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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O POGOJIH PRISTOPA REPUBLIKE SLOVENIJE H KONVENCIJI O ORGANIZACIJI ZA GOSPODARSKO SODELOVANJE IN RAZVOJ (MSPKOGS)

Razglašam Zakon o ratifikaciji Sporazuma o pogojih pristopa Republike Slovenije h Konvenciji o Organizaciji za gospodarsko sodelovanje in razvoj (MSPKOGS), ki ga je sprejel Državni zbor Republike Slovenije na seji 18. junija 2010.

Št. 003-02-6/2010-11

Ljubljana, dne 21. junija 2010

dr. Danilo Türk l.r. Predsednik Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA O POGOJIH PRISTOPA REPUBLIKE SLOVENIJE H KONVENCIJI O ORGANIZACIJI ZA GOSPODARSKO SODELOVANJE IN RAZVOJ (MSPKOGS)

1. člen

Ratificira se Sporazum o pogojih pristopa Republike Slovenije h Konvenciji o Organizaciji za gospodarsko sodelovanje in razvoj, podpisan 1. junija 2010 v Ljubljani.

2. člen

Besedilo sporazuma se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:(*)

AGREEMENT ON THE TERMS OF ACCESSION OF THE REPUBLIC OF SLOVENIA TO THE CONVENTION ON THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

STATEMENT BY THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA CONCERNING THE ACCEPTANCE BY THE REPUBLIC OF SLOVENIA OF THE OBLIGATIONS OF MEMBERSHIP OF THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

14 April 2010

THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA:

Having regard to the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960 (hereinafter referred to as “the Convention”) and to Supplementary Protocols Nos. 1 and 2 to the Convention;

Having regard to Article 16 of the Convention which provides that the Council may decide to invite any Government prepared to assume the obligations of membership to accede to the Convention;

Having regard to the Council Resolution on Enlargement and Enhanced Engagement adopted on 16 May 2007 by which Council decided to open accession discussions with the Republic of Slovenia [C/MIN(2007)4/FINAL];

Having regard to the Roadmap for the Accession of Slovenia to the OECD Convention [C(2007)104/FINAL], adopted by Council on 30 November 2007, which set out the terms, conditions and process for the accession of the Republic of Slovenia to the Organisation for Economic Co-operation and Development (hereinafter referred to as "the Organisation");

STATES the following:

A. GENERAL STATEMENT OF ACCEPTANCE

1. The Republic of Slovenia shall, by deposit of its instrument of accession to the Convention, assume all obligations of membership of the Organisation including, inter alia, the acceptance of:

i. the aims of the Organisation, as set out in Article 1 of the Convention as well as in the Report of the OECD Preparatory Committee of December 1960;

ii. all of the undertakings and commitments set out in Articles 2 and 3 of the Convention;

iii. Supplementary Protocols Nos. 1 and 2 to the Convention;

iv. all decisions, resolutions, rules, regulations and conclusions adopted by the Organisation relating to its management and functioning including those concerning the financial contributions of Members, other financial and budget matters, staff matters, procedural matters, governance of the Organisation and relations with non-Members;

v. the financial statements of the Organisation;

vi. the working methods of the Organisation;

vii. all legal instruments of the Organisation in force at the time of the decision of the OECD Council to invite the Republic of Slovenia to accede to the Convention with the remarks specified in Annexes 1 to 4 to the present Statement of which they form an integral part. With regard to any legal instruments adopted between the date of the decision of the OECD Council to invite the Republic of Slovenia to accede to the Convention and the date on which the Republic of Slovenia deposits its instrument of accession, the Republic of Slovenia shall provide its position on each instrument within three months after its adoption.

B. AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE ORGANISATION

2. In accordance with Article 22(1) of the Agreement between the Republic of Slovenia and the Organisation on the Privileges, Immunities and Facilities Granted to the Organisation signed on 21 January 2010, the Republic of Slovenia shall inform the Organisation of the completion of the domestic requirements for the entry into force of the Agreement. The Republic of Slovenia accepts that the Privileges and Immunities Agreement must have entered into force at the time of the deposit of its instrument of accession to the Convention.

C. PARTICIPATION IN OPTIONAL OECD ACTIVITIES AND BODIES

3. The Republic of Slovenia wishes to participate in certain optional activities and bodies upon becoming a Member of the Organisation, as set out in Annex 5 which forms an integral part of the present Statement. The Republic of Slovenia acknowledges that, for certain

optional activities or bodies, there are specific procedures and/or criteria for participation or membership which will be applied.

D. TERMINATION OF PRIOR AGREEMENTS WITH THE ORGANISATION

4. The Republic of Slovenia notes that, as from the date of its accession to the Convention, prior agreements between the Republic of Slovenia and the Organisation concerning its participation as a non Member in certain OECD bodies shall be considered to be terminated. As from the date of its accession, the Republic of Slovenia will participate in those OECD bodies as a Member of the Organisation.

E. REPORTING TO OECD COMMITTEES AFTER ACCESSION

5. The Republic of Slovenia agrees to submit progress reports to selected OECD Committees after accession as set out in the Decision of the OECD Council to invite the Republic of Slovenia to accede to the Convention.

ANNEX 1: SPECIFIC REMARKS ON ACCEPTANCE OF OECD LEGAL INSTRUMENTS

The Republic of Slovenia accepts all OECD legal instruments in force at the time of the decision by the OECD Council to invite the Republic of Slovenia to accede to the Convention with the following remarks:

Fiscal Affairs

Recommendation of the Council concerning the Model Tax Convention on Income and on Capital [C(97)195]

Slovenia accepts this Recommendation with the following reservations to the OECD Model Tax Convention which are updated versions of the positions that Slovenia has already submitted to Working Party No. 1 of the Committee on Fiscal Affairs:

Reservations:

Article 5, paragraph 3:

Slovenia joins the reservation by Norway in paragraph 53 of the Commentary on Article 5 (according to which that country reserves the right to include connected supervisory or consultancy activities in paragraph 3 of the Article).

