

113. Zakon o ratifikaciji Konvencije o varstvu rastlin (spremenjene) (MKVRS), stran 1193.

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 KONVENCIJE O VARSTVU**  
**RASTLIN (SPREMENJENE) (MKVRS)**

Razlašam Zakon o ratifikaciji Konvencije o varstvu rastlin (spremenjene) (MKVRS), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. avgusta 2000.

Št. 001-22-165/00

Ljubljana, dne 6. septembra 2000

Predsednik  
Republike Slovenije  
Milan Kučan l. r.

**Z A K O N**  
**O RATIFIKACIJI KONVENCIJE O VARSTVU RASTLIN (spremenjene) (MKVRS)**

1. člen

Ratificira se Konvencija o varstvu rastlin (spremenjena), sprejeta 17. novembra 1997 v Rimu.

2. člen

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

**INTERNATIONAL PLANT PROTECTION CONVENTION**  
**(New Revised Text approved by the FAO Conference at its 29th Session – November**  
**1997)**

PREAMBLE

The contracting parties,

- recognizing the necessity for international cooperation in controlling pests of plants and plant products and in preventing their international spread, and especially their introduction into endangered areas;
  - recognizing that phytosanitary measures should be technically justified, transparent and should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade;
  - desiring to ensure close coordination of measures directed to these ends;
  - desiring to provide a framework for the development and application of harmonized phytosanitary measures and the elaboration of international standards to that effect;
  - taking into account internationally approved principles governing the protection of plant, human and animal health, and the environment; and
  - noting the agreements concluded as a result of the Uruguay Round of Multilateral Trade Negotiations, including the Agreement on the Application of Sanitary and Phytosanitary Measures;
- have agreed as follows:

## ARTICLE I

### Purpose and responsibility

1. With the purpose of securing common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control, the contracting parties undertake to adopt the legislative, technical and administrative measures specified in this Convention and in supplementary agreements pursuant to Article XVI.
2. Each contracting party shall assume responsibility, without prejudice to obligations assumed under other international agreements, for the fulfilment within its territories of all requirements under this Convention.
3. The division of responsibilities for the fulfilment of the requirements of this Convention between member organizations of FAO and their member states that are contracting parties shall be in accordance with their respective competencies.
4. Where appropriate, the provisions of this Convention may be deemed by contracting parties to extend, in addition to plants and plant products, to storage places, packaging, conveyances, containers, soil and any other organism, object or material capable of harbouring or spreading plant pests, particularly where international transportation is involved.

## ARTICLE II

### Use of terms

1. For the purpose of this Convention, the following terms shall have the meanings hereunder assigned to them:

“Area of low pest prevalence” – an area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures;

“Commission” – the Commission on Phytosanitary Measures established under Article XI;

“Endangered area” – an area where ecological factors favour the establishment of a pest whose presence in the area will result in economically important loss;

“Establishment” – perpetuation, for the foreseeable future, of a pest within an area after entry;

“Harmonized phytosanitary measures” – phytosanitary measures established by contracting parties based on international standards;

“International standards” – international standards established in accordance with Article X, paragraphs 1 and 2;

“Introduction” – the entry of a pest resulting in its establishment;

“Pest” – any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

“Pest risk analysis” – the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it;

“Phytosanitary measure” – any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of pests;

“Plant products” – unmanufactured material of plant origin (including grain) and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests;

“Plants” – living plants and parts thereof, including seeds and germplasm;

“Quarantine pest” – a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

“Regional standards” – standards established by a regional plant protection organization for the guidance of the members of that organization;

“Regulated article” – any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures, particularly where international transportation is involved;

“Regulated non-quarantine pest” – a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party;

“Regulated pest” – a quarantine pest or a regulated non-quarantine pest;

“Secretary” – Secretary of the Commission appointed pursuant to Article XII;

“Technically justified” – justified on the basis of conclusions reached by using an appropriate pest risk analysis or, where applicable, another comparable examination and evaluation of available scientific information.

2. The definitions set forth in this Article, being limited to the application of this Convention, shall not be deemed to affect definitions established under domestic laws or regulations of contracting parties.

### ARTICLE III

Relationship with other international agreements

Nothing in this Convention shall affect the rights and obligations of the contracting parties under relevant international agreements.

### ARTICLE IV

General provisions relating to the organizational arrangements for national plant protection

1. Each contracting party shall make provision, to the best of its ability, for an official national plant protection organization with the main responsibilities set out in this Article.

2. The responsibilities of an official national plant protection organization shall include the following:

- a) the issuance of certificates relating to the phytosanitary regulations of the importing contracting party for consignments of plants, plant products and other regulated articles;
- b) the surveillance of growing plants, including both areas under cultivation (inter alia fields, plantations, nurseries, gardens, greenhouses and laboratories) and wild flora, and of plants and plant products in storage or in transportation, particularly with the object of reporting the occurrence, outbreak and spread of pests, and of controlling those pests, including the reporting referred to under Article VIII paragraph 1(a);
- c) the inspection of consignments of plants and plant products moving in international traffic and, where appropriate, the inspection of other regulated articles, particularly with the object of preventing the introduction and/or spread of pests;
- d) the disinfestation or disinfection of consignments of plants, plant products and other regulated articles moving in international traffic, to meet phytosanitary requirements;
- e) the protection of endangered areas and the designation, maintenance and surveillance of pest free areas and areas of low pest prevalence;
- f) the conduct of pest risk analyses;
- g) to ensure through appropriate procedures that the phytosanitary security of consignments after certification regarding composition, substitution and reinfestation is maintained prior to export; and
- h) training and development of staff.

3. Each contracting party shall make provision, to the best of its ability, for the following:

- a) the distribution of information within the territory of the contracting party regarding regulated pests and the means of their prevention and control;
- b) research and investigation in the field of plant protection;
- c) the issuance of phytosanitary regulations; and
- d) the performance of such other functions as may be required for the implementation of this Convention.

4. Each contracting party shall submit a description of its official national plant protection organization and of changes in such organization to the Secretary. A contracting party shall provide a description of its organizational arrangements for plant protection to another contracting party, upon request.

## ARTICLE V

### Phytosanitary certification

1. Each contracting party shall make arrangements for phytosanitary certification, with the objective of ensuring that exported plants, plant products and other regulated articles and consignments thereof are in conformity with the certifying statement to be made pursuant to paragraph 2(b) of this Article.

