

161. Zakon o ratifikaciji Sporazuma o sedežu med Vlado Republike Slovenije in Agencijo za sodelovanje energetskih regulatorjev (MSASER)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Sporazuma o sedežu med Vlado Republike Slovenije in Agencijo za sodelovanje energetskih regulatorjev (MSASER)**

Razglasjam Zakon o ratifikaciji Sporazuma o sedežu med Vlado Republike Slovenije in Agencijo za sodelovanje energetskih regulatorjev (MSASER), ki ga je sprejel Državni zbor Republike Slovenije na seji 20. decembra 2010.

Št. 003-02-11/2010-20
Ljubljana, dne 28. decembra 2010

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA O SEDEŽU MED VLADO REPUBLIKE SLOVENIJE IN AGENCIJO ZA SODELOVANJE ENERGETSKIH REGULATORJEV (MSASER)**

1. člen

Ratificira se Sporazum o sedežu med Vlado Republike Slovenije in Agencijo za sodelovanje energetskih regulatorjev, podpisan 26. novembra 2010 v Ljubljani.

2. člen

Besedilo sporazuma se v izvorniku v slovenskem in angleškem jeziku glasi:

S p o r a z u m
o sedežu med
Vlado Republike Slovenije
in Agencijo za sodelovanje energetskih
regulatorjev

S e a t A g r e e m e n t
Between
the Government of the Republic of Slovenia
and the Agency for the Cooperation of Energy
Regulators

Vlada Republike Slovenije (v nadaljnjem besedilu: vlada) in Agencija za sodelovanje energetskih regulatorjev (v nadaljnjem besedilu: agencija) sta se –

ob upoštevanju Uredbe (ES) št. 713/2009 Evropskega parlamenta in Sveta z dne 13. julija 2009 (UL L 211/1 z dne 14. avgusta 2009) o ustanovitvi Agencije za sodelovanje energetskih regulatorjev (v nadaljnjem besedilu: uredba o ACER),

ob upoštevanju Protokola o privilegijih in imunitetah Evropske unije (v nadaljnjem besedilu: protokol),

ob upoštevanju Kadrovskih predpisov za uradnike in pogojev za zaposlitev drugih uslužbencev Evropskih skupnosti ter pravil, ki so jih skupaj sprejele institucije Unije za uporabo teh kadrovskih predpisov in pogojev za zaposlitev,

ob upoštevanju naslednjega:

1. Sklep predstavnikov vlad držav članic na Evropskem svetu št. 2009/913/EU z dne 7. decembra 2009 (UL L 322/39 z dne 9. decembra 2009) določa, da je sedež Agencije za sodelovanje energetskih regulatorjev v Ljubljani v Sloveniji.

2. Člen 27 uredbe o ACER določa, da se protokol uporablja za agencijo.

3. Člen 28 uredbe o ACER določa, da Kadrovski predpisi za uradnike Evropskih skupnosti in pogoji za zaposlitev drugih uslužbencev Evropskih skupnosti ter pravila, ki so jih skupaj sprejele institucije Unije za uporabo teh kadrovskih predpisov in pogojev za zaposlitev, veljajo za zaposlene v agenciji, tudi za njenega direktorja.

The Government of the Republic of Slovenia, hereinafter referred to as "the Government", and the Agency for the Cooperation of Energy Regulators, hereinafter referred to as "the Agency";

Having regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 (OJ 14 August 2009, L 211/1) establishing an Agency for the Cooperation of Energy Regulators, hereinafter referred to as "the ACER Regulation";

Having regard to the Protocol on the Privileges and Immunities of the European Union, hereinafter referred to as "the Protocol";

Having regard to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities and the rules adopted jointly by the Union's institutions for the purpose of the application of the Staff Regulations and Conditions of Employment;

Whereas:

1. Decision 2009/913/EU of the Representatives of the Governments of the Member States in the European Council of 7 December 2009 (OJ 9 December 2009, L 322/39) provides that the Agency for the Cooperation of Energy Regulators shall have its Seat in Ljubljana, Slovenia;

2. Article 27 of the ACER Regulation specifies that the Protocol shall apply to the Agency;

3. Article 28 of the ACER Regulation specifies that the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities and the rules adopted jointly by the Union's institutions for the purpose of the application of those Staff Regulations and Conditions of Employment shall be applicable to the staff of the Agency, including its Director;

4. Za izvajanje nekaterih členov protokola in za dodatne pogoje, ki bodo omogočili začetek delovanja agencije, so potrebne nadaljnje določbe – dogovorili:

1. člen

Opredelitev pojmov

1. Za namen tega sporazuma in za uporabo protokola med vlado in agencijo se uporabljajo naslednje opredelitve pojmov:

a) vsa sklicevanja na Unijo v protokolu se razumejo kot sklicevanja na agencijo;

b) vsa sklicevanja na uradnike in druge uslužbenke Unije v protokolu, Kadrovskih predpisih za uradnike Evropskih skupnosti in pogojih za zaposlitev drugih uslužbencev Evropskih skupnosti ter pravilih, ki so jih skupaj sprejele institucije Unije za uporabo teh kadrovskih predpisov, se razumejo kot sklicevanja na uradnike in druge uslužbenke agencije;

c) sklicevanja na Svet in Komisijo v protokolu, z izjemo členov 6, 12, 14 in 15, se razumejo kot sklicevanja na direktorja kot zakonitega zastopnika agencije;

d) osebje agencije so vsi, ki jih agencija zaposli skladno s Kadrovskimi predpisi za uradnike Evropskih skupnosti in pogoji za zaposlitev drugih uslužbencev Evropskih skupnosti, razen lokalnega osebja;

e) napoteni nacionalni strokovnjaki so osebe, ki jih v agencijo napotijo sodelujoče države članice po členu 28(4) uredbe o ACER;

f) visoki uslužbenci so direktor in člani vodstva (vodje enot, ki so direktorju neposredno podrejeni);

g) družinski člani osebja agencije so zakonci, zunajzakonski partnerji, ki živijo v istem gospodinjstvu, če je ta zunajzakonska zveza priznana v državi njihovega državljanstva ali kateri koli državi Evropske unije, otroci do 18. leta ali do 26. leta, če predložijo dokazila o rednem šolanju, in otroci, za katere se roditeljske pravice podaljšajo.

2. Za namen tega sporazuma sedež agencije pomeni zgradbe, objekte in zemljišča, ki jih agencija v Ljubljani uporablja za poslovanje, zlasti poslovne prostore, zgradbe in arhiv.

2. člen

Pravna sposobnost

Agencija je organ Evropske unije s pravno osebnostjo v skladu s členom 2 uredbe o ACER.

3. člen

Nedotakljivost in imuniteta

Skladno s členoma 1 in 2 protokola je sedež agencije skupaj s prostori, zgradbami in arhivom nedotakljiv, razen če se agencija v vsakem posamičnem primeru temu izrecno ne odpove.

4. člen

Olajšave pri komuniciranju

1. Agencija lahko namesti in uporablja svoje informacijsko-komunikacijske sisteme. Ti morajo omogočati ustrezno varovanje in zaupnost osebnih podatkov v skladu z zakonodajo Evropske unije.

4. Further provisions are needed for the implementation of certain Articles of the Protocol and for additional matters to render the Agency fully operational;

Have agreed as follows:

Article 1

Definitions

1. For the purposes of this Agreement and the application of the Protocol between the Agency and the Government, the following definitions shall apply:

(a) All references to the Union in the Protocol shall be read as references to the Agency;

(b) All references to the officials and other servants of the Union in the Protocol, Staff Regulations of Officials of the European Communities, Conditions of Employment of Other Servants of the European Communities and the rules adopted jointly by the Union's institutions for the purpose of the application of the Staff Regulations and Conditions of Employment shall be read as references to officials and other servants of the Agency;

(c) With the exceptions of Articles 6, 12, 14, and 15 of the Protocol, references to the Council and the Commission shall be read as references to the Director as legal representative of the Agency;

(d) Staff of the Agency means any person recruited by the Agency in conformity with the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities, with the exception of local staff;

(e) Seconded national experts shall mean persons seconded to the Agency by the participating Member States according to Article 28(4) of the ACER Regulation;

(f) Senior officials consist of the Director and the first line of management (Heads of unit reporting directly to the Director);

(g) Family members of the staff of the Agency shall mean: the spouse of the person concerned, the cohabiting partner sharing the same household if extramarital union is recognised in the country of which they are nationals or in any country of the European Union; children up to the age of 18; children up to the age of 26 if documents attesting regular schooling are submitted; and children for which the parental right was extended.

2. For the purposes of this Agreement, the Seat of the Agency shall be understood as the buildings, installations and land used by the Agency in Ljubljana for its official business including, in particular, the office premises, buildings, and its archives.