Slovenia joins the reservation by Poland in paragraph 61 of the Commentary on Article 5 (according to which that country reserves the right to replace “construction or installation project” with “construction, assembly, or installation project” in paragraph 3 of the Article).

Article 5, paragraph 6: Slovenia reserves the right to amend paragraph 6 to make clear that an agent whose activities are conducted wholly or almost wholly on behalf of a single enterprise will not be considered an agent of an independent status.

Article 8, paragraph 2: Slovenia joins the reservation by Belgium, Canada, Greece, Mexico, Turkey, the United Kingdom and the United States in paragraph 32 of the Commentary on Article 8 (according to which these countries reserve the right not to extend the scope of the Article to cover inland transportation in bilateral conventions). Slovenia also reserves the right to make corresponding modifications to paragraph 3 of Articles 13, 15 and 22.

Article 9, paragraph 2: Slovenia reserves the right to specify in paragraph 2 that a correlative adjustment will be made only if it considers that the primary adjustment is justified.

Article 12, paragraph 1: Slovenia joins the reservation by Australia, Japan, Korea, Mexico, New Zealand, Poland, Portugal, the Slovak Republic, Spain and Turkey in paragraph 36 of the Commentary on Article 12 (according to which these countries reserve the right to tax royalties at source).

Article 12, paragraph 3: Slovenia joins the reservation by Belgium, Canada, the Czech Republic, Mexico, France and the Slovak Republic in paragraph 48 of the Commentary on Article 12 (according to which these countries reserve the right, in order to fill what they consider as a gap in the Article, to propose a provision defining the source of royalties by analogy with the provisions of paragraph 5 of Article 11, which deals with the same problem in the case of interest).

Article 20: Slovenia reserves the right to add an article which addresses the situation of teachers, professors and researchers, subject to various conditions and to make a corresponding modification to paragraph 1 of Article 15.

Recommendation of the Council on the Use of Tax Identification Numbers in an International Context [C(97)29]

Observation: “Disclosure of tax identification numbers of non-residents to the Slovenian tax administration is not mandatory.”

OECD/Council of Europe Convention on Mutual Administrative Assistance in Tax Matters

Observation: “Slovenia undertakes a commitment to sign the Convention as soon as possible.”

Insurance and Private Pensions

Recommendation of the Council on Good Practices for Enhanced Risk Awareness and Education in Insurance Issues [C(2008)22]

Timeframe: Slovenia accepts the instrument listed above with a timeframe for implementation until the end of 2010.

Investment and Multinational Enterprises

Decision of the Council adopting Code of Liberalisation of Capital Movements [C(61) 96]

Decision of the Council adopting Code of Liberalisation of Current Invisible Operations [C(61)95]

The Republic of Slovenia proposes to lodge reservations to the Code of Liberalisation of Capital Movements and the Code of Liberalisation of Current Invisible Operations in accordance with Article 2(b) of the Codes. The lists of reservations are set out in Annexes 2 and 3 to the present Statement.

The Republic of Slovenia makes the following commitments with regard to its position under the Codes of Liberalisation:

“Slovenia wishes to reaffirm that it fully adheres to the principles of liberalisation and non-discrimination contained in the OECD Codes of Liberalisation and notes that it has taken a number of liberalisation measures during the accession process, which apply to all OECD Members. Slovenia will continue to make progress after accession, giving special attention to extending the benefits of liberalisation beyond the European Economic Area to all OECD Members. Slovenia will report to the Committee on progress within a reasonably short timeframe after eventual accession.”

“In accordance with Article 27 of the Vienna Convention on the Law of Treaties of 23 May 1969, Slovenia commits to abide by the obligations it will undertake with respect to the OECD Codes of Liberalisation in the accession treaty with the OECD even in cases where its domestic legislation is in conflict with such obligations.”

Third Revised Decision of the Council on National Treatment [C(91)147 as amended]

In accordance with the Third Revised Decision of the Council on National Treatment [C(91)147 as amended], the Republic of Slovenia proposes to lodge certain exceptions to national treatment. The list of exceptions is set out in Annex 4 to the Final Statement.

Tourism

Decision-Recommendation of the Council on International Tourism Policy [C(85)165]

Reservations to Annex I:

Section d): “National driving permits issued by countries which are members of the European Union are recognised in Slovenia. Other national driving permits are recognised if they are in conformity with the 1949 Geneva Convention on Road Traffic and the 1968 Vienna Convention on Road Traffic. In all other cases, an international driving permit is required which must be issued by the competent foreign authorities. Slovenia recognises as valid, international third party risk certificates (green cards) issued by those Member countries which participate in the “green card” system.”

Observations on Annex II:

Section a): “Slovenia, as a Schengen member country, follows the EU common visa policy. Council Regulation (EC) No. 539/2001 of 15 March 2001, as amended, lists the countries whose nationals require a visa. Slovenia maintains the right to issue single entry visas but grants multiple entry visas on a case-by-case basis upon request. Visitors spending more than three months in Slovenia are not considered to be tourists. The charges and procedure for the issuance of visas are determined by Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).”

Section c): “Slovenia maintains the right to require such documents as may be necessary to establish that the traveller’s admission is in conformity with the applicable legislation and may require a guarantee for return in addition to a valid return ticket.”

Section d): “Slovenia maintains the right to examine all passengers and baggage including those in transit.”

ANNEX 2: LIST OF RESERVATIONS TO THE CODE OF LIBERALISATION OF CAPITAL MOVEMENTS

SLOVENIA

List A, I/A Direct investment:

– In the country concerned by non-residents.

Remark: The reservation applies only to:

i) investment in financial services to the extent that under Directive 85/611/EEC, a depository of an undertaking for collective investment in transferable securities (UCITS) must either have its registered office in the same EU country as that of the undertaking or be established in the EU country if its registered office is in another EU country;

ii) majority ownership by non-EU residents of a Slovenian flag maritime vessel, unless the operator is an EU national;

iii) majority ownership of an air company by non-EU residents;

List A, III/A Operations in real estate:

– In the country concerned by non-residents.