2. Each contracting party shall make arrangements for the issuance of phytosanitary certificates in conformity with the following provisions:

a) Inspection and other related activities leading to issuance of phytosanitary certificates shall be carried out only by or under the authority of the official national plant protection organization. The issuance of phytosanitary certificates shall be carried out by public officers who are technically qualified and duly authorized by the official national plant protection organization to act on its behalf and under its control with such knowledge and information available to those officers that the authorities of importing contracting parties may accept the phytosanitary certificates with confidence as dependable documents.

b) Phytosanitary certificates, or their electronic equivalent where accepted by the importing contracting party concerned, shall be as worded in the models set out in the Annex to this Convention. These certificates should be completed and issued taking into account relevant international standards.

c) Uncertified alterations or erasures shall invalidate the certificates.

3. Each contracting party undertakes not to require consignments of plants or plant products or other regulated articles imported into its territories to be accompanied by phytosanitary certificates inconsistent with the models set out in the Annex to this Convention. Any requirements for additional declarations shall be limited to those technically justified.

## ARTICLE VI

### Regulated pests

1. Contracting parties may require phytosanitary measures for quarantine pests and regulated non-quarantine pests, provided that such measures are:

(a) no more stringent than measures applied to the same pests, if present within the territory of the importing contracting party; and

(b) limited to what is necessary to protect plant health and/or safeguard the intended use and can be technically justified by the contracting party concerned.

2. Contracting parties shall not require phytosanitary measures for non-regulated pests.

## ARTICLE VII

### Requirements in relation to imports

1. With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate, in accordance with

applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:

a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles, including, for example, inspection, prohibition on importation, and treatment;

b) refuse entry or detain, or require treatment, destruction or removal from the territory of the contracting party, of plants, plant products and other regulated articles or consignments thereof that do not comply with the phytosanitary measures prescribed or adopted under subparagraph (a);

c) prohibit or restrict the movement of regulated pests into their territories;

d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories.

2. In order to minimize interference with international trade, each contracting party, in exercising its authority under paragraph 1 of this Article, undertakes to act in conformity with the following:

a) Contracting parties shall not, under their phytosanitary legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations and are technically justified.

b) Contracting parties shall, immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any contracting party or parties that they believe may be directly affected by such measures.

c) Contracting parties shall, on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.

d) If a contracting party requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not to unnecessarily impede international trade. The contracting party shall publish a list of such points of entry and communicate it to the Secretary, any regional plant protection organization of which the contracting party is a member, all contracting parties which the contracting party believes to be directly affected, and other contracting parties upon request. Such restrictions on points of entry shall not be made unless the plants, plant products or other regulated articles concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.

e) Any inspection or other phytosanitary procedure required by the plant protection organization of a contracting party for a consignment of plants, plant products or other regulated articles offered for importation, shall take place as promptly as possible with due regard to their perishability.

f) Importing contracting parties shall, as soon as possible, inform the exporting contracting party concerned or, where appropriate, the re-exporting contracting party concerned, of significant instances of non-compliance with phytosanitary certification. The exporting contracting party or, where appropriate, the re-exporting contracting party concerned, should investigate and, on request, report the result of its investigation to the importing contracting party concerned.

g) Contracting parties shall institute only phytosanitary measures that are technically justified, consistent with the pest risk involved and represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.

h) Contracting parties shall, as conditions change, and as new facts become available, ensure that phytosanitary measures are promptly modified or removed if found to be unnecessary.

i) Contracting parties shall, to the best of their ability, establish and update lists of regulated pests, using scientific names, and make such lists available to the Secretary, to regional plant protection organizations of which they are members and, on request, to other contracting parties.

j) Contracting parties shall, to the best of their ability, conduct surveillance for pests and develop and maintain adequate information on pest status in order to support categorization of pests, and for the development of appropriate phytosanitary measures. This information shall be made available to contracting parties, on request.

3. A contracting party may apply measures specified in this Article to pests which may not be capable of establishment in its territories but, if they gained entry, cause economic damage. Measures taken against these pests must be technically justified.

4. Contracting parties may apply measures specified in this Article to consignments in transit through their territories only where such measures are technically justified and necessary to prevent the introduction and/or spread of pests.

5. Nothing in this Article shall prevent importing contracting parties from making special provision, subject to adequate safeguards, for the importation, for the purpose of scientific research, education, or other specific use, of plants and plant products and other regulated articles, and of plant pests.

6. Nothing in this Article shall prevent any contracting party from taking appropriate emergency action on the detection of a pest posing a potential threat to its territories or the report of such a detection. Any such action shall be evaluated as soon as possible to ensure that its continuance is justified. The action taken shall be immediately reported to contracting parties concerned, the Secretary, and any regional plant protection organization of which the contracting party is a member.

## ARTICLE VIII

### International cooperation

1. The contracting parties shall cooperate with one another to the fullest practicable extent in achieving the aims of this Convention, and shall in particular:

a) cooperate in the exchange of information on plant pests, particularly the reporting of the occurrence, outbreak or spread of pests that may be of immediate or potential danger, in accordance with such procedures as may be established by the Commission;

b) participate, in so far as is practicable, in any special campaigns for combatting pests that may seriously threaten crop production and need international action to meet the emergencies; and

c) cooperate, to the extent practicable, in providing technical and biological information necessary for pest risk analysis.

2. Each contracting party shall designate a contact point for the exchange of information connected with the implementation of this Convention.

## ARTICLE IX

### Regional plant protection organizations

1. The contracting parties undertake to cooperate with one another in establishing regional plant protection organizations in appropriate areas.

2. The regional plant protection organizations shall function as the coordinating bodies in the areas covered, shall participate in various activities to achieve the objectives of this Convention and, where appropriate, shall gather and disseminate information.

3. The regional plant protection organizations shall cooperate with the Secretary in achieving the objectives of the Convention and, where appropriate, cooperate with the Secretary and the Commission in developing international standards.

4. The Secretary will convene regular Technical Consultations of representatives of regional plant protection organizations to:

a) promote the development and use of relevant international standards for phytosanitary measures; and

b) encourage inter-regional cooperation in promoting harmonized phytosanitary measures for controlling pests and in preventing their spread and/or introduction.

## ARTICLE X

### Standards

1. The contracting parties agree to cooperate in the development of international standards in accordance with the procedures adopted by the Commission.

2. International standards shall be adopted by the Commission.

3. Regional standards should be consistent with the principles of this Convention; such standards may be deposited with the Commission for consideration as candidates for international standards for phytosanitary measures if more broadly applicable.

4. Contracting parties should take into account, as appropriate, international standards when undertaking activities related to this Convention.

## ARTICLE XI

### Commission on Phytosanitary Measures

1. Contracting parties agree to establish the Commission on Phytosanitary Measures within the framework of the Food and Agriculture Organization of the United Nations (FAO).