Article 2

Legal capacity

The Agency is a body of the European Union and has legal personality in accordance with Article 2 of the ACER Regulation.

Article 3

Inviolability and immunity

The Seat of the Agency, including its premises, buildings and archives, shall be inviolable in accordance with Articles 1 and 2 of the Protocol except, insofar as in any particular case, the Agency has expressly waived this inviolability.

Article 4

Facilitations for communication

1. The Agency may install and use its own information communication technology systems. These systems should be adequate to ensure the protection and confidentiality of personal data in accordance with European Union law.

2. Za namestitvev in uporabo takih sistemov vlada sprejme potrebne ukrepe.

3. Vlada agenciji za komuniciranje podeli enake privilegije, kot jih priznava diplomatskim predstavništvom v Republiki Sloveniji.

5. člen

Varnost agencije

1. Za varnost in vzdrževanje reda na svojem sedežu je odgovorna agencija. Prav tako je odgovorna za spoštovanje zakonodaje Unije in veljavne slovenske zakonodaje skladno s protokolom in tem sporazumom.

2. Za izpolnitev obveznosti iz prvega odstavka agencija sprejme vse potrebne ukrepe in izda interni pravilnik, ki so ga dolžni spoštovati osebje agencije in vsi obiskovalci. Neželenim osebam lahko dostop do sedeža onemogoči in jih od tam odstrani v skladu s 6. členom.

3. Nošenje in uporabo strelnega orožja ali druge varnostne opreme na sedežu ureja slovenska zakonodaja.

6. člen

Pomoč in sodelovanje v varnostnih zadevah

1. Pristojni slovenski organi si s potrebno skrbnostjo prizadevajo ohraniti mir na sedežu, tako da posameznikom ali skupinam preprečijo nepooblaščen vstop na sedež agencije ali povzročanje nemirov v njegovi neposredni bližini.

2. Agencija in pristojni slovenski organi tesno sodelujejo pri učinkovitem zagotavljanju varnosti na sedežu agencije ter v njegovi neposredni bližini.

3. Osebe, ki so po slovenski zakonodaji pristojne za vzdrževanje javnega reda in miru, lahko na sedež vstopijo le na prošnjo ali z izrecnim pooblastilom agencije, v tem primeru pa jim njeno osebje zagotovi ustrezno pomoč. Ob požaru ali drugih izrednih okoliščinah, ki zahtevajo takojšnje ukrepanje, se šteje, da agencija s tem soglaša.

4. Agencija se pri pripravi internih varnostnih pravil in postopkov posvetuje z ustreznimi slovenskimi organi, da omogoči čim bolj učinkovito izvajanje varnostnih ukrepov.

5. Agencija in slovenski organi se medsebojno obveščajo o vsem, kar je povezano z varnostjo na sedežu agencije. Obveščajo se zlasti o imenih in statusu organov, ki so odgovorni za varnost. Po potrebi lahko v ta namen sklenejo tudi dogovore o usklajevanju.

7. člen

Uporaba členov 3 in 4 protokola

1. Agencija je oproščena vseh neposrednih davkov, ki se nanašajo na njene prostore.

2. Agencija je oproščena vseh posrednih davkov na dobavo blaga in storitev za službene potrebe, razen komunalnih dajatev.

3. Agencija je oproščena vseh dajatev in uvoznih omejitev za vozila za službene potrebe in njihove nadomestne dele, uvožene v Republiko Slovenijo.

4. Oprostitev plačila posrednih davkov se izvede z neposredno oprostitvijo ali povračilom plačanega davka v skladu s postopkom za oprostitev posrednih davkov za službene potrebe mednarodnih organizacij po nacionalni zakonodaji.

2. The Government shall take the necessary measures in order to facilitate the installation and use of such systems.

3. The Government shall concede to the Agency the same privileges of communication as recognised for diplomatic representations in the Republic of Slovenia.

Article 5

Security of the Agency

1. The Agency shall be responsible for the security and the maintenance of order at its Seat. It shall also be responsible for compliance with the Union law and the applicable Slovenian laws, subject to the Protocol and this Agreement.

2. For the purpose of exercising the responsibility incumbent upon it by virtue of paragraph 1, the Agency shall take all measures it deems necessary and shall issue internal rules which are binding on all staff working at the Agency and all visitors. It may withhold access to its Seat from persons considered undesirable and have them removed in line with Article 6.