Remark: The reservation applies only to non-residents who are not nationals of a member country.

List A, IV/C1 Operations in securities on capital markets:

– Purchase in the country concerned by non-residents.

Remark: The reservation applies only to the purchase of shares and other securities of a participating nature which may be affected by the laws on inward direct investment and establishment.

ANNEX 3: LIST OF RESERVATIONS TO THE CODE OF LIBERALISATION OF CURRENT INVISIBLE OPERATIONS

SLOVENIA

C/3 Road transport: passengers and freights, including chartering.

Remark: The reservation applies to the following road transport operations:

i) for passengers:

– transit;

– picking up or setting down on an international journey;

– transport within the country;

ii) for freights:

– transit;

– delivery on an international journey;

– collection on an international journey;

– return cargo where collection is authorised;

– return cargo where delivery is authorised;

– transport within the country.

D/2 Insurance relating to goods in international trade.

Annex I to Annex A, Part 1, D/2

Remark: The reservation, which includes the activity of promotion, applies only to compulsory third-party liability insurance for road vehicles by foreign insurers other than undertakings headquartered in the EU.

D/3 Life assurance.

Annex I to Annex A, Part I, D/3, paragraphs 1 and 3

Remark: The reservation, which includes the activity of promotion, does not apply to:

i) insurance services provided by undertakings headquartered in the EU and

ii) if the policy has been taken out at the proposer's initiative.

D/4 All other insurance.

Annex I to Annex A, Part I, D/4, paragraphs 4, 5 and 7

Remark: The reservation, which includes the activity of promotion, does not apply to:

i) insurance services provided by undertakings headquartered in the EU and

ii) if the policy has been taken out at the proposer's initiative.

D/7 Entities providing other insurance services.

Annex I to Annex A, Part IV, D/7

Remark: The reservation, which includes the activity of promotion, does not apply to:

i) undertakings headquartered in the EU

ii) if the policy has been taken out at the proposer's initiative

iii) establishment of branches and agencies of entities providing other insurance services.

D/8 Private Pensions.

Annex I to Annex A, Part IV, D/8

Remark: The reservation, which includes the activity of promotion, does not apply to:

i) private pension services provided by undertakings headquartered in the EU

ii) if the policy has been taken out at the proposer's initiative and

iii) the establishment of branches and agencies of private pension providers.

E/2 Banking and investment services.

Remark: The reservation applies only to banking and investment services provided in Slovenia by undertakings headquartered in non-EU countries. The reservation does not apply to lending to residents.

E/3 Settlement, clearing and custodial and depository services.

Remark: The reservation applies only to custodial and depository services provided by undertakings headquartered in non-EU countries.

E/4 Asset management.

Remark: The reservation applies only to asset management services provided in Slovenia by undertakings headquartered in non-EU countries.

E/5 Advisory and agency services.

Remark: The reservation does not apply to advisory and agency services provided by undertakings headquartered in the EU.

E/7 Conditions for establishment and operation of branches, agencies, etc. of non-resident investors in the banking and financial services sector.

Annex II to Annex A, paragraph 1

Remark: The reservation on paragraph 1 concerns the requirement that under Directive 85/611/EEC, a depository of an undertaking for collective investment in transferable securities (UCITS) must either have its registered office in the same Member State as that of the undertaking or be established in the Member State if its registered office is in another Member State.

L/6 Professional services.

Remark: The reservation applies only to notaries from non-EU countries.

ANNEX 4: LIST OF EXCEPTIONS TO NATIONAL TREATMENT IN ACCORDANCE WITH THE THIRD REVISED DECISION OF THE COUNCIL ON NATIONAL TREATMENT [C(91)147 AS AMENDED]

SLOVENIA

A. Exceptions at national level

I. Investment by established foreign-controlled enterprises

Air transport: Registration of an aircraft is only possible for aircraft owned by Slovenian or EU nationals or companies controlled by them. Granting of an operating or AOC license for performing airline services is provided only to companies controlled by Slovenian nationals or to carriers complying with EU regulations on ownership and control (including principal place of business and activity, and majority-owned by EU Member States/nationals).

Authority: Aviation Act [OG RS 18/01; Multilateral Agreement on the Establishment of a European Common Aviation Area (ECAA)]

Maritime transport: majority ownership by non-EU residents of a Slovenian flag maritime vessel, unless the operator is a Slovenian or other EU national.

Authority: Maritime Code.

II. Official aids and subsidies

None.

III. Tax obligations

None.

IV. Government purchasing

None.

V. Access to local finance

None.

B. Exceptions by territorial subdivisions

None.

ANNEX 5: LIST OF OPTIONAL ACTIVITIES AND BODIES IN WHICH SLOVENIA WISHES TO PARTICIPATE

• Centre for Educational Research and Innovation (CERI)

• Co-operative Action Programme on Local Economic and Employment Development (LEED)

• Centre for Effective Learning Environments (CELE)

• Global Forum on Transparency and Exchange of Information for Tax Purposes

• Nuclear Energy Agency (NEA)

• OECD Schemes for the Varietal Certification of Seed Moving in International Trade (Grass and Legume Seed; Crucifer Seed and other Oil or Fiber Species; Cereals; Maize and Sorghum)

• Programme for International Student Assessment (PISA)

• Project on Institutional Management in Higher Education (IMHE)

• Special Programme on the Control of Chemicals

• Steel

DECISION OF THE COUNCIL TO INVITE THE REPUBLIC OF SLOVENIA TO ACCEDE TO THE CONVENTION ON THE OECD

(Adopted by the Council at its 1220th session on 10 May 2010)

THE COUNCIL,

Having regard to the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960 (hereinafter referred to as “the Convention”) and, in particular to Articles 5 a) and 16;