2. The functions of the Commission shall be to promote the full implementation of the objectives of the Convention and, in particular, to:

a) review the state of plant protection in the world and the need for action to control the international spread of pests and their introduction into endangered areas;

b) establish and keep under review the necessary institutional arrangements and procedures for the development and adoption of international standards, and to adopt international standards;

c) establish rules and procedures for the resolution of disputes in accordance with Article XIII;

d) establish such subsidiary bodies of the Commission as may be necessary for the proper implementation of its functions;

e) adopt guidelines regarding the recognition of regional plant protection organizations;

f) establish cooperation with other relevant international organizations on matters covered by this Convention;

g) adopt such recommendations for the implementation of the Convention as necessary; and

h) perform such other functions as may be necessary to the fulfilment of the objectives of this Convention.

3. Membership in the Commission shall be open to all contracting parties.

4. Each contracting party may be represented at sessions of the Commission by a single delegate who may be accompanied by an alternate, and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but may not vote, except in the case of an alternate who is duly authorized to substitute for the delegate.

5. The contracting parties shall make every effort to reach agreement on all matters by consensus. If all efforts to reach consensus have been exhausted and no agreement is reached, the decision shall, as a last resort, be taken by a two-thirds majority of the contracting parties present and voting.

6. A member organization of FAO that is a contracting party and the member states of that member organization that are contracting parties shall exercise their membership rights and fulfil their membership obligations in accordance, *mutatis mutandis*, with the Constitution and General Rules of FAO.

7. The Commission may adopt and amend, as required, its own Rules of Procedure, which shall not be inconsistent with this Convention or with the Constitution of FAO.

8. The Chairperson of the Commission shall convene an annual regular session of the Commission.

9. Special sessions of the Commission shall be convened by the Chairperson of the Commission at the request of at least one-third of its members.

10. The Commission shall elect its Chairperson and no more than two Vice-Chairpersons, each of whom shall serve for a term of two years.

## ARTICLE XII

### Secretariat

1. The Secretary of the Commission shall be appointed by the Director-General of FAO.

2. The Secretary shall be assisted by such secretariat staff as may be required.

3. The Secretary shall be responsible for implementing the policies and activities of the Commission and carrying out such other functions as may be assigned to the Secretary by this Convention and shall report thereon to the Commission.

4. The Secretary shall disseminate:

a) international standards to all contracting parties within sixty days of adoption;  
b) to all contracting parties, lists of points of entry under Article VII paragraph 2(d) communicated by contracting parties;

c) lists of regulated pests whose entry is prohibited or referred to in Article VII paragraph 2(i) to all contracting parties and regional plant protection organizations;

d) information received from contracting parties on phytosanitary requirements, restrictions and prohibitions referred to in Article VII paragraph 2(b), and descriptions of official national plant protection organizations referred to in Article IV paragraph 4.

5. The Secretary shall provide translations in the official languages of FAO of documentation for meetings of the Commission and international standards.

6. The Secretary shall cooperate with regional plant protection organizations in achieving the aims of the Convention.

## ARTICLE XIII

### Settlement of disputes

1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VII of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants, plant products or other regulated articles coming from its territories, the contracting parties concerned shall consult among themselves as soon as possible with a view to resolving the dispute.

2. If the dispute cannot be resolved by the means referred to in paragraph 1, the contracting party or parties concerned may request the Director-General of FAO to appoint a committee of experts to consider the question in dispute, in accordance with rules and procedures that may be established by the Commission.

3. This Committee shall include representatives designated by each contracting party concerned. The Committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the contracting parties concerned. The Committee shall prepare a report on the technical aspects of the dispute for the purpose of seeking its resolution. The preparation of the report and its approval shall be according to rules and procedures established by the Commission, and it shall be transmitted by the Director-General to the contracting parties concerned. The report may also be submitted, upon its request, to the competent body of the international organization responsible for resolving trade disputes.

4. The contracting parties agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the contracting parties concerned of the matter out of which the disagreement arose.

5. The contracting parties concerned shall share the expenses of the experts.

6. The provisions of this Article shall be complementary to and not in derogation of the dispute settlement procedures provided for in other international agreements dealing with trade matters.

#### ARTICLE XIV

##### Substitution of prior agreements

This Convention shall terminate and replace, between contracting parties, the International Convention respecting measures to be taken against the *Phylloxera vastatrix* of 3 November 1881, the additional Convention signed at Berne on 15 April 1889 and the International Convention for the Protection of Plants signed at Rome on 16 April 1929.

#### ARTICLE XV

##### Territorial application

1. Any contracting party may at the time of ratification or adherence or at any time thereafter communicate to the Director-General of FAO a declaration that this Convention shall extend to all or any of the territories for the international relations of which it is responsible, and this Convention shall be applicable to all territories specified in the declaration as from the thirtieth day after the receipt of the declaration by the Director-General.

2. Any contracting party which has communicated to the Director-General of FAO a declaration in accordance with paragraph 1 of this Article may at any time communicate a further declaration modifying the scope of any former declaration or terminating the application of the provisions of the present Convention in respect of any territory. Such

modification or termination shall take effect as from the thirtieth day after the receipt of the declaration by the Director-General.

3. The Director-General of FAO shall inform all contracting parties of any declaration received under this Article.

## ARTICLE XVI

### Supplementary agreements

1. The contracting parties may, for the purpose of meeting special problems of plant protection which need particular attention or action, enter into supplementary agreements. Such agreements may be applicable to specific regions, to specific pests, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplement the provisions of this Convention.

2. Any such supplementary agreements shall come into force for each contracting party concerned after acceptance in accordance with the provisions of the supplementary agreements concerned.

3. Supplementary agreements shall promote the intent of this Convention and shall conform to the principles and provisions of this Convention, as well as to the principles of transparency, non-discrimination and the avoidance of disguised restrictions, particularly on international trade.

## ARTICLE XVII

### Ratification and adherence

1. This Convention shall be open for signature by all states until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory states.

2. As soon as this Convention has come into force in accordance with Article XXII it shall be open for adherence by non-signatory states and member organizations of FAO. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all contracting parties.

3. When a member organization of FAO becomes a contracting party to this Convention, the member organization shall, in accordance with the provisions of Article II paragraph 7 of the FAO Constitution, as appropriate, notify at the time of its adherence such modifications or clarifications to its declaration of competence submitted under Article II paragraph 5 of the FAO Constitution as may be necessary in light of its acceptance of this Convention. Any contracting party to this Convention may, at any time, request a member organization of FAO that is a contracting party to this Convention to provide information as to which, as between the member organization and its member states, is responsible for the implementation of any particular matter covered by this Convention. The member organization shall provide this information within a reasonable time.

## ARTICLE XVIII

### Non-contracting parties

The contracting parties shall encourage any state or member organization of FAO, not a party to this Convention, to accept this Convention, and shall encourage any non-contracting party to apply phytosanitary measures consistent with the provisions of this Convention and any international standards adopted hereunder.

