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Ljubljana, 29. oktober 2020
EVA
GENERALNI SEKRETARIAT VLADE REPUBLIKE SLOVENIJE Gp.gs@gov.si
ZADEVA: Pobuda za sklenitev Sporazuma med Vlado Republike Slovenije in Vlado Mongolije o mednarodnem cestnem prevozu potnikov in blaga - predlog za obravnavo
1. Predlog sklepov vlade:
<p>Na podlagi 21. člena Zakona o Vladi Republike Slovenije (Uradni list RS, št. 24/05 – uradno prečiščeno besedilo, 109/08, 38/10 – ZUKN, 8/12, 21/13, 47/13 – ZDU-1G, 65/14 in 55/17) in 70. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD, 31/15 in 30/18 – ZKZaš) je Vlada Republike Slovenije na seji dne sprejela naslednja sklepa:</p> <ol style="list-style-type: none">1. Vlada Republike Slovenije je sprejela pobudo za sklenitev Sporazuma med Vlado Republike Slovenije in Vlado Mongolije o mednarodnem cestnem prevozu potnikov in blaga in jo pošlje v potrditev Odboru za zunanjo politiko Državnega zbora Republike Slovenije.2. Vlada Republike Slovenije je za pogajanja o sklenitvi Sporazuma med Vlado Republike Slovenije in Vlado Mongolije o mednarodnem cestnem prevozu potnikov in blaga imenovala delegacijo v naslednji sestavi:<ul style="list-style-type: none">- mag. Andreja Knez, vodja Sektorja za ceste in cestni promet, Ministrstvo za infrastrukturo in- Tanja Kocjančič, vodja Oddelka za cestni promet, Ministrstvo za infrastrukturo. <p style="text-align: right;">Dr. Božo Predalič generalni sekretar</p>
Sklep prejmejo:
<ul style="list-style-type: none">➤ Ministrstvo za infrastrukturo➤ Ministrstvo za zunanje zadeve
2. Predlog za obravnavo predloga zakona po nujnem ali skrajšanem postopku v državnem zboru z obrazložitvijo razlogov:
3.a Osebe, odgovorni za strokovno pripravo in usklajenost gradiva:
- Monika Pintar Mesarič, v. d. generalnega direktorja Direktorata za kopenski promet, Ministrstvo

za infrastrukturo		
- mag. Andreja Knez, vodja Sektorja za ceste in cestni promet, Ministrstvo za infrastrukturo		
- Tanja Kocjančič, vodja Oddelka za cestni prevoz, Ministrstvo za infrastrukturo		
3.b Zunanji strokovnjaki, ki so sodelovali pri pripravi dela ali celotnega gradiva:		
/		
4. Predstavniki vlade, ki bodo sodelovali pri delu državnega zbora:		
- Jernej Vrtovec, minister za infrastrukturo		
- Blaž Košorok, državni sekretar, Ministrstvo za infrastrukturo		
- Aleš Mihelič, državni sekretar Ministrstvo za infrastrukturo		
- Monika Pintar Mesarič, v. d. generalnega direktorja Direktorata za kopenski promet, Ministrstvo za infrastrukturo		
- mag. Andreja Knez, vodja Sektorja za ceste in cestni promet, Ministrstvo za infrastrukturo		
- Tanja Kocjančič, vodja Oddelka za cestni prevoz, Ministrstvo za infrastrukturo		
5. Kratek povzetek gradiva:		
/		
6. Presoja posledic za:		
a)	javnofinančna sredstva nad 40.000 EUR v tekočem in naslednjih treh letih	DA/NE
b)	usklajenost slovenskega pravnega reda s pravnim redom Evropske unije	NE
c)	administrativne posledice	NE
č)	gospodarstvo, zlasti mala in srednja podjetja ter konkurenčnost podjetij	NE
d)	okolje, vključno s prostorskimi in varstvenimi vidiki	NE
e)	socialno področje	NE
f)	dokumente razvojnega načrtovanja: <ul style="list-style-type: none"> - nacionalne dokumente razvojnega načrtovanja - razvojne politike na ravni programov po strukturi razvojne klasifikacije programskega proračuna - razvojne dokumente Evropske unije in mednarodnih organizacij 	NE
7.a Predstavitev ocene finančnih posledic nad 40.000 EUR:		
/		
7.b Predstavitev ocene finančnih posledic pod 40.000 EUR:		
/.		
8. Predstavitev sodelovanja javnosti:		
Gradivo je bilo predhodno objavljeno na spletni strani predlagatelja:		NE
9. Pri pripravi gradiva so bile upoštevane zahteve iz Resolucije o normativni dejavnosti:		
		NE
10. Gradivo je uvrščeno v delovni program vlade:		DA
Aleš Mihelič DRŽAVNI SEKTRETAR		