Having regard to the Council Resolution on Enlargement and Enhanced Engagement adopted on 16 May 2007 by which Council decided to open accession discussions with Slovenia [C/MIN(2007)4/FINAL];

Having regard to the Roadmap for the Accession of Slovenia to the OECD Convention [C(2007)104/FINAL], adopted by Council on 30 November 2007, which set out the terms, conditions and process for the accession of Slovenia to the Organisation (hereinafter referred to as “the Accession Roadmap”);

Having regard to the Report of the Secretary-General on the Accession of Slovenia to the Organisation [C(2010)72];

Having regard to the Final Statement by the Government of the Republic of Slovenia dated 14 April 2010 concerning the acceptance by the Republic of Slovenia of the obligations of membership of the Organisation [C(2010)73];

Having regard to the formal opinions of the OECD bodies listed in the Accession Roadmap [C(2010)74/FINAL];

Having regard to the Note by the Secretary-General on the Position of Slovenia on Legal Instruments Not Reviewed by OECD Bodies [C(2010)75];

Having regard to the Agreement between the Government of the Republic of Slovenia and the Organisation for Economic Co-operation and Development on the Privileges, Immunities and Facilities Granted to the Organisation and the related Exchange of Letters, signed on 21 January 2010;

Considering that the Government of the Republic of Slovenia is prepared to assume the obligations of membership of the Organisation;

DECIDES:

1. The Republic of Slovenia is invited to accede to the Convention on the terms proposed in the Final Statement by the Government of the Republic of Slovenia [C(2010)73] and those set out below.

2. The Republic of Slovenia shall only accede to the Convention if the Agreement between the Government of the Republic of Slovenia and the Organisation for Economic Co-operation and Development on the Privileges, Immunities and Facilities Granted to the Organisation, signed on 21 January 2010, has entered into force.

3. The Republic of Slovenia shall provide its position on each legal instrument of the Organisation adopted between the date of the present Decision and the date of the accession of the Republic of Slovenia to the Convention within three months after the adoption of such legal instrument.

4. All prior agreements on the participation of the Republic of Slovenia in OECD bodies as a non-Member shall be terminated as from the date of the accession of the Republic of Slovenia to the Convention. As from that date, the Republic of Slovenia will participate in those OECD bodies as a Member of the Organisation.

5. The Republic of Slovenia shall provide progress reports to OECD bodies after its accession to the Convention as follows:

(a) Investment Committee: A progress report within three years after accession;

(b) Working Group on Bribery in International Business Transactions: An oral progress report at the meeting in June 2010 and thereafter, if required;

(c) Environment Policy Committee: A progress report within two years after accession and periodically thereafter, if required;

(d) Corporate Governance Committee: A first progress report within one year after accession and a second progress report within two years after accession;

(e) Committee on Financial Markets: A progress report within three years after accession;

(f) Insurance and Private Pensions Committee: A progress report two years after accession and an interim report if the private pension reform is adopted before this date.

DONE in Ljubljana, this 1st day of June Two Thousand and Ten, in the English and French languages.

For the Government of the Republic of Slovenia: Mitja GASPARI (s) Minister for Development and European Affairs For the Organisation for Economic Co-operation and Development: Angel GURRÍA (s) Secretary-General

SPORAZUM O POGOJIH PRISTOPA REPUBLIKE SLOVENIJE H KONVENCIJI O ORGANIZACIJI ZA GOSPODARSKO SODELOVANJE IN RAZVOJ

IZJAVA VLADE REPUBLIKE SLOVENIJE GLEDE SPREJEMANJA OBVEZNOSTI ČLANSTVA V ORGANIZACIJI ZA GOSPODARSKO SODELOVANJE IN RAZVOJ

14. april 2010

VLADA REPUBLIKE SLOVENIJE

ob upoštevanju Konvencije o Organizaciji za gospodarsko sodelovanje in razvoj z dne 14. decembra 1960 (v nadaljevanju: konvencija) in dopolnilnih protokolov št. 1 in 2 h konvenciji,

ob upoštevanju 16. člena konvencije, ki določa, da se Svet lahko odloči povabiti katero koli vlado, ki je pripravljena prevzeti obveznosti članstva, da pristopi h konvenciji,

ob upoštevanju Resolucije Sveta o širitvi in okrepljenem sodelovanju, sprejete 16. maja 2007, s katero se je Svet odločil začeti pristopne razgovore z Republiko Slovenijo [C/MIN (2007)4/KONČNO],

ob upoštevanju Programa pristopa Slovenije h konvenciji OECD, [C(2007)104 /KONČNO], ki ga je sprejel Svet 30. novembra 2007 in ki določa pogoje in postopek pristopa Republike Slovenije k Organizaciji za gospodarsko sodelovanje in razvoj (v nadaljevanju: organizacija)

IZJAVLJA:

A. SPLOŠNA IZJAVA O SPREJEMU

1. Republika Slovenija z deponiranjem svoje listine o pristopu h konvenciji prevzema vse obveznosti članstva v organizaciji, ki med drugim vključujejo sprejem:

i. ciljev organizacije, kakor so določeni v 1. členu konvencije, kakor tudi v poročilu pripravljalnega odbora OECD iz decembra 1960,

ii. vseh obvez in zavez, določenih v 2. in 3. členu konvencije,

iii. dopolnilnih protokolov št. 1 in 2 h konvenciji,

iv. vseh sklepov, resolucij, predpisov in zaključkov, ki jih je organizacija sprejela v zvezi z njenim upravljanjem in delovanjem, tudi tistih glede finančnih prispevkov članic, drugih finančnih in proračunskih zadev, kadrovskih zadev, postopkovnih zadev, upravljanja organizacije in odnosov z nečlanicami,

v. finančnih izkazov organizacije,

vi. delovnih metod organizacije,

vii. vseh pravnih instrumentov organizacije, ki veljajo na dan Sklepa Sveta OECD o povabilu Republiki Sloveniji, da pristopi h konvenciji, s pojasnili iz prilog 1 do 4 k tej izjavi, katere sestavni del so. V zvezi z vsemi pravnimi instrumenti, sprejetimi med datumom Sklepa Sveta OECD o povabilu Republiki Sloveniji, da pristopi h Konvenciji, in datumom, na katerega Republika Slovenija deponira svojo listino o pristopu, Republika Slovenija predloži svoje stališče o vsakem instrumentu v treh mesecih po njegovem sprejetju.