## ARTICLE XIX

### Languages

1. The authentic languages of this Convention shall be all official languages of FAO.
2. Nothing in this Convention shall be construed as requiring contracting parties to provide and to publish documents or to provide copies of them other than in the language(s) of the contracting party, except as stated in paragraph 3 below.
3. The following documents shall be in at least one of the official languages of FAO:
  - a) information provided according to Article IV paragraph 4;
  - b) cover notes giving bibliographical data on documents transmitted according to Article VII paragraph 2(b);
  - c) information provided according to Article VII paragraph 2(b), (d), (i) and (j);
  - d) notes giving bibliographical data and a short summary of relevant documents on information provided according to Article VIII paragraph 1(a);
  - e) requests for information from contact points as well as replies to such requests, but not including any attached documents;
  - f) any document made available by contracting parties for meetings of the Commission.

## ARTICLE XX

### Technical assistance

The contracting parties agree to promote the provision of technical assistance to contracting parties, especially those that are developing contracting parties, either bilaterally or through the appropriate international organizations, with the objective of facilitating the implementation of this Convention.

## ARTICLE XXI

### Amendment

1. Any proposal by a contracting party for the amendment of this Convention shall be communicated to the Director-General of FAO.
2. Any proposed amendment of this Convention received by the Director-General of FAO from a contracting party shall be presented to a regular or special session of the Commission for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting parties, it shall be considered by an advisory committee of specialists convened by FAO prior to the Commission.
3. Notice of any proposed amendment of this Convention, other than amendments to the Annex, shall be transmitted to the contracting parties by the Director-General of FAO not later than the time when the agenda of the session of the Commission at which the matter is to be considered is dispatched.
4. Any such proposed amendment of this Convention shall require the approval of the Commission and shall come into force as from the thirtieth day after acceptance by two-thirds

of the contracting parties. For the purpose of this Article, an instrument deposited by a member organization of FAO shall not be counted as additional to those deposited by member states of such an organization.

5. Amendments involving new obligations for contracting parties, however, shall come into force in respect of each contracting party only on acceptance by it and as from the thirtieth day after such acceptance. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of FAO, who shall inform all contracting parties of the receipt of acceptance and the entry into force of amendments.

6. Proposals for amendments to the model phytosanitary certificates set out in the Annex to this Convention shall be sent to the Secretary and shall be considered for approval by the Commission. Approved amendments to the model phytosanitary certificates set out in the Annex to this Convention shall become effective ninety days after their notification to the contracting parties by the Secretary.

7. For a period of not more than twelve months from an amendment to the model phytosanitary certificates set out in the Annex to this Convention becoming effective, the previous version of the phytosanitary certificates shall also be legally valid for the purpose of this Convention.

## ARTICLE XXII

### Entry into force

As soon as this Convention has been ratified by three signatory states it shall come into force among them. It shall come into force for each state or member organization of FAO ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence.

## ARTICLE XXIII

### Denunciation

1. Any contracting party may at any time give notice of denunciation of this Convention by notification addressed to the Director-General of FAO. The Director-General shall at once inform all contracting parties.

2. Denunciation shall take effect one year from the date of receipt of the notification by the Director-General of FAO.

Annex: Model Phytosanitary Certificate

**MEDNARODNA KONVENCIJA O VARSTVU RASTLIN**  
**(Novo, popravljeno besedilo, potrjeno na 29. zasedanju konference FAO – november 1997)**

UVOD

Pogodbenice se

- ob spoznanju, da je pri zatiranju rastlinam in rastlinskim proizvodom škodljivih organizmov ter pri preprečevanju njihovega mednarodnega širjenja, zlasti pa njihovega vnašanja na ogrožena območja, nujno mednarodno sodelovanje;
  - ob spoznanju, da morajo biti fitosanitarni ukrepi strokovno upravičeni in pregledni ter da jih ne bi smeli uporabljati za samovoljno ali neupravičeno diskriminacijo ali prikrito omejevanje, zlasti v mednarodni trgovini;
  - v želji, da bi v ta namen zagotovili tesno usklajevanje ukrepov;
  - v želji, da se s tem namenom vzpostavi mreža za pripravo in uporabo usklajenih fitosanitarnih ukrepov in za oblikovanje mednarodnih standardov;
  - ob upoštevanju mednarodno potrjenih načel, ki veljajo za zdravstveno varstvo rastlin, ljudi in živali ter za varstvo okolja;
  - ob upoštevanju sporazumov, ki so bili sklenjeni na podlagi urugvajskega kroga večstranskih trgovinskih pogajanj, vključno s Sporazumom o uporabi sanitarnih in fitosanitarnih ukrepov
- dogovorijo o naslednjem:

I. ČLEN

Namen in obveznosti

1. Da bi zagotovile skupne in učinkovite ukrepe za preprečevanje širjenja in vnašanja rastlinam in rastlinskim proizvodom škodljivih organizmov ter uveljavljale ustrezne ukrepe za njihovo zatiranje, se pogodbenice obvezujejo, da bodo sprejele zakonodajne, tehnične in upravne ukrepe, navedene v tej konvenciji in v dodatnih sporazumih v skladu s XVI. členom.
2. Pogodbenica se zavezuje, da bo na svojem ozemlju izpolnjevala vse zahteve iz te konvencije, ne da bi to kakor koli vplivalo na izpolnjevanje obveznosti, ki jih je prevzela z drugimi mednarodnimi sporazumi.
3. Porazdelitev odgovornosti za izpolnjevanje zahtev iz te konvencije med organizacijami, članicami FAO, ter njihovimi državami članicami, ki so pogodbenice, je skladna z njihovimi pristojnostmi.
4. Če se jim zdi potrebno, lahko pogodbenice veljavnost določb te konvencije z rastlin in rastlinskih proizvodov razširijo tudi na skladiščne prostore, embalažo, prevozna sredstva, zabojnike, zemljo in katere koli druge organizme, predmete ali snovi, ki lahko vsebujejo ali širijo rastlinam škodljive organizme, zlasti, ko gre za mednarodni prevoz.

II. ČLEN

Pomen izrazov

1. V tej konvenciji izrazi, navedeni v tem členu, pomenijo:

»Območje majhne razširjenosti škodljivih organizmov« – Območje celotne države, dela države oziroma več držav ali njihovih delov, na katerem se po ugotovitvah pristojnih organov

določeni škodljivi organizem pojavlja v majhnem številu in nad katerim se izvaja učinkovit stalni nadzor ter ukrepi za zatiranje ali izkoreninjenje.

»Komisija« – Komisija za fitosanitarne ukrepe, ustanovljena v skladu z XI. členom.