PRILOGI:

- Pobuda za sklenitev Sporazuma med Vlado Republike Slovenije in Vlado Mongolije o mednarodnem cestnem prevozu potnikov in blaga
- osnutek Sporazuma med Vlado Republike Slovenije in Vlado Mongolije o mednarodnem cestnem prevozu potnikov in blaga (v angleškem jeziku)

POBUDA ZA SKLENITEV SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO MONGOLIJE O MEDNARODNEM CESTNEM PREVOZU POTNIKOV IN BLAGA

Na podlagi 70. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD, 31/15 in 30/18 – ZKZaš; v nadaljevanju: ZZZ-1) daje Ministrstvo za infrastrukturo pobudo za sklenitev Sporazuma med Vlado Republike Slovenije in Vlado Mongolije o mednarodnem cestnem prevozu potnikov in blaga.

1. Razlogi, zaradi katerih se predlaga podpis sporazuma

Sklenitev sporazuma bo omogočil nemoten potek cestnega prevoza in tako spodbudil blagovno menjavo med državama.

2. Bistveni elementi sporazuma, vključno z morebitnimi pridržki in začasno uporabo

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

Sporazum ureja naslednja področja: področje uporabe, opredelitev izrazov, prevoz potnikov (linijski prevoz, občasni in izmenični prevozi, skupne določbe za prevoz potnikov), prevoz blaga (sistem dovolilnic, izjeme glede uporabe dovolilnice, skupne določbe za prevoz blaga), skupne določbe (davčne določbe, mase in dimenzije vozil, oprema in druge značilnosti vozil, nadzor, obveznosti prevoznikov in kršitve, sodelovanje in skupni odbor) ter končne določbe (začetek veljavnosti in trajanje sporazuma).

3. Predlog stališč delegacije

Osnutek sporazuma, ki je v prilogi gradiva, je bil neuradno posredovan mongolski strani in je v fazi predhodnega usklajevanja. Slovenska delegacija bo v postopku pogajanj zagovarjala stališče, da se mednarodni cestni prevoz opravlja na podlagi dovoljenj oziroma dovolilnic. Glede na to, da je bil mongolski strani posredovan tipski osnutek sporazuma, ki se sklepa z državami, ki niso članice EU v postopku pogajanj ne pričakujemo večjih težav in odstopanj v besedilu sporazuma.

4. Navedba, kateri organ bo sporazum ratificiral, ter navedba, ali sklenitev sporazuma zahteva izdajo novih ali spremembo veljavnih predpisov

V skladu s 70. členom ZZZ-1 sporazum ratificira Državni zbor.

Sklenitev sporazuma ne zahteva izdajo novih ali spremembo veljavnih predpisov.

5. Ocena potrebnih finančnih sredstev za izpolnitev sporazuma in način njihove zagotovitve

Za izpolnitev sporazuma ni potrebno zagotoviti dodatnih finančnih sredstev iz proračuna.

6. Predlog odobritvečasne uporabe sporazuma

/

7. Izjava pristojnega upravnega organa iz 1. odstavka 70. člena Zakona o zunanjih zadevah o primernosti sklenitve sporazuma z vidika skladnosti s pravnim redom in usmeritvami Evropske unije

Sporazum ni povezan s pravnim redom Evropske Unije.

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND
THE GOVERNMENT OF MONGOLIA
ON THE INTERNATIONAL TRANSPORT OF PASSENGERS AND GOODS BY ROAD

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

Anxious to contribute to the development of trade and economic relations between the two countries,

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

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

Aiming towards the development of transport intermodality,

Recognising the mutual advantage of development of road transport,

Have agreed as follows:

PART I - GENERAL PROVISIONS

Article 1

Scope

1. The provisions of this Agreement shall apply to the carriage of goods and passengers by road between the territories of the Contracting Parties, in transit through their territories and to or from third countries performed by carriers established on the territory of one of the Contracting Parties.
2. The present Agreement does not affect the rights and obligations arising from the international agreements binding upon the Contracting Parties.

Article 2

Definitions

The terms used in this Agreement have the following meaning:

1. "Transport operator" means any physical or legal person who is entitled in international transport of passengers and/or goods in accordance with the relevant national legislation of Slovenia and Mongolia;
2. "Vehicle" means a motor vehicle or a combination of vehicles of which at least the motor vehicle is registered in the country of either Contracting Party and which is used and equipped exclusively for the carriage of passengers or goods.
3. "Transport" means the runs of a vehicle, either laden or unladen even if the vehicle, trailer or semi-trailer is carried by train or boat for part of the journey.
4. "Cabotage" means the transport of passengers or goods carried out by a transport operator of the country of one Contracting Party between individual places within the territory of the other Contracting Party.