B. SPORAZUM O PRIVILEGIJIH IN IMUNITETAH ORGANIZACIJE

2. Skladno s prvim odstavkom 22. člena Sporazuma med Republiko Slovenijo in organizacijo o privilegijih, imunitetah in ugodnostih, ki se podeljujejo organizaciji, podpisanim 21. januarja 2010, Republika Slovenija obvesti organizacijo o izpolnitvi vseh notranjepravnih zahtev za uveljavitev sporazuma. Republika Slovenija se strinja, da sporazum o privilegijih in imunitetah mora veljati ob deponiranju listine o pristopu h konvenciji.

C. SODELOVANJE V NEOBVEZNIH DEJAVNOSTIH IN TELESIH OECD

3. Republika Slovenija želi kot članica organizacije sodelovati v nekaterih neobveznih dejavnostih in telesih, kakor je opredeljeno v prilogi 5, ki je sestavni del te izjave. Republika Slovenija priznava, da za sodelovanje v nekaterih neobveznih dejavnostih ali telesih obstajajo posebni postopki in/ali merila za sodelovanje ali članstvo.

D. PRENEHANJE PREJŠNJIH SPORAZUMOV Z ORGANIZACIJO

4. Republika Slovenija je seznanjena, da z dnem pristopa h konvenciji prenehajo veljati vsi prejšnji sporazumi med Republiko Slovenijo in organizacijo glede sodelovanja Republike Slovenije kot nečlanice v nekaterih telesih OECD. Od dne pristopa bo Republika Slovenija sodelovala v navedenih telesih OECD kot članica organizacije.

E. POROČANJE ODBOROM OECD PO PRISTOPU

5. Republika Slovenija se strinja, da bo po pristopu predložila poročila o napredku določenim odborom OECD, kakor je opredeljeno v Sklepu Sveta OECD o povabilu Republiki Sloveniji, da pristopi h konvenciji.

PRILOGA 1: POSEBNA POJASNILA GLEDE SPREJEMA PRAVNIH INSTRUMENTOV OECD

Republika Slovenija sprejema vse pravne instrumente OECD, veljavne v času Sklepa Sveta OECD o povabilu Republiki Sloveniji, da pristopi h konvenciji, z naslednjimi pojasnili:

Davčne zadeve

Priporočilo Sveta glede Vzorčne davčne konvencije o dohodku in premoženju [C(97) 195]

Slovenija sprejema to priporočilo z naslednjimi pridržki k vzorčni davčni konvenciji OECD, ki so posodobljena različica stališč, ki jih je Slovenija že predložila delovni skupini št. 1 odbora za davčne zadeve:

Pridržki:

Tretji odstavek 5. člena:

Slovenija se pridružuje pridržku Norveške v 53. odstavku komentarja k 5. členu (po katerem si ta država pridržuje pravico, da vključi povezane nadzorne ali svetovalne dejavnosti v tretji odstavek tega člena).

Slovenija se pridružuje pridržku Poljske v 61. odstavku komentarja k 5. členu (po katerem si ta država pridržuje pravico, da nadomesti “projekt gradnje ali montaže” s “projekt gradnje, montaže ali postavitve” v tretjem odstavku tega člena).

Šesti odstavek 5. člena: Slovenija si pridržuje pravico, da spremeni šesti odstavek s pojasnilom, da se zastopnik, katerega dejavnosti potekajo izključno ali skoraj izključno v korist enega podjetja, ne šteje kot zastopnik z neodvisnim statusom.

Drugi odstavek 8. člena: Slovenija se pridružuje pridržku Belgije, Grčije, Kanade, Mehike, Turčije, Združenega kraljestva in Združenih držav v 32. odstavku komentarja k 8. členu (po katerem si te države pridržujejo pravico, da ne razširijo področja uporabe tega člena na celinski prevoz v dvostranskih konvencijah). Slovenija si tudi pridržuje pravico do temu ustreznih prilagoditev tretjega odstavka 13., 15. in 22. člena.

Drugi odstavek 9. člena: Slovenija si pridržuje pravico, da v drugem odstavku določi, da bo korelacijska prilagoditev opravljena samo, če bo menila, da je primarna prilagoditev upravičena.

Prvi odstavek 12. člena: Slovenija se pridružuje pridržku Avstralije, Japonske, Koreje, Mehike, Nove Zelandije, Poljske, Portugalske, Slovaške, Španije in Turčije v 36. odstavku komentarja k 12. členu (po katerem si te države pridržujejo pravico do obdavčitve licenčnin in avtorskih honorarjev na viru).

Tretji odstavek 12. člena: Slovenija se pridružuje pridržku Belgije, Češke, Francije, Kanade, Mehike in Slovaške v 48. odstavku komentarja k 12. členu (po katerem si te države pridržujejo pravico, da za zapolnitev tistega, kar štejejo za praznino v členu, predlagajo določbo, ki opredeljuje vir licenčnin in avtorskih honorarjev po analogiji z določbami petega odstavka 11. člena, ki obravnava enak problem pri obrestih).

20. člen: Slovenija si pridržuje pravico, da doda člen, ki pod različnimi pogoji ureja položaj učiteljev, profesorjev in raziskovalcev, in temu ustrezno prilagodi prvi odstavek 15. člena.

Priporočilo Sveta o uporabi davčnih številk v mednarodnem okolju [C(97)29]

Opomba: “Razkritje davčnih številk nerezidentov slovenski davčni upravi ni obvezno.”