»Ogroženo območje« – Območje, na katerem so ekološki dejavniki ugodni za naselitev škodljivega organizma, katerega navzočnost bo v tem območju povzročila pomembno gospodarsko škodo.

»Naselitev« – Ustelitev škodljivega organizma v predvidenem obdobju znotraj območja po vstopu.

»Usklajeni fitosanitarni ukrepi« – fitosanitarni ukrepi, ki jih pogodbenice sprejmejo na podlagi mednarodnih standardov.

»Mednarodni standardi« – mednarodni standardi, določeni v skladu s prvim in drugim odstavkom X. člena.

»Vnos« – Vstop škodljivega organizma, katerega posledica je njegova naselitev.

»Škodljivi organizem« – Katera koli vrsta, različek, linija ali biotip rastline, živali ali povzročitelja, ki škoduje rastlinam ali rastlinskim proizvodom.

»Analiza nevarnosti škodljivega organizma« – Postopek vrednotenja bioloških ali drugih znanstvenih in gospodarskih dokazov, na podlagi katerih se ugotovi, ali bi morali uvesti ukrepe za nadzor škodljivih organizmov in določi intenzivnost uporabljenih fitosanitarnih ukrepov.

»Fitosanitarni ukrep« – Zakonodaja, predpis ali uradni postopek, katerega namen je preprečevati vnos oziroma širjenje škodljivih organizmov.

»Rastlinski proizvodi« – Nepredelan material rastlinskega izvora (vključno z zrnjem) in tisti predelani proizvodi, ki lahko zaradi svojih lastnosti ali lastnosti postopkov, po katerih so bili predelani, pomenijo nevarnost vnosa in širjenja škodljivih organizmov.

»Rastline« – Žive rastline in njihovi deli, vključno s semeni in klično dednino.

»Karantenski škodljivi organizem« – Škodljivi organizem, ki lahko gospodarsko pomembno prizadene območje, ki ga ogroža, vendar tam še ni navzoč ali pa je navzoč, vendar še ni splošno razširjen in je pod uradnim nadzorom.

»Regionalni standardi« – Standardi, s katerimi Regionalna organizacija za varstvo rastlin usmerja delovanje svojih članic.

»Nadzorovani predmet« – Rastline, rastlinski proizvodi, skladiščni prostor, embalaža, prevozno sredstvo, zabojnik, zemlja ali kateri koli drugi organizem, predmet ali snov, ki lahko vsebuje ali širi škodljive organizme, in ki zahteva uvedbo fitosanitarnih ukrepov, zlasti ko gre za mednarodni prevoz.

»Nadzorovani nekarantenski škodljivi organizem« – nekarantenski škodljivi organizem, ki ima ob okužbi rastlin za sajenje gospodarsko nesprejemljiv vpliv pri predvideni uporabi teh rastlin in je zato nadzorovan na ozemlju pogodbenice uvoznice.

»Nadzorovani škodljivi organizem« – Karantenski škodljivi organizem ali nadzorovani nekarantenski škodljivi organizem.

»Sekretar« – Sekretar Komisije, imenovan v skladu z XII. členom.

»Strokovno upravičeno« – Presojeno na podlagi ugotovitev, ki izhajajo iz ustrezne analize nevarnosti škodljivega organizma ali, koder je primerno, iz druge primerljive proučitve in ovrednotenja razpoložljivih znanstvenih informacij.

2. Opredelitve, ki so navedene v tem členu, so omejene na uporabo v tej konvenciji in ne vplivajo na opredelitve v domačih zakonih ali predpisih pogodbenic.

### III. ČLEN

#### Razmerje do drugih mednarodnih Sporazumov

Ta konvencija v ničemer ne vpliva na pravice in obveznosti pogodbenic v skladu z drugimi mednarodnimi sporazumi.

#### IV. ČLEN

##### Splošne določbe glede organizacije varstva rastlin na državni ravni

1. Pogodbenica po najboljših močeh poskrbi za ustanovitev uradne državne organizacije za varstvo rastlin, katere glavne odgovornosti so navedene v tem členu.

2. Odgovornosti uradne državne organizacije za varstvo rastlin vključujejo:

a) izdajanje spričeval, ki se nanašajo na fitosanitarne predpise pogodbenice uvoznice za pošiljke rastlin, rastlinskih proizvodov in drugih nadzorovanih predmetov.

b) Stalni nadzor rastočih rastlin, vključno z obdelanimi površinami (med drugim sem spadajo polja, nasadi, drevesnice, vrtovi, rastlinjaki in laboratoriji), prostoživečimi rastlinami ter z rastlinami in rastlinskimi proizvodi v skladiščih ali med prevozom, predvsem s ciljem poročati o pojavu, izbruhu in širjenju škodljivih organizmov ter obvladovati te škodljive organizme, vključno s poročanjem iz točke a) prvega odstavka VIII. člena;

c) Inšpekcijski pregled pošiljk rastlin in rastlinskih proizvodov v mednarodnem prometu ter kadar je potrebno, inšpekcijski pregled drugih nadzorovanih predmetov, zlasti da bi preprečevali vnos oziroma širjenje škodljivih organizmov;

d) Dezinsekcijo ali dezinfekcijo pošiljk rastlin, rastlinskih proizvodov in drugih nadzorovanih predmetov v mednarodnem prometu, da se izpolnijo fitosanitarne zahteve;

e) Varovanje ogroženih območij ter določanje, ohranjanje in stalni nadzor območij, na katerih ni škodljivih organizmov, in območij z majhno razširjenostjo škodljivih organizmov;

f) Izvajanje analiz nevarnosti škodljivih organizmov;

g) Zagotavljanje, da se po fitosanitarnem potrjevanju pošiljk pred izvozom z ustreznimi postopki ohrani njihova fitosanitarna neoporečnost glede sestave, zamenjave in ponovne naselitve škodljivih organizmov ter

h) Usposabljanje in izpopolnjevanje osebja.

3. Pogodbenica po najboljših močeh poskrbi za:

a) Širjenje informacij na svojem ozemlju v zvezi z nadzorovanimi škodljivimi organizmi ter načini preprečevanja širjenja in zatiranja teh škodljivih organizmov,

b) Raziskave in preiskave na področju varstva rastlin,

c) Izdajanje fitosanitarnih predpisov in

d) Izvajanje drugih dejavnosti, ki bi utegnile biti potrebne za uresničevanje te konvencije.

4. Pogodbenica bo sekretarju predložila opis svoje državne organizacije za varstvo rastlin in morebitnih sprememb v tej organizaciji. Pogodbenica drugi pogodbenici na zahtevo priskrbi opis svojih organizacijskih dejavnosti na področju varstva rastlin.

