izvajalec sporazumno dogovorita;

(f) spori o razlagi ali uporabi pravil in predpisov, ki temeljijo na teh načelih, se rešujejo po postopkih za reševanje sporov, določenih v konvenciji.

2. The provisions of Annex III, article 13, paragraphs 3 to 10, of the Convention shall not apply.

3. With regard to the implementation of Annex III, article 13, paragraph 2, of the Convention, the fee for processing applications for approval of a plan of work limited to one phase, either the exploration phase or the exploitation phase, shall be US\$ 250,000.

SECTION 9.

THE FINANCE COMMITTEE

1. There is hereby established a Finance Committee. The Committee shall be composed of 15 members with appropriate qualifications relevant to financial matters. States Parties shall nominate candidates of the highest standards of competence and integrity.

2. No two members of the Finance Committee shall be nationals of the same State Party.

3. Members of the Finance Committee shall be elected by the Assembly and due account shall be taken of the need for equitable geographical distribution and the representation of special interests. Each group of States referred to in section 3, paragraph 15 (a), (b), (c) and (d), of this Annex shall be represented on the Committee by at least one member. Until the Authority has sufficient funds other than assessed contributions to meet its administrative expenses, the membership of the Committee shall include representatives of the five largest financial contributors to the administrative budget of the Authority. Thereafter, the election of one member from each group shall be on the basis of nomination by the members of the respective group, without prejudice to the possibility of further members being elected from each group.

4. Members of the Finance Committee shall hold office for a term of five years. They shall be eligible for re-election for a further term.

5. In the event of the death, incapacity or resignation of a member of the Finance Committee prior to the expiration of the term of office, the Assembly shall elect for the remainder of the term a member from the same geographical region or group of States.

6. Members of the Finance Committee shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations. They shall not disclose, even after the termination of their functions, any confidential information coming to their knowledge by reason of their duties for the Authority.

7. Decisions by the Assembly and the Council on the following issues shall take into account recommendations of the Finance Committee:

(a) Draft financial rules, regulations and procedures of the organs of the Authority and the financial management and internal financial administration of the Authority;

(b) Assessment of contributions of members to the administrative budget of the Authority in accordance with article 160, paragraph 2 (e), of the Convention;

(c) All relevant financial matters, including the proposed annual budget prepared by the Secretary-General of the Authority in accordance with article 172 of the Convention and the financial aspects of the implementation of the programmes of work of the Secretariat;

(d) The administrative budget;

(e) Financial obligations of States Parties arising from the implementation of this Agreement and Part XI as well as the administrative and budgetary implications of proposals and recommendations involving expenditure from the funds of the Authority;

2. Določbe 3. do 10. odstavka 13. člena aneksa III konvencije se ne uporabljajo.

3. Glede na izvajanje 2. odstavka 13. člena aneksa III konvencije je pristojbina za obravnavo vlog za odobritev delovnega načrta, omejenega na eno fazo, bodisi na fazo raziskovanja ali fazo izkoriščanja, 250.000 US \$.

9. POGlavJE

ODBOR ZA FINANCE

1. Ustanovi se Odbor za finance. Odbor sestavlja 15 članov, primerno usposobljenih v finančnih zadevah. Države pogodbenice imenujejo kandidate po najvišjih merilih usposobljenosti in osebne integritete.

2. V Odboru za finance ne sme biti več kot en državljan iste države pogodbenice.

3. Člane Odbora za finance voli Skupščina, pri čemer upošteva potrebo po pravični geografski porazdelitvi in zastopanju posebnih interesov. Vsako skupino držav, navedenih v (a), (b), (c) in (d) 15. odstavka 3. poglavja tega aneksa, zastopa v Odboru najmanj en član. Dokler Oblast razen odmerjenih prispevkov nima zadostnih sredstev za pokrivanje svojih administrativnih stroškov, so člani Odbora predstavniki petih držav, ki finančno največ prispevajo v administrativni proračun Oblasti. Nato pa se po en član iz vsake skupine izvoli na predlog članov ustrezne skupine, pri čemer se ne posega v možnost, da so tudi drugi člani izvoljeni iz vsake take skupine.

4. Člani Odbora za finance se izvolijo za pet let z možnostjo ponovne izvolitve za naslednje obdobje.