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

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

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

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

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

10. "Shuttle service" means a service whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single place of destination. Each group, consisting of the passengers who made the outward journey, is carried back to the place of departure on a later journey. Place of departure and place of destination respectively means the place where the journey begins and the place where the journey ends, together with, in each case, the surrounding locality within a 50 km radius.

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

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

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

12. "Control document" means the passenger waybill for buses, which is in conformity with the specimen agreed upon by the Joint Committee referred to in Article 13 of the present Agreement.

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

14. "Transit" means

(14.1). transport of passengers by bus across the state territory of the other Contracting Party without embarking and disembarking of passengers;

(14.2). transport of goods by motor vehicle across the state territory of the other Contracting Party without loading and unloading of goods.

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

Part II - PASSENGER TRANSPORT

Article 3

Regular service

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

2. The authorisation application should be made to the competent authority in the country of establishment of the transport operator. If the competent authority approves the application, the authorisation is communicated to the competent authority of the other Contracting Party.

The Joint Committee set up under Article 13 of the present Agreement hereof decides on the form that the authorisation application takes and the supporting documents required.

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

The decision to grant or refuse the issue of an authorisation is taken within a period of three months unless there are special circumstances.

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

4. The competent authorities of the Contracting Parties shall exchange authorizations organize carriage in advance. The authorizations shall contain the following information:

- a) name of transport operator;
- b) route of transport;
- c) traffic schedule;
- d) tariff on passenger transport;
- e) the stopping points where the carrier picks and sets down passengers;
- f) the estimated period and regularity of carriage.

5. The competent authorities of the Contracting Parties may request from each other additional information necessary for issue of the authorizations.

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

If there is no longer any demand for the service, the operator can cancel it, giving a three months' notice to the competent authorities which issued the authorisations and to customers.

Article 4

Occasional and shuttle passenger services

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

The Joint Committee set under Article 13 of the present Agreement hereof agrees upon technical, environmental and safety standards requirements that the vehicles carrying out the transport stipulated by this article must comply with.

2. As an exception to paragraph 1 of this Article, the services listed below are exempt from permit system on the territory of the host country:

- a) closed-door services whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them to the place of departure;
- b) services which make the outward journey laden and the return journey unladen;

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

3. Authorizations from the competent authorities of the Contracting Parties shall be required for other categories of occasional services.

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

The Joint Committee set up under Article 13 of the present Agreement hereof may extend the permit exemption to other categories of occasional services.

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

The Joint Committee set up under Article 13 of the present Agreement hereof decides on the form that the permit application takes and the supporting documents required.

6. The occasional services exempted from permit requirements and operated by using buses must be covered by a control document. The conditions of use and the content of the control document are laid down by the Joint Committee referred to in Article 13 of the present Agreement hereof.

Article 5

Provisions common to passenger services

1. Transport permits are not transferable to other transport operators.
2. The running of cabotage is prohibited.

PART III - GOODS TRANSPORT

Article 6

Authorisations System

1. Carriage of goods between the territories of the Contracting Parties or in transit via their territories as well to/from third countries shall be carried out by goods vehicles or combinations thereof, with authorisations issued by competent authorities of the Contracting Parties, except for the carriage referred to in Article 7 of this Agreement.

2. An individual authorisation shall be issued for each carriage of goods, entitling the carrier to make a single return trip. When goods vehicle is equipped with trailer or semi-trailer, the permit shall be issued only to lorry or vehicle pulling the trailer or semi-trailer.

3. Competent authorities of the Contracting Parties shall exchange, on an annual basis, an agreed number of permits referred to in paragraph 1 above. The authorizations shall be stamped and signed by the issuing competent authority.

4. The authorizations referred to in paragraph 1 above shall be valid for 12 months starting from the beginning of each calendar year. The permit shall be valid for the goods vehicle or a combination thereof irrespective of the state of registration of the trailer/semi-trailer.

5. The Joint Committee set up under Article 13 of the present Agreement hereof determines the quota, category and any further conditions governing permit use.