#### V. ČLEN

##### Izdajanje fitosanitarnih spričeval

1. Pogodbenica poskrbi za ustrezno fitosanitarno potrjevanje, s čimer želi zagotoviti, da izvožene rastline, rastlinski proizvodi in drugi nadzorovani predmeti in pošiljke ustrezajo navedbam v spričevalu, ki je izdano v skladu s točko b) drugega odstavka tega člena.

2. Pogodbenica poskrbi za izdajanje fitosanitarnih spričeval v skladu z naslednjimi določbami:

a) Inšpekcijski pregled ali druge s tem povezane dejavnosti, potrebne za izdajanje fitosanitarnih spričeval, se izvajajo izključno v okviru uradne državne organizacije za varstvo rastlin. Fitosanitarna spričd) evala izdajajo državni uradniki, ki so strokovno usposobljeni in jih je državna organizacija za varstvo rastlin ustrezno pooblastila, da delujejo v njenem imenu in pod njenim nadzorom z znanjem in informacijami, ki jih imajo na voljo, da lahko organi pogodbenic uvoznic sprejmejo ta spričevala z zaupanjem kot verodostojne dokumente.

b) Fitosanitarna spričevala ali njihove elektronske oblike, če jih zainteresirana pogodbenica uvoznica sprejme, bodo sestavljena skladno z vzorčnimi obrazci iz priloge k tej konvenciji. Ta spričevala morajo biti izpolnjena in izdana v skladu z ustreznimi mednarodnimi standardi.

c) Če se vsebina spričeval neoverjeno spreminja ali briše, ta spričevala niso veljavna.

3. Pogodbenica se zaveže, da ne bo zahtevala, da morajo biti pošiljke rastlin, rastlinskih proizvodov in drugih nadzorovanih predmetov, ki se uvažajo na njena ozemlja, opremljene s fitosanitarnimi spričevali, ki niso skladna z vzorčnimi obrazci iz priloge k tej konvenciji. Vsakršne zahteve po dodatnih izjavah morajo biti strokovno upravičene.

## VI. ČLEN

### Nadzorovani škodljivi organizmi

1. Pogodbenice lahko zahtevajo uvedbo fitosanitarnih ukrepov za karantenske škodljive organizme in nadzorovane nekarantenske škodljive organizme, če:

a) takšni ukrepi niso strožji od tistih, ki veljajo za iste škodljive organizme na ozemlju pogodbenice uvoznice,

b) so omejeni na najnujnejše za zdravstveno varstvo rastlin oziroma zavarovanje predvidene uporabe in to lahko zainteresirana pogodbenica uvoznica strokovno upraviči.

2. Pogodbenice ne zatevajo fitosanitarnih ukrepov za nenadzorovane škodljive organizme.

## VII. ČLEN

### Zahteve, povezane z uvozom

1. Da bi preprečile vnašanje oziroma širjenje nadzorovanih škodljivih organizmov na svoja ozemlja, imajo pogodbenice pravico, da v skladu z veljavnimi mednarodnimi sporazumi po lastni presoji uravnavajo uvoz rastlin, rastlinskih proizvodov in drugih nadzorovanih predmetov, in lahko v ta namen:

a) predpišejo in sprejmejo fitosanitarne ukrepe, ki se nanašajo na uvoz rastlin, rastlinskih proizvodov in drugih nadzorovanih predmetov, vključno na primer z inšpekcijskimi pregledi, prepovedjo uvoza in tretiranjem;

b) zavrnejo uvoz rastlin, rastlinskih proizvodov oziroma drugih nadzorovanih predmetov ali njihovih pošiljk, ki ne ustrezajo fitosanitarnim ukrepom, predpisanim ali sprejetim v skladu s točko a), jih začasno zadržijo oziroma zahtevajo njihovo tretiranje, uničenje ali odstranitev s svojega ozemlja;

c) prepovejo ali omejijo gibanje nadzorovanih škodljivih organizmov na svojem ozemlju;

d) prepovejo ali omejijo gibanje organizmov za biotično zatiranje in drugih domnevno koristnih organizmov za fitosanitarno uporabo na njihovem ozemlju.

2. Da bi čim manj ovirala mednarodno trgovino, se pogodbenica zaveže, da bo pri uveljavljanju svojih pravic iz prvega odstavka tega člena delovala v skladu z naslednjim:

a) pogodbenice ne bodo na podlagi svoje fitosanitarne zakonodaje sprejele nobenega ukrepa iz prvega odstavka tega člena, razen če je tak ukrep nujen zaradi fitosanitarnih razlogov in je strokovno upravičen;

b) pogodbenice bodo objavile fitosanitarne zahteve, omejitve in prepovedi takoj po njihovem sprejetju in o njih obvestile vse pogodbenice, za katere menijo, da bi jih takšni ukrepi utegnili neposredno prizadeti;

c) pogodbenice bodo vsaki drugi pogodbenici na njeno zahtevo pojasnile razloge za fitosanitarne zahteve, omejitve in prepovedi;

d) Če pogodbenica zahteva, da se pošiljke določenih rastlin ali rastlinskih proizvodov uvažajo le čez določena vstopna mesta, morajo biti ta mesta izbrana tako, da po nepotrebem ne ovirajo mednarodne trgovine. Pogodbenica bo objavila seznam takšnih vstopnih mest in jih sporočila sekretarju, vsem regionalnim organizacijam za varstvo rastlin, katerih članica je, vsem pogodbenicam, za katere meni, da bi bile neposredno prizadete in drugim pogodbenicam na njihovo zahtevo. Takih omejitev glede vstopnih mest ne bo, če za rastline, rastlinske proizvode ali druge nadzorovane predmete ni potrebno fitosanitarno spričevalo oziroma jih ni treba inšpekcijsko pregledati ali tretirati.

e) Inšpekcijski pregled ali drug fitosanitarni postopek, ki ga zahteva državna organizacija za varstvo rastlin pogodbenice za pošiljke rastlin, rastlinskih proizvodov ali drugih nadzorovanih predmetov, namenjenih uvozu, bo ob upoštevanju njihove pokvarljivosti opravljen čim prej.

f) Pogodbenice uvoznice bodo čim prej obvestile ustrezno pogodbenico izvoznico, ali, koder je potrebno, ustrezno pogodbenico, ki ponovno izvažajo, o pomembnejših neskladjih s fitosanitarnim spričevalom. Pogodbenica izvoznica, ali, koder je potrebno, pogodbenica, ki ponovno izvažajo, mora opraviti preiskavo in prizadeti pogodbenici uvoznici na njeno zahtevo poročati o izsledkih preiskave.