3. The carrying and use of firearms or other security equipment at the Seat shall be subject to Slovenian law.

Article 6

Assistance and cooperation in security matters

1. The competent Slovenian authorities shall exercise due diligence in ensuring that the tranquillity of the Seat is not disturbed by any person or group of persons attempting unauthorised entry into or creating disturbances in the immediate vicinity of the Seat of the Agency.

2. The Agency and the competent Slovenian authorities shall closely cooperate as regards the interrelation of effective security both within the Seat of the Agency and in its immediate vicinity.

3. Persons empowered by Slovenian law to maintain public security and order may enter the Seat only at the request or upon explicit authorisation of the Agency whose staff shall, in such cases, provide them with the assistance required. The Agency shall be presumed to consent to granting access in the event of a fire or other emergency warranting immediate measures of protection.

4. The Agency, in the preparation of its internal security rules and procedures, shall consult with the relevant Slovenian authorities with a view to achieving the most effective exercise of security measures.

5. The Agency and the Slovenian authorities shall notify one another of all matters relating to the security of the Seat of the Agency. They shall, in particular, notify each other of the name and status of any authority responsible for security matters. Where appropriate, they may create formalised co-ordination arrangements for this purpose.

Article 7

Application of Articles 3 and 4 of the Protocol

1. The Agency shall be exempt from all direct taxes in respect of its premises.

2. The Agency shall be exempt from all indirect taxes on the supply of goods and services provided to the Agency for official use, except if they correspond to charges for public utility services.

3. The Agency shall be exempt from any duties and import restrictions on vehicles (and on spare parts thereof) imported to the Republic of Slovenia and intended for official use of the Agency.

4. The exemption from the payment of indirect taxes shall be applied by way of direct exemption or by way of refund of the tax paid in accordance with the procedure as set out in national legislation on the exemption from indirect taxes for official use of international organisations.

8. člen

Uporaba členov od 11 do 15 in 17 protokola

1. Poleg privilegijev in imunitet iz členov od 11 do 15 in 17 protokola osebe agencije uživa zlasti privilegije in imunitete iz tega člena.

2. Osebe agencije je oproščeno nacionalnih davkov na plače in druge prejemke, ki jih izplačuje agencija v skladu s členom 12 protokola.

3. Vlada osebu agencije zagotovi imuniteto pred pristojnimi slovenskimi organi za dejanja, storjena med opravljanjem uradnih dolžnosti, vključno z ustreznimi ali zapisanimi izjavami, pod pogoji iz člena 11(a) protokola. To imuniteto uživajo tudi po prenehanju funkcije.

4. Med opravljanjem funkcije v agenciji in šest mesecev po tem so osebe agencije in njegovi družinski člani izvzeti iz obvezne pridobitve dovoljenja za prebivanje, če so državljani držav nečlanic Evropskega gospodarskega prostora, ali potrdila o prijavi prebivališča, če so državljani držav članic Evropskega gospodarskega prostora.

5. Osebe agencije sme ob nastopu službe v agenciji uvoziti predmete za osebno rabo iz države zadnjega prebivališča ali iz matične države brez carin ali davkov. Oprostitev carin ali davkov se lahko uveljavlja za predmete, ki jih je osebe agencije uporabljalo ali imelo v lasti najmanj šest mesecev pred selitvijo. Predmetov za osebno rabo, uvoženih brez carin ali davkov, ni mogoče odtujiti, odstopiti drugemu uporabniku ali uporabljati za namen, ki se razlikuje od tistega, za katerega so bili oproščeni carin ali davkov, če od dne uvoza še ni preteklo eno leto ali če se ne plača carina ali davek.

6. Osebe agencije, ki je zaposleno na sistemiziranem delovnem mestu v agenciji za najmanj eno leto ter nima slovenskega državljanstva ali stalnega prebivališča v Republiki Sloveniji, je ob nastopu službe v agenciji upravičeno do oprostitve plačila davka na dodano vrednost za nakup predmetov za osebno rabo in gospodinjstvo, dražjih od 116 EUR skupaj z davkom na dodano vrednost, in sicer za obdobje enega leta od zaposlitve.

7. Poleg privilegijev in imunitet iz prejšnjih odstavkov tega člena direktor agencije in njegovi družinski člani, ki niso slovenski državljani ali pred zaposlitvijo direktorja v agenciji niso imeli stalnega prebivališča v Republiki Sloveniji, uživajo privilegije in imunitete, oprostitve in ugodnosti, podeljene vodjem diplomatskih predstavništev in njihovim družinskim članom skladno z Dunajsko konvencijo o diplomatskih odnosih z dne 18. aprila 1961. Drugi visoki uslužbenci agencije in njihovi družinski člani, ki niso slovenski državljani ali pred zaposlitvijo uslužbenca v agenciji niso imeli stalnega prebivališča v Republiki Sloveniji, uživajo privilegije in imunitete, oprostitve in ugodnosti, ki jih vlada podeljuje članom diplomatskih predstavništev v Republiki Sloveniji s primerljivim položajem.