5. Ob smrti, nezmožnosti ali odstopu člana Odbora za finance pred iztekom mandata, izvoli Skupščina za preostanek obdobja člana iz iste geografske regije ali skupine držav.

6. Člani Odbora za finance ne smejo imeti finančnega interesa za nobeno dejavnost, ki se nanaša na zadeve, za katere je Odbor odgovoren sprejemati priporočila. Tudi po prenehanju svojih funkcij ne smejo razkriti nobenih zaupnih informacij, do katerih so prišli med opravljanjem svojih dolžnosti za Oblast.

7. Skupščina in Svet morata pri svojih odločitvah upoštevati priporočila Odbora za finance o naslednjih vprašanjih:

(a) osnutki finančnih pravil, predpisov in postopkov organov Oblasti in finančno vodenje ter notranja finančna administracija Oblasti;

(b) odmera prispevkov članic v administrativni proračun Oblasti v skladu z (e) 2. odstavka 160. člena konvencije;

(c) vse pomembne finančne zadeve, vključno s predlaganim letnim proračunom, ki ga pripravi generalni sekretar Oblasti, v skladu s 172. členom konvencije in finančni vidiki izvedbe delovnih programov Sekretariata;

(d) administrativni proračun;

(e) finančne obveznosti držav pogodbenic po tem sporazumu in XI. dela ter administrativne in proračunske posledice predlogov in priporočil, ki vključujejo porabo iz skladov Oblasti;

(f) Rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the decisions to be made thereon.

8. Decisions in the Finance Committee on questions of procedure shall be taken by a majority of members present and voting. Decisions on questions of substance shall be taken by consensus.

9. The requirement of article 162, paragraph 2 (y), of the Convention to establish a subsidiary organ to deal with financial matters shall be deemed to have been fulfilled by the establishment of the Finance Committee in accordance with this section.

(f) pravila, predpisi in postopki o pravični porazdelitvi finančnih in drugih gospodarskih koristi, ki so posledica dejavnosti v Coni, ter odločitve v zvezi s tem.

8. V Odboru za finance se odločitve o vprašanih postopka sprejemajo z večino članov, ki so navzoči in glasujejo. Odločitve o vsebinskih vprašanih se sprejemajo s konsenzom.

9. Zahtevi iz (y) 2. odstavka 162. člena konvencije po ustanovitvi pomožnega organa za urejanje finančnih zadev je zadoščeno z ustanovitvijo Odbora za finance v skladu s tem poglavjem.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

4. člen

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

Št. 900-02/93-4/10-8

Ljubljana, dne 18. maja 1995

Vlada Republike Slovenije

dr. Janez Drnovšek l. r.
Predsednik

39.

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

UREDBO O RATIFIKACIJI SPORAZUMA O VZPOSTAVITVI DIPLOMATSKIH ODNOSOV MED REPUBLIKO SLOVENIJO IN REPUBLIKO GRUZIJO

1. člen

Ratificira se Sporazum o vzpostavitvi diplomatskih odnosov med Republiko Slovenijo in Republiko Gruzijo, sklenjen z izmenjavo not 13. in 18. januarja 1993.

2. člen

Noti se v izvorniku v angleškem jeziku in prevodu v slovenskem jeziku glasita:*

N 7-02/25

VERBAL NOTE

The Ministry of Foreign Affairs of the Republic of Georgia presents its compliments to the Ministry of Foreign Affairs of the Republic of Slovenia and has the honour to communicate the following:

The Republic of Georgia,
confirming its adherence to the UN Charter regulations, the CSCE Final Act and Paris Charter for New Europe,
wishing to strengthen the cooperation, mutual understanding and confidence between the Republic of Georgia and the Republic of Slovenia,

Št. 7-02/25

VERBALNA NOTA

Ministrstvo za zunanje zadeve Republike Gruzije izraža spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in ima čast sporočiti naslednje:

Republika Gruzija
potrjuje svojo pripadnost določbam Ustanovne listine ZN, Sklepni listini KVSE in Pariški listini za novo Evropo,
v želji, da utrdi sodelovanje, medsebojno razumevanje in zaupanje med Republiko Gruzijo in Republiko Slovenijo,

* Besedilo note Republike Gruzije v gruzijskem jeziku je na vpogled v Službi za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.