Konvencija OECD/Sveta Evrope o medsebojni upravni pomoči v davčnih zadevah

Opomba: “Slovenija se obvezuje, da bo konvencijo podpisala čim prej.”

Zavarovanje in zasebne pokojnine

Priporočilo Sveta o dobrih praksah za večjo ozaveščenost o tveganjih in izobraževanju o vprašanjih zavarovanja [C(2008)22]

Časovni okvir: Slovenija sprejema zgoraj navedeni instrument s časovnim okvirom izvedbe do konca 2010.

Naložbe in večnacionalne družbe

Sklep Sveta o sprejetju Kodeksa o liberalizaciji kapitalskih tokov [C(61)96]

Sklep Sveta o sprejetju Kodeksa o liberalizaciji tekočih nevidnih operacij [C(61)95]

Republika Slovenija predlaga vložitev pridržkov h Kodeksu o liberalizaciji kapitalskih tokov in Kodeksu o liberalizaciji tekočih nevidnih operacij skladno z odstavkom b 2. člena kodeksov. Seznami pridržkov so navedeni v prilogi 2 in 3 k tej izjavi.

Republika Slovenija se v zvezi s svojim stališčem na podlagi kodeksov o liberalizaciji zavezuje k naslednjemu:

“Slovenija znova potrjuje, da je v celoti zavezana načelom liberalizacije in nediskriminacije iz kodeksov OECD o liberalizaciji in ugotavlja, da je med pristopnim procesom sprejela številne liberalizacijske ukrepe, ki se uporabljajo za vse članice OECD. Slovenija bo po pristopu še napredovala in pri tem posebno pozornost namenjala širitvi ugodnosti liberalizacije onkraj Evropskega gospodarskega prostora na vse članice OECD. Po pristopu bo Slovenija poročala odboru v razumno kratkem času.”

“Skladno s 27. členom Dunajske konvencije o pogodbenem pravu z dne 23. maja 1969 se Slovenija zavezuje, da bo obveznosti, ki jih bo sprejela v pogodbi o pristopu k OECD glede kodeksov OECD o liberalizaciji, spoštovala tudi v primerih, ko je njena notranja zakonodaja v navzkrižju s takimi obveznostmi.”

Tretji revidirani sklep Sveta o nacionalni obravnavi [C(91)147 s spremembami]

Skladno s Tretjim revidiranim sklepom Sveta o nacionalni obravnavi [C(91)147 s spremembami] Republika Slovenija predlaga vložitev nekaterih izjem pri nacionalni obravnavi. Predlagani seznam izjem je v prilogi 4 k zaključni izjavi.

Turizem

Sklep – priporočilo Sveta o mednarodni politiki turizma [C(85)165]

Pridržek k prilogi I:

Oddelek d: “V Sloveniji se priznavajo nacionalna vozniška dovoljenja, izdana v državah članicah EU. Druga nacionalna vozniška dovoljenja se priznavajo le, če so v skladu z ženevsko konvencijo o cestnem prometu iz leta 1949 in dunajsko konvencijo o cestnem prometu iz leta 1968. V vseh drugih primerih je potrebno mednarodno vozniško dovoljenje, ki ga morajo izdati pristojni tuji organi. Slovenija priznava kot veljavna tista mednarodna potrdila o

zavarovanju avtomobilske odgovornosti (zelene karte), ki jih izdajo države članice, sodelujoče v sistemu 'zelene karte'".

Opombe k prilogi II:

Oddelek a: "Slovenija kot članica schengenskega območja ravna v skladu s skupno vizumsko politiko EU. Uredba Sveta (ES) št. 539/2001 z dne 15. marca 2001, s spremembami, navaja države, katerih državljani potrebujejo vizum. Slovenija ohranja pravico izdajanja vizumov za enkratni vstop, za večkratni vstop pa jih podeljuje glede na posamezni primer na podlagi vloge. Obiskovalci, ki ostanejo v Sloveniji dlje kakor tri mesece, se ne štejejo za turiste. Takse in postopek za izdajanje vizumov so določeni z Uredbo (ES) št. 810/2009 Evropskega parlamenta in Sveta z dne 13. julija 2009 o vizumskem zakoniku Skupnosti (Vizumski zakonik)."

Oddelek c: "Slovenija ohranja pravico zahtevati vse dokumente, potrebne za ugotavljanje, ali je potnikov vstop skladen z zakonodajo, ki se uporablja na tem področju, in lahko poleg veljavne povratne vozovnice zahteva tudi jamstvo za vrnitev."

Oddelek d: "Slovenija ohranja pravico pregledati vse potnike in prtljago, tudi v tranzitu."

PRILOGA 2: SEZNAM PRIDRŽKOV H KODEKSU OECD O LIBERALIZACIJI KAPITALSKIH TOKOV

SLOVENIJA

Seznam A, I/A Neposredne naložbe:

– nerezidentov v zadevni članici.

Pojasnilo: pridržek velja le za:

i) naložbe v finančne storitve tako, da mora na podlagi Direktive EU 85/611/EGS depozitar kolektivnega naložbenega podjema za vlaganja v prenosljive vrednostne papirje (KNPVP) imeti svoj registrirani sedež v isti državi članici EU kot kolektivni naložbeni podjem ali biti ustanovljen v državi članici EU, če je njegov registrirani sedež v drugi državi članici EU;

ii) večinsko lastništvo plovila, ki pluje pod slovensko zastavo, s strani nerezidentov EU, razen če je nosilec dejavnosti državljan EU;

iii) večinsko lastništvo letalske družbe s strani nerezidentov EU;

Seznam A, III/A Transakcije z nepremičninami

– nerezidentov v zadevni članici.

Pojasnilo: Pridržek velja le za nerezidente, ki niso državljani države članice.

Seznam A, IV/C1 Transakcije z vrednostnimi papirji na kapitalskih trgih:

– Nakup v zadevni članici s strani nerezidentov.