8. Slovenski organi storijo vse potrebno, da strokovnjakom in drugim osebam, ki jih agencija povabi k sodelovanju, olajšajo vstop v Republiko Slovenijo, njihovo bivanje in odhod. Če so potrebni vizumi, dovoljenja za prebivanje ali potrdila o prijavi prebivališča, se vloge obdelajo čim prej, vloge in odločbe so oproščene upravne takse, obrazci pa so na voljo brezplačno.

Article 8

Application of Articles 11 to 15 and 17 of the Protocol

1. In accordance with the provisions of Articles 11 to 15 and 17 of the Protocol and in addition to the privileges and immunities granted therein, the staff of the Agency shall, in particular, enjoy the privileges and immunities set out hereunder.

2. The staff of the Agency shall be exempt from national taxes on salaries, wages and emoluments paid by the Agency in accordance with Article 12 of the Protocol.

3. The Government shall guarantee the staff of the Agency immunity from Slovenian jurisdiction as regards acts carried out in their official capacity, including their spoken and written statements, in the conditions provided for in Article 11(a) of the Protocol. The staff shall enjoy immunity even after the termination of their functions.

4. During the discharge of their functions and six months after the termination of their functions at the Agency, the staff of the Agency and their family members shall be exempt from the requirement of obtaining a residence permit if they are citizens of countries that are not members of the European Economic Area, or a document attesting the residence registration if they are citizens of countries that are members of the European Economic Area.

5. The staff of the Agency shall be entitled, at the time of first taking up their post in the Agency, to import personal effects from their last country of residence or from the country of which they are nationals, free of any customs duty or taxes. Exemption from customs duty or tax may be claimed for property that staff of the Agency had used or owned for at least six months prior to relocation. Personal effects imported without any duties paid shall not be subject to alienation, used by others or used for purposes different from those for which the customs duty and tax were originally exempted, unless a period of one year has elapsed from the date of import, or until the customs duty and tax are paid.

6. The staff of the Agency, provided they are appointed to an established post of the Agency for a period of one year or more and that they are not Slovenian nationals or they have not held permanent resident status in the Republic of Slovenia, shall be entitled to VAT exemption for purchasing personal and household effects, whereby the VAT inclusive price of each item exceeds EUR 116, when they first take up their post at the Agency and for a period of one year starting from the date of their appointment by the Agency.

7. Apart from the privileges and immunities under the preceding paragraphs of this Article, the Director of the Agency and his/her family members, provided they are not Slovenian nationals or they have not held permanent resident status in the Republic of Slovenia before the Director being employed by the Agency, shall be granted the privileges and immunities, exemptions and facilities accorded to the heads of diplomatic missions and members of their families in accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961. Other senior officials of the Agency and their family members, provided they are not Slovenian nationals or that they have not held permanent residency status in the Republic of Slovenia before their employment by the Agency, shall be accorded privileges and immunities, facilities and concessions accorded by the Government to members of equivalent rank in the diplomatic missions in the Republic of Slovenia.

8. As to experts or other persons invited by the Agency, the Slovenian authorities shall take every necessary measure to facilitate their entry into, residence in and departure from the Republic of Slovenia. Should visas, residence permits or residence registration certificates be required, applications shall be processed without delay, applications and decisions shall be exempt from fees, and forms shall be provided free of charge.

9. Določbe drugega do petega odstavka tega člena se uporabljajo tudi za napotene nacionalne strokovnjake. Določbe tretjega in devetega odstavka tega člena pa se uporabljajo tudi za člane upravnega odbora, odbora regulatorjev in odbora za pritožbe.

9. člen

Namen privilegijev in imunitet

1. Privilegiji in imunitete po tem sporazumu se podeljujejo v interesu agencije in zgolj za zagotavljanje nemotenega delovanja agencije in neodvisnosti upravičencev. Agencija se zato v upravičenih primerih, zlasti v kazenskih postopkih pred sodiščem, odreče imuniteti osebja in napoteni nacionalni strokovnjakov, kadar po njenem mnenju to ni v nasprotju z interesi Evropske unije.