6. A carrier conducting the carriage of goods envisaged in this Agreement shall, at the request of the competent authorities of the Contracting Parties, produce a document attesting the contract for goods transportation, i.e. the consignment note. The consignment note must take the form prescribed by Convention on the Contract for the International Carriage of Goods by Road (CMR) (Geneva, 19 May 1956) and Additional Protocol to the Convention on the Contract for the

Article 7

Exemption from permit requirements

1. Authorizations referred to in Article 6 of the present Agreement are not required for:
 - a) transport by vehicles whose Total Permissible Laden Weight [T PI-WI, including trailers, does not exceed 6 tons, or when the permitted payload, including trailers, does not exceed 3.5 tons;
 - b) transport on an occasional basis, to or from airports, in case air services are diverted;
 - c) transport of vehicles which are damaged or have broken down and the runs of breakdown repair vehicles;
 - d) unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country, and also the return run, after repair of the vehicle that had broken down;
 - e) transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and also a humanitarian aid;
 - f) transport of works and objects of art for fairs and exhibitions or for non-commercial purposes;
 - g) transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances and fairs, and those intended for radio recordings, or for film or television production;
 - h) removals of household appliances carried out by enterprises with special staff and equipment for this purpose;
 - i) funeral transport;
 - j) transport of mail.

2. The Joint Committee set up under Article 13 of the present Agreement hereof may add to, or remove from, the list of transport categories exempted from the permit requirements.

PART IV - COMMON PROVISIONS

Article 8

Taxes and duties

1. The duties and taxes on goods carried by goods vehicles or combinations thereof registered in the territory of one Contracting Party and temporarily present in the territory of the other shall be levied in accordance with the legislation applicable in the territory of the latter Contracting Party.

2. Buses and goods vehicles or combinations thereof, registered in the territory of one Contracting Party and having temporarily entered the territory of the other Contracting Party, as well as the fuel present therein, shall be exempt from any duties, taxes, or levies in accordance with the legislation applicable in the territory of the latter Contracting Party.

3. Spare parts that are temporarily brought into the territory of the other Contracting Party for the repair of buses and/or goods vehicles or combinations thereof that are deficient or were made inoperable or damaged in traffic accidents shall be exempted from customs duties, charges,

dues and other fees imposed by the legislation applicable in territory of that Contracting Party. Replaced parts shall be returned back or destroyed under the supervision of customs officers.

4. The operators of buses and/or goods vehicles or combinations thereof shall be subject to road taxes for the use of road infrastructure (i. e. separate road sections, bridges, tunnels and other road engineering constructions) in compliance with the legislation applicable in the territories of the Contracting Parties.

Article 9

Weights and dimensions

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

2. The use of vehicles whose weight and dimensions exceed the upper permissible limits is permitted in the host country only with a special authorisation applied for in advance.

Article 10

Carriage of dangerous goods and perishable goods

1. Carriage of dangerous and perishable goods between the territories of the Contracting Parties, in transit via their territories, as well as to/from third countries shall be carried out in accordance with the provisions of the relevant laws and regulations of the Contracting Parties.

2. The Contracting Parties undertake to promote, within the framework of this Agreement, the use of vehicles meeting safety and emission standards.

Article 11

Control

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

2. With regard to border and customs control, as well as supervision of compliance with veterinary, phytosanitary, epidemic, environment and nature conservation rules, the Contracting Parties shall apply their own national legislation and the provisions of those international treaties to which they are parties.

Article 12

Obligations of transport operators and infringements

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

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

Article 13

Joint Committee

1. For the purpose of proper implementation of the present Agreement and to handle the issues related to it a Joint Committee shall be set up from the representatives of the competent authorities of the Contracting Parties.
2. When necessary representatives of other authorities may also participate.

Article 14

Competent Authorities

1. The Competent Authorities for the implementation of the present Agreement are:
 - For the Government of the Republic of Slovenia: The Ministry, responsible for road transport of goods and passengers.
 - For the Government of Mongolia: The Ministry of Road and Transport Development of Mongolia and other authorities designated by the Ministry.
2. In case of changes of competent authorities indicated in this paragraph the names of competent authorities are communicated to the other Contracting Party through diplomatic channels.

Article 15

Additions and amendments

Any dispute between the Contracting Parties regarding the interpretation or implementation of this Agreement shall be resolved in writing, through diplomatic channels. Additions and amendments to this Agreement may be made by mutual consent of the Contracting Parties. Such additions and amendments shall be made in form of separate Protocols being an integral part of this Agreement and shall enter into force in accordance with the provisions defined in Article 16 of this Agreement.

PART V - FINAL PROVISIONS

Article 16

Entry into force and duration of the Agreement

1. This Agreement shall enter into force on the 30th (thirtieth) day following the date of receipt of the later notification, by which the Contracting Parties notify each other about the completion of respective internal procedures required for its entry into force.
2. This Agreement shall remain in force for an indefinite period of time. Either of the Contracting Parties may terminate it by written notice. The Agreement shall expire three months following the date of the receipt of such notification.

Done in on in two original copies each in the Slovenian, Mongolian and English languages, all texts being equally authentic. In the case of divergence in interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF SLOVENIA**

**FOR THE GOVERNMENT OF
MONGOLIA**