Pojasnilo: Pridržek velja le za nakup delnic in drugih participativnih vrednostnih papirjev, na kar lahko vplivajo predpisi o vhodnih neposrednih naložbah in ustanavljanju.

PRILOGA 3: SEZNAM PRIDRŽKOV H KODEKSU OECD O LIBERALIZACIJI TEKOČIH NEVIDNIH OPERACIJ

SLOVENIJA

C/3 Cestni promet: potniki in tovor, tudi najem.

Pojasnilo: Pridržek velja za te dejavnosti cestnega prometa:

i) za potnike:

– tranzit,

– pobiranje ali dostava potnikov na mednarodnem potovanju,

– prevoz znotraj države,

ii) za tovor:

– tranzit,

– dostava v mednarodnem prometu,

– prevzem v mednarodnem prometu,

– povratni tovor, če je prevzem odobren,

– povratni tovor, če je dostava odobrena,

– prevoz znotraj države.

D/2 Zavarovanje, ki se nanaša na blago v mednarodni trgovini.

Priloga I k prilogi A, I. del, D/2

Pojasnilo: Pridržek, ki zajema promocijo, velja le za obvezno zavarovanje za kritje škode, povzročene tretjim osebam, za cestna vozila s strani tujih zavarovateljev, ki niso podjetja s sedežem v EU.

D/3 Življenjsko zavarovanje.

Priloga I k prilogi A, I. del, D/3, 1. in 3. odstavek

Pojasnilo: Pridržek, ki zajema promocijo, ne velja:

i) za zavarovalne storitve, ki jih zagotavljajo podjetja s sedežem v EU, in

ii) če je bila polica sklenjena na pobudo predlagatelja.

D/4 Vsa druga zavarovanja.

Priloga I k prilogi A, I. del, D/4, 4., 5. in 7. odstavek

Pojasnilo: Pridržek, ki zajema promocijo, ne velja:

i) za zavarovalne storitve, ki jih zagotavljajo podjetja s sedežem v EU, in

ii) če je bila polica sklenjena na pobudo predlagatelja.

D/7 Subjekti, ki opravljajo druge zavarovalne storitve.

Priloga I k prilogi A, IV. del, D/7

Pojasnilo: Pridržek, ki zajema promocijo, ne velja:

i) za podjetja s sedežem v EU,

ii) če je bila polica sklenjena na pobudo predlagatelja,

iii) za ustanavljanje podružnic in zastopništev subjektov, ki opravljajo druge zavarovalne storitve.

D/8 Zasebne pokojnine.

Priloga I k prilogi A, IV. del, D/8

Pojasnilo: Pridržek, ki zajema promocijo, ne velja:

i) za storitve zasebnih pokojnin, ki jih zagotavljajo podjetja s sedežem v EU,

ii) če je bila polica sklenjena na pobudo predlagatelja in

iii) za ustanavljanje podružnic in zastopništev ponudnikov zasebnih pokojnin.

E/2 Bančne in investicijske storitve.

Pojasnilo: Pridržek velja le za bančne in investicijske storitve, ki jih v Sloveniji zagotavljajo podjetja s sedežem v državah nečlanicah EU. Pridržek ne velja za posojila rezidentom.

E/3 Poravnalne, klirinške ter skrbniške in depotne storitve.

Pojasnilo: Pridržek velja le za skrbniške in depotne storitve, ki jih zagotavljajo podjetja s sedežem v državah nečlanicah EU.

E/4 Upravljanje premoženja.

Pojasnilo: Pridržek velja le za storitve upravljanja premoženja, ki jih v Sloveniji zagotavljajo podjetja s sedežem v državah nečlanicah EU.

E/5 Svetovalne in agencijske storitve.

Pojasnilo: Pridržek ne velja za svetovalne in agencijske storitve, ki jih zagotavljajo podjetja s sedežem v EU.

E/7 Pogoji za ustanavljanje in poslovanje podružnic, zastopništev itd. nerezidenčnih vlagateljev v sektorju bančnih in finančnih storitev.

Priloga II k prilogi A, 1. odstavek

Pojasnilo: Pridržek k 1. odstavku se nanaša na zahtevo, da mora na podlagi Direktive EU 85/611/EGS depozitar kolektivnega naložbenega podjema za vlaganja v prenosljive vrednostne papirje (KNPVP) imeti svoj registrirani sedež v isti državi članici EU kot kolektivni naložbeni podjem, ali biti ustanovljen v tej državi članici EU, če je njegov registrirani sedež v drugi državi članici EU.

L/6 Strokovne storitve.

Pojasnilo: Pridržek velja le za notarje iz držav nečlanic EU.

PRILOGA 4: SEZNAM IZJEM PRI NACIONALNI OBRAVNAVI V SKLADU S TRETJIM REVIDIRANIM SKLEPOM SVETA O NACIONALNI OBRAVNAVI [C(91)147 S SPREMEMBAMI]

SLOVENIJA

A. Izjeme na nacionalni ravni

I. Naložbe ustanovljenih podjetij pod tujim nadzorom

Zračni promet: Registracija zrakoplova je možna le, če je ta v lasti slovenskih državljanov ali državljanov EU ali podjetij pod njihovim nadzorom. Operativna licenca ali spričevalo letalskega prevoznika (AOC) za opravljanje letalskih storitev se izda le podjetjem pod nadzorom slovenskih državljanov ali prevoznikom, ki izpolnjujejo predpise EU o lastništvu in nadzoru (vključno z glavnim krajem poslovanja in večinskim lastništvom držav članic EU /državljanov EU).

Podlaga: Zakon o letalstvu (Uradni list RS, št. 18/01; Večstranski sporazum o vzpostavitvi skupnega evropskega zračnega prostora (ECAA)).

Pomorski promet: Večinsko lastništvo plovila, ki pluje pod slovensko zastavo, s strani EU nerezidentov, razen če je nosilec dejavnosti slovenski državljan ali državljan druge države članice EU.

Podlaga: Pomorski zakonik.

II. Uradne pomoči in subvencije

Ni izjem.