2. Osebje agencije ne glede na privilegije in imunitete po protokolu in tem sporazumu spoštuje zakone in druge predpise Republike Slovenije.

10. člen

Obveščanje o imenovanju

Ko član osebja agencije ali napoten nacionalni strokovnjak nastopi svojo funkcijo ali jo preneha opravljati, agencija o tem uradno obvesti Ministrstvo za zunanje zadeve Republike Slovenije. Agencija Ministrstvu za zunanje zadeve Republike Slovenije vsako leto pošlje seznam z imeni vseh članov osebja in njihovimi naslovi.

11. člen

Izkaznice

1. Ministrstvo za zunanje zadeve Republike Slovenije osebju agencije, napoteni nacionalnim strokovnjakom in njihovim družinskim članom na njihovo zaprosilo izda izkaznico.

2. Določbe tega člena se ne uporabljajo za slovenske državljane, zaposlene v agenciji, in tuje državljane, ki stalno bivajo v Republiki Sloveniji ali so v njej bivali na podlagi začasnega dovoljenja za prebivanje ali potrdila o prijavi prebivališča v zadnjih petih letih pred zaposlitvijo v agenciji.

12. člen

Socialna varnost

1. Agencija, njen direktor in osebje so oproščeni plačila vseh obveznih prispevkov v sistem socialne varnosti Republike Slovenije, če so vključeni v sistem socialne varnosti v skladu z uredbami in pravilniki, ki se uporabljajo za uradnike in druge uslužbence Evropske unije, ali zanje veljajo pravila Evropske unije o koordinaciji sistemov socialne varnosti ali drugi dvostranski sporazumi o socialnem zavarovanju med Republiko Slovenijo in tretjimi državami.

2. Napoteni nacionalni strokovnjaki so oproščeni vseh obveznih prispevkov v sistem socialne varnosti Republike Slovenije, če so vključeni v sistem socialne varnosti svoje matične države članice.

13. člen

Šolanje

1. Vlada si prizadeva skupaj z agencijo najti čim boljše mogoče rešitev za šolanje otrok osebja agencije.

2. Vlada se zlasti zavzema, da bo v skladu s Konvencijo o Statutu Evropskih šol znotraj sistema javnega šolstva Republike Slovenije ustanovila Evropsko šolo.

9. Provisions in paragraphs 2 to 5 hereof shall also apply to seconded national experts. Provisions in paragraphs 3 and 9 hereof shall also apply to members of the Administrative Board, the Board of Regulators and the Board of Appeal.

Article 9

Purpose of the privileges and immunities

1. The privileges and immunities under this Agreement shall be granted in the interest of the Agency and aimed solely at guaranteeing hindrance-free functioning of the Agency and the independence of the people who benefit from it. The Agency shall therefore waive, in justified cases, including in particular judicial criminal proceedings, the immunity accorded to staff and the seconded national experts wherever it considers that the waiver of such immunity is not contrary to the interests of the European Union.

2. Without prejudice to the privileges and immunities granted in accordance with the Protocol and this Agreement, the staff of the Agency shall abide by the laws and regulations of the Republic of Slovenia.

Article 10

Notification of appointments

The Agency shall notify the Ministry of Foreign Affairs of the Republic of Slovenia when a member of staff of the Agency or a seconded national expert takes up or relinquishes his/her duties. Each year, the Agency shall send a list of names and addresses of all staff members to the Ministry of Foreign Affairs of the Republic of Slovenia.

Article 11

Identity cards

1. The Ministry of Foreign Affairs of the Republic of Slovenia shall issue identity cards to the staff of the Agency, seconded national experts and their family members at their request.

2. The provisions hereof shall not apply to Slovenian citizens working at the Agency and to aliens who permanently reside in the Republic of Slovenia or have resided there on the basis of a temporary residence permit or a residence registration certificate for five years prior to taking up their duties at the Agency.

Article 12

Social security

1. The Agency, its Director and staff shall be exempted from all compulsory contributions to social security schemes in the Republic of Slovenia provided that they have social security coverage according to the Regulations and Rules applicable to officials and other servants of the European Union or are covered by the EU rules on the coordination of social security systems or other bilateral agreements on social insurance concluded between the Republic of Slovenia and third countries.

2. Seconded national experts shall be exempt from all compulsory contributions to social security schemes in the Republic of Slovenia as long as they are covered by the social security schemes of their native Member State.

Article 13

Schooling

1. The Government shall do its utmost to find, jointly with the Agency, the best possible solution for the schooling of children of the Agency's staff.