g) Pogodbenice bodo uvedle le fitosanitarne ukrepe, ki so strokovno upravičeni, ustrezajo nevarnosti škodljivih organizmov in čim manj omejujejo ter ovirajo mednarodni pretok ljudi, blaga in prevoznih sredstev.

h) Če se bodo razmere spremenile in bodo na voljo nova spoznanja, bodo pogodbenice zagotovile, da bodo fitosanitarni ukrepi nemudoma spremenjeni ali odpravljeni, če bo ugotovljeno, da niso potrebni.

i) Pogodbenice bodo po najboljših močeh sestavile in dopolnjevale sezname nadzorovanih škodljivih organizmov, pri čemer bodo uporabljale latinska imena, te sezname pa bodo dale na voljo sekretarju, regionalnim organizacijam za varstvo rastlin, katerih članice so, in na zahtevo tudi drugim pogodbenicam.

j) Pogodbenice bodo po najboljših močeh stalno nadzorovale škodljive organizme ter pridobivale in hranile ustrezne informacije o stanju škodljivih organizmov, da bi tako pomagale pri njihovi uvrstitvi ter pripomogle k oblikovanju ustreznih fitosanitarnih ukrepov. Pogodbenice bodo imele na zahtevo dostop do teh informacij.

3. Pogodbenica lahko uvede ukrepe iz tega člena za škodljive organizme, ki morda niso sposobni naselitve na njenem ozemlju, vendar lahko, če jim uspe priti na to ozemlje, povzročijo gospodarsko škodo. Ukrepi proti tem škodljivim organizmom morajo biti strokovno upravičeni.

4. Pogodbenice lahko ukrepe iz tega člena uvedejo za pošiljke v tranzitu čez njihova ozemlja le, če so takšni ukrepi strokovno upravičeni in potrebni za preprečevanje vnosa oziroma širjenja škodljivih organizmov.

5. Ta člen v ničemer ne preprečuje pogodbenicam uvoznicam posebnega uvoza rastlin in rastlinskih proizvodov ter drugih nadzorovanih predmetov ter rastlinam škodljivih organizmov, ki se v skladu z ustreznimi varovalnimi ukrepi opravi za potrebe znanstvenih raziskav, izobraževanja ali v druge posebne namene.

6. Ta člen v ničemer ne preprečuje pogodbenicam ustreznega varnostnega ukrepanja, če odkrije, da škodljivi organizem potencialno ogroža njihova ozemlja ali če so obveščene o takem odkritju. Tak ukrep bo čim prej ovrednoten, da se zagotovi upravičenost njegove

nadaljnje uporabe. O takih ukrepih morajo biti nemudoma obveščene prizadete pogodbenice, sekretar in regionalne organizacije za varstvo rastlin, katerih članica je pogodbenica.

## VIII. ČLEN

### Mednarodno sodelovanje

1. Pogodbenice pri uresničevanju ciljev te konvencije sodelujejo med seboj v največjem možnem obsegu, zlasti pa:

a) v skladu s postopki, ki jih lahko določi komisija, sodelujejo pri izmenjavi informacij o rastlinam škodljivih organizmih, zlasti pri poročanju o pojavu, izbruhu ali širjenju škodljivih organizmov, ki bi utegnili biti neposredno ali potencialno nevarni,

b) sodelujejo, če je to izvedljivo, v vsaki posebni akciji za boj proti škodljivim organizmom, ki bi lahko resno ogrozili pridelek, če je za nujno rešitev problema potrebno mednarodno ukrepanje in

c) po najboljših močeh sodelujejo pri zagotavljanju strokovnih in bioloških podatkov, potrebnih za analizo nevarnosti škodljivih organizmov.

2. Pogodbenica določi kontaktno mesto za izmenjavo informacij, povezanih z izvajanjem te konvencije.

## IX. ČLEN

### Regionalne organizacije za varstvo rastlin

1. Pogodbenice se zavežejo, da bodo med seboj sodelovale pri ustanavljanju regionalnih organizacij za varstvo rastlin na ustreznih območjih.

2. Regionalne organizacije za varstvo rastlin delujejo kot koordinacijska telesa na območjih, ki jih pokrivajo, sodelujejo pri različnih aktivnostih za uresničevanje ciljev te konvencije in, kadar je to primerno, zbirajo in širijo informacije.

3. Regionalne organizacije za varstvo rastlin sodelujejo s sekretarjem pri uresničevanju ciljev te konvencije in, kadar je primerno, s sekretarjem in komisijo pri oblikovanju mednarodnih standardov.

4. Sekretar sklicuje redna strokovna posvetovanja s predstavniki regionalnih organizacij za varstvo rastlin, da bi:

a) spodbujali oblikovanje in uporabo ustreznih mednarodnih standardov za fitosanitarne ukrepe in

b) spodbujali medregionalno sodelovanje pri uveljavljanju usklajenih fitosanitarnih ukrepov za zatiranje škodljivih organizmov in pri preprečevanju njihovega širjenja oziroma vnašanja.

## X. ČLEN

### Standardi

1. Pogodbenice soglašajo s sodelovanjem pri oblikovanju mednarodnih standardov v skladu s poslovnikom, ki ga sprejme komisija.

2. Mednarodne standarde sprejema komisija.

3. Regionalni standardi morajo biti skladni z načeli te konvencije; ti standardi so lahko predloženi komisiji, da jih prouči s stališča širše uporabnosti in jih morda sprejme kot mednarodne standarde za fitosanitarne ukrepe.

4. Pogodbenice bi morale pri izvajanju dejavnosti, povezanih s to konvencijo, upoštevati ustrezne mednarodne standarde.

## XI. ČLEN

### Komisija za fitosanitarne ukrepe

1. Pogodbenice soglašajo, da bodo ustanovile komisijo za fitosanitarne ukrepe v okviru Organizacije Združenih narodov za prehrano in kmetijstvo (FAO).

2. Naloga komisije je spodbujati celovito uresničevanje ciljev konvencije in predvsem:

a) spremljati stanje varstva rastlin po svetu in ugotavljati potrebo po ukrepih za obvladovanje mednarodnega širjenja škodljivih organizmov ter njihovega vnašanja na ogrožena območja;

b) uvesti in redno spremljati potrebne institucionalne programe in postopke za oblikovanje in sprejemanje mednarodnih standardov ter sprejemati mednarodne standarde;

c) določiti pravila in postopke za reševanje sporov v skladu s XIII. členom;

d) ustanoviti pomožna telesa komisije, ki bi utegnila biti potrebna za ustrezno opravljanje njenih nalog;

e) sprejeti smernice v zvezi s priznavanjem regionalnih organizacij za varstvo rastlin;

f) vzpostaviti sodelovanje z drugimi ustreznimi mednarodnimi organizacijami na področjih, ki jih obravnava ta konvencija;

g) sprejeti potrebna priporočila za izvajanje te konvencije in

h) izvajati druge naloge, ki bi utegnile biti potrebne za uresničevanje ciljev te konvencije.