III. Davčne obveznosti

Ni izjem.

IV. Vladni nakupi

Ni izjem.

V. Dostop do lokalnega financiranja

Ni izjem.

B. Izjeme pri teritorialni podrazdelitvi

Ni izjem.

PRILOGA 5: SEZNAM NEOBVEZNIH DEJAVNOSTI IN TELES, V KATERIH SLOVENIJA ŽELI SODELOVATI

– Center za raziskave in inovacije v izobraževanju (CERI)

– Program skupnih ukrepov za lokalni razvoj gospodarstva in zaposlovanja (LEED)

– Center za učinkovita učna okolja (CELE)

– Svetovni forum za transparentnost in izmenjavo podatkov za davčne namene

– Agencija za jedrsko energijo (NEA)

– Sheme OECD za potrjevanje sortnosti semena, ki se trži v mednarodnem prometu (seme trav in detelj; seme križnic in drugih vrst oljnic in predivnic; žita; koruza in sirek)

– Program za mednarodno ocenjevanje učencev (PISA)

– Projekt "Upravljanje institucij v visokem šolstvu" (IMHE)

– Posebni program za nadzor kemikalij

– Jeklo

SKLEP SVETA O POVABILU REPUBLIKI SLOVENIJI, DA PRISTOPI H KONVENCIJI O OECD

(ki ga je Svet sprejel na svojem 1220. zasedanju dne 10. maja 2010)

SVET

ob upoštevanju Konvencije o Organizaciji za gospodarsko sodelovanje in razvoj z dne 14. decembra 1960 (v nadaljevanju: konvencija) ter zlasti odstavka a 5. člena in 16. člena,

ob upoštevanju Resolucije Sveta o širitvi in okrepljenem delovanju, sprejete 16. maja 2007, s katero se je Svet odločil začeti pristopne razgovore s Slovenijo [C/MIN(2007)4 /KONČNO],

ob upoštevanju Programa pristopa Slovenije h konvenciji OECD, [C(2007)104 /KONČNO], ki ga je sprejel Svet 30. novembra 2007 in ki določa pogoje in postopek pristopa Slovenije k organizaciji (v nadaljevanju: pristopni program),

ob upoštevanju Poročila generalnega sekretarja o pristopu Slovenije k organizaciji [C (2010)72],

ob upoštevanju zaključne izjave Republike Slovenije z dne 14. aprila 2010 glede sprejemanja obveznosti članstva v organizaciji [C(2010)73],

ob upoštevanju formalnih mnenj teles OECD, naštetih v pristopnem programu [C (2010)74],

ob upoštevanju sporočila generalnega sekretarja o stališču Slovenije glede pravnih instrumentov, ki jih niso obravnavala telesa OECD [C(2010)75],

ob upoštevanju Sporazuma med Republiko Slovenijo in Organizacijo za gospodarsko sodelovanje in razvoj o privilegijih, imunitetah in ugodnostih, ki se podeljujejo organizaciji, in s tem povezane izmenjave pisem, podpisanih v Parizu dne 21. januarja 2010,

ker je Vlada Republike Slovenije pripravljena prevzeti obveznosti članstva v organizaciji,

SKLENE

1. Vlada Republike Slovenije je povabljena, da pristopi h konvenciji pod pogoji, predlaganimi v zaključni izjavi Vlade Republike Slovenije [C(2010)73], in pogoji, ki so navedeni v nadaljevanju,

2. Republika Slovenija pristopi h konvenciji le, če je začel veljati Sporazum med Vlado Republike Slovenije in Organizacijo za gospodarsko sodelovanje in razvoj o privilegijih, izjemah in ugodnostih, ki se podeljujejo organizaciji, in s tem povezana izmenjava pisem, podpisanih v Parizu dne 21. januarja 2010,

3. Republika Slovenija predloži stališče o vsakem pravnem instrumentu organizacije, ki je bil sprejet med dnem tega sklepa in dnem pristopa Republike Slovenije h konvenciji, v treh mesecih po sprejetju takega pravnega instrumenta,

4. Vsi prejšnji sporazumi glede sodelovanja Republike Slovenije kot nečlanice v organih OECD prenehajo veljati z dnem pristopa Republike Slovenije h konvenciji. Od omenjenega dne bo Republika Slovenija sodelovala v navedenih organih OECD kot članica organizacije,

5. Po pristopu h konvenciji Republika Slovenija pošlje organom OECD naslednja poročila o napredku:

a) Odbor za naložbe: poročilo o napredku v treh letih po pristopu,

b) Delovna skupina o podkupovanju v mednarodnih poslovnih transakcijah: ustno poročilo o napredku na sestanku junija 2011 in, če je potrebno, pozneje,

c) Odbor za okoljsko politiko: poročilo o napredku v dveh letih po pristopu, potem pa občasno po potrebi,

d) Odbor za upravljanje družb: prvo poročilo o napredku v enem letu po pristopu, drugo poročilo pa v dveh letih po pristopu,

e) Odbor za finančne trge: poročilo o napredku v treh letih po pristopu,

f) Odbor za zavarovanje in zasebne pokojnine: poročilo o napredku v dveh letih po pristopu in vmesno poročilo, če je reforma zasebnih pokojnin sprejeta pred tem.

SESTAVLJEN v Ljubljani, prvega junija dva tisoč deset, v angleškem in francoskem jeziku.

Za Vlado Republike Slovenije: Mitja GASPARI l.r. Minister za razvoj in evropske zadeve Za Organizacijo za gospodarsko sodelovanje in razvoj: Angel GURRÍA l.r. Generalni sekretar

3. člen

Za izvajanje sporazuma skrbi Vlada Republike Slovenije.

4. člen

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

Št. 310-08/09-2/22

Ljubljana, dne 18. junija 2010

EPA 235-V

Državni zbor Republike Slovenije mag. Vasja Klavora l.r. Podpredsednik

(*) Besedilo sporazuma v francoskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.