2. In particular, the Government undertakes to establish a European School within the public school network in the Republic of Slovenia, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools.

3. V prehodnem obdobju od septembra 2011 do ustanovitve Evropske šole v Republiki Sloveniji je za šolanje poskrbljeno v obstoječih mednarodnih šolah v sistemu javnega šolstva ali zunaj njega. Na srednješolski ravni se zagotovi šolanje po programu mednarodne mature v angleškem in francoskem jeziku, če je zanj prijavljenih dovolj dijakov.

14. člen

Mednarodne prometne povezave

Vlada spremlja razmere na področju prometnih povezav z namenom izboljšati letalske povezave Ljubljane z najpomembnejšimi evropskimi letališči, da bi se zagotovile čim bolj ugodne prometne povezave za osebje agencije in udeležence njenih sestankov.

15. člen

Podpora države gostiteljice

1. Vlada zagotovi celovito institucionalno podporo za delo agencije.

2. Da bi agenciji dali na voljo dovolj časa za izbiro primer-
nih prostorov, ji vlada za obdobje dveh let od začetka poslo-
vanja v Ljubljani zagotovičasne prostore, ki so po mnenju
agencije primerni za njeno osebje in arhiv. V tem času najemni-
no začasnih prostorov s stroški vred krije vlada. Začasni prostori
so agenciji na voljo od 1. februarja 2011 do 31. januarja 2013.
Vlada agencijo uradno obvesti o podpisu najemne pogodbe ter
pogojih in obveznostih, ki iz nje izhajajo.

3. Vlada agenciji pomaga pri iskanju primernih stalnih
poslovnih prostorov v Ljubljani. Če se agencija kdaj odloči za-
menjati prostore, ji vlada spet pomaga poiskati nove primerne
poslovne prostore. Vlada je agenciji pri pogajanjih z morebitnim
najemodajalcem v pomoč z ustreznimi informacijami o nepre-
mičninskem trgu v Ljubljani. Če bi se med obdobjem najema ali
zakupa pojavile resne težave, si bo vlada prizadevala agenciji
biti v čim večjo pomoč v sodnih postopkih s strokovnim zna-
njem in podporo.

4. Na prošnjo agencije vlada nadzira gradnjo in potrebne
funkcionalne prilagoditve, da bodo prostori v Ljubljani primerni
za poslovanje skladno z zahtevami agencije pred podpisom
najemne pogodbe. Take prilagoditve zajemajo zlasti gradnjo
pregradnih sten in gradbena dela za namestitvev informacijsko-
komunikacijske tehnologije v prostorih ter namestitvev primerne
varnostne opreme.

5. Vlada v imenu in za račun agencije izvede morebitne
potrebne lokalne postopke naročanja za nakup pisarniške
opreme, zlasti komunikacijske in informacijske opreme, in
pisarniškega pohištva ter za sklenitev morebitnih pogodb z
zunanjim pomožnim ali varnostnim osebjem na podlagi pre-
dloženih tehničnih zahtev, specifikacij in načrtov ter odobritve
in izjave agencije o kritju stroškov. Če se to javno naročilo ne
more pravočasno izvesti pred 3. marcem 2011, vlada pomaga
agenciji tako, da ji začasno zagotovi manjkajoče pisarniško
pohištvo ali varnostne in druge storitve po medsebojno do-
govorjeni ceni.

3. In the transitional period between September 2011 and
the establishment of a European School in the Republic of Slo-
venia, schooling shall be provided by the existing international
schools, either within or outside the public school network. At
the level of secondary education, schooling shall be provided
according to the International Baccalaureate Programme in
English and French, provided that there is sufficient number
of students.

Article 14

International transport connections

The Government shall follow the situation concerning
transport connections with a view to improving air connections
between Ljubljana and the main European airports to ensu-
re the most favourable transport connections to the staff of
the Agency and to participants of meetings organised by the
Agency.

Article 15

Support of the host country

1. The Government shall provide full institutional support
for the work of the Agency.

2. In order to allow the Agency sufficient time to select
appropriate permanent premises for a period of two years since
the Agency starts operating in Ljubljana, the Government shall
make available to the Agency temporary premises which, in
the sole discretion of the Agency, are adequate for hosting the
Agency's staff and archives. During this period, rental costs re-
lated to the temporary premises, including all service charges,
shall be borne by the Government. The temporary premises
shall be made available for the Agency's use from 1 February
2011 to 31 January 2013. The Government shall notify the
Agency of the signed rental contract, as well as of the condi-
tions and obligations arising therefrom.

3. The Government shall support the Agency in its en-
deavours to find appropriate permanent office premises in
Ljubljana. Should the Agency decide to leave the selected
premises at a later stage, the Government shall again assist
the Agency in finding new appropriate office premises. The
Government shall assist the Agency in negotiations with a
potential landlord by providing the required knowledge of the
local real estate market in Ljubljana. Should serious problems
arise during the term of rental/lease, the Government shall do
its best to support the Agency by providing expertise and assi-
stance during litigation.

4. At the request of the Agency, the Government shall
supervise the construction and functional adjustments requir-
ed to make the premises in Ljubljana operational according
to the requirements submitted by the Agency prior to signing
the rental contract. Such adjustments include, in particular,
the construction of inner walls and construction works for
equipping the offices with information communication equip-
ment (IT and ICT) as well as the installation of adequate
security equipment.

5. On behalf and for the account of the Agency, the
Government shall carry out any required local procurement
procedures for the purchase of office equipment including, in
particular, the communication infrastructure (IT and ICT equip-
ment), office furniture and potential contracts with external
service and/or security personnel on the basis of technical
requirements, specifications and plans provided by the Agen-
cy, and on a submitted authorisation and statement by the
Agency that it shall provide the funds. If this procurement
cannot be finalised in time before 3 March 2011, the Go-
vernment shall assist the Agency by temporarily providing
any missing office furniture or security and other services at
mutually agreed prices.

16. člen

Izvajanje sporazuma

Na predlog vlade ali agencije se njuni predstavniki enkrat na leto ali po potrebi sestanejo in ocenijo izvajanje sporazuma.

17. člen

Reševanje sporov

Spori med vlado in agencijo, povezani z izvajanjem sporazuma, se rešujejo prijateljsko z neposrednimi pogajanjmi. Če na tak način spora ni mogoče rešiti, se ta na zahtevo agencije ali vlade predloži Sodišču Evropske unije, potem ko se o tej nameri druga pogodbenica obvesti dva meseca vnaprej.

18. člen

Spremembe sporazuma

Vlada in agencija se lahko dogovorita o morebitnih spremembah sporazuma. Spremembe začnejo veljati skladno s prvim odstavkom 19. člena tega sporazuma.

19. člen

Končne določbe

1. Sporazum začne veljati na dan prejema zadnjega od obeh uradnih obvestil, s katerima se vlada in agencija obvestita o dokončanju postopkov, potrebnih za začetek njegove veljavnosti.

2. Vlada in agencija lahko sporazum kadar koli odpovesta, tako da o tem štiriindvajset mesecev vnaprej pisno obvestita drugo pogodbenico.

Sestavljeno v Ljubljani 26. novembra 2010 v dveh izvirnikih v slovenskem in angleškem jeziku, pri čemer sta obe besedili enako verodostojni.

Za Vlado
Republike Slovenije
Samuel Žbogar l.r.

Za Agencijo za sodelovanje
energetskih regulatorjev
Alberto Pototschnig l.r.

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

For the Agency
for the Cooperation
of Energy Regulators
Alberto Pototschnig (s)

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. 320-01/10-25/11

Ljubljana, dne 20. decembra 2010

EPA 1141-V

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

*Article 16***Implementation of the Agreement**

Subject to the proposal of the Government or the Agency, their representatives shall meet annually or whenever necessary to assess the implementation of the Agreement.

*Article 17***Settlement of disputes**

All disputes between the Agency and the Government relating to the application of this Agreement shall be settled amicably through direct negotiations. In the event of failure to settle a dispute amicably, the dispute shall be referred, at the request of the Agency or the Government, to the Court of Justice of the European Union after having given the other party two months' notice in advance of its intention of referring the matter to the said Court of Justice.

*Article 18***Amendments to the Agreement**

Any amendments to this Agreement may be agreed upon by the mutual consent of the Government and the Agency. The amendments shall take effect on the basis of Article 19, paragraph 1, of the present Agreement.

*Article 19***Final provisions**

1. This Agreement shall enter into force on the date of the receipt of the second notification by which the Government and the Agency inform each other of the completion of the procedures required for its entry into force.

2. The Government and the Agency may terminate this Agreement at any time by giving twenty-four months notice in writing.

Done in Ljubljana on 26 November 2010 in two originals, each in the Slovenian and English languages, both texts being equally authentic.