3. Vse pogodbenice imajo pravico do članstva v komisiji.

4. Pogodbenico lahko na zasedanjih komisije zastopa en sam predstavnik, ki ga lahko spremljajo namestnik, strokovnjaki in svetovalci. Namestnik, strokovnjaki in svetovalci lahko sodelujejo pri delu komisije, ne morejo pa glasovati, razen, če je namestnik ustrezno pooblaščen za zastopanje predstavnika.

5. Pogodbenice storijo vse, kar je v njihovi moči, da dosežejo soglasje o vseh zadevah. Če so vse možnosti za dosego soglasja izčrpane in dogovor še vedno ni dosežen, je odločitev, če ni druge možnosti, sprejeta z dvotretjinsko večino pogodbenic, ki so navzoče in glasujejo.

6. Organizacija, članica FAO, ki je pogodbenica, in države, članice te organizacije, ki so pogodbenice, uveljavljajo svoje iz članstva izhajajoče pravice ter izpopolnjujejo svoje iz članstva izhajajoče obveznosti (mutatis mutandis) v skladu z ustavo in splošnimi pravili FAO.

7. Komisija lahko sprejema in po potrebi dopolnjuje svoj poslovnik, ki pa mora biti skladen s to konvencijo ali z ustavo FAO.

8. Predsednik komisije enkrat letno skliče redno letno zasedanje komisije.

9. Predsednik komisije sklicuje izredna zasedanja komisije na zahtevo vsaj tretjine članic.

10. Komisija izvoli predsednika in ne več kot dva podpredsednika, njihov mandat pa traja dve leti.

## XII. ČLEN

### Sekretariat

1. Sekretarja komisije imenuje generalni direktor FAO.

2. Sekretarju pomaga osebje sekretariata, če je to potrebno.

3. Sekretar je odgovoren za izvajanje politike in dejavnosti komisije ter opravljanje drugih nalog, ki izhajajo iz te konvencije, in o tem poroča komisiji.

4. Sekretar:

a) vse pogodbenice seznanj z mednarodnimi standardi v šestdesetih dneh po njihovem sprejetju;

b) vsem pogodbenicam pošlje sezname vstopnih mest iz točke d) drugega odstavka VII. člena, o katerih ga pogodbenice obvestijo;

c) vsem pogodbenicam in regionalnim organizacijam za varstvo rastlin pošlje sezname nadzorovanih škodljivih organizmov, katerih vnos je prepovedan ali se nanje nanaša točka i) drugega odstavka VII. člena;

d) pošlje informacije, ki jih prejme od pogodbenic glede fitosanitarnih zahtev, omejitev in prepovedi iz točke b) drugega odstavka VII. člena in opise uradnih državnih organizacij za varstvo rastlin iz četrtega odstavka IV. člena.

5. Sekretar poskrbi, da so dokumentacija za zasedanja komisije in mednarodni standardi prevedeni v uradne jezike FAO.

6. Sekretar sodeluje z regionalnimi organizacijami za varstvo rastlin pri uresničevanju ciljev te konvencije.

### XIII. ČLEN

#### Reševanje sporov

1. Če obstaja spor glede razlage ali uporabe te konvencije ali če pogodbenica meni, da je delovanje druge pogodbenice v nasprotju z njenimi obveznostmi iz V. in VII. člena te konvencije, zlasti glede osnove za prepoved ali omejitev uvoza rastlin, rastlinskih proizvodov ali drugih nadzorovanih predmetov, ki prihajajo z njenega ozemlja, se bodo v sporu udeležene pogodbenice med seboj čimprej posvetovali, da bi rešile ta spor.

2. Če spora ni mogoče rešiti na način, opisan v prvem odstavku, lahko v sporu udeležena pogodbenica ali pogodbenice zahtevajo od generalnega direktorja FAO, da imenuje odbor strokovnjakov, ki naj prouči sporno zadevo v skladu s pravili in postopki, ki jih določi komisija.

3. Člani tega odbora so predstavniki, ki jih imenuje vsaka v sporu udeležena pogodbenica. Komisija prouči sporno vprašanje, pri čemer upošteva vse listine in druge dokaze, ki jih predložijo v sporu udeležene pogodbenice. Odbor pripravi poročilo o strokovnih vidikih spora z namenom, da se spor razreši. Priprava poročila in njegova odobritev bosta potekala v skladu s pravili in postopki, ki jih določi komisija, generalni sekretar pa ga pošlje v sporu udeleženi pogodbenicam. Poročilo je lahko na zahtevo predloženo tudi pristojnemu organu mednarodne organizacije, ki je odgovoren za reševanje trgovinskih sporov.

4. Pogodbenice soglašajo, da v sporu udeležene pogodbenice na podlagi priporočil odbora, čeprav po svoji naravi niso zavezujoča, ponovno proučijo zadevo, zaradi katere je prišlo do spora.

5. V sporu udeležene pogodbenice si delijo stroške strokovnjakov.

6. Določbe tega člena dopolnjujejo in ne nadomestijo postopkov za reševanje sporov, opredeljenih v drugih mednarodnih sporazumih, ki obravnavajo trgovinske zadeve.

### XIV. ČLEN

#### Nadomestitev prejšnjih sporazumov

S to konvencijo med pogodbenicami prenehajo veljati in se nadomestijo Mednarodna konvencija o ukrepih, ki jih je treba izvajati proti trtni uši *Phylloxera vastatrix*, podpisana 3. novembra 1881, dodatna konvencija, podpisana v Bernu, 15. aprila 1889, in Mednarodna konvencija o varstvu rastlin, podpisana v Rimu, 16. aprila 1929.

## XV. ČLEN

### Ozemeljska veljavnost

1. Pogodbenica lahko ob ratifikaciji ali pristopu ali kadar koli pozneje generalnemu direktorju FAO pošlje izjavo, da bo ta konvencija začela veljati za vsa ali nekatera ozemlja, za katere je odgovorna v mednarodnih odnosih; na vseh ozemljih, navedenih v izjavi, velja ta konvencija od tridesetega dne po tem, ko generalni direktor prejme tako izjavo.

2. Pogodbenica, ki je generalnemu direktorju FAO poslala izjavo v skladu s prvim odstavkom tega člena, lahko kadar koli pošlje novo izjavo, s katero spremeni obseg vsake prejšnje izjave ali preneha uporabljati določbe te konvencije na katerem koli ozemlju. Taka sprememba ali prenehanje uporabe določb velja od tridesetega dne po tem, ko je o tem obveščen generalni direktor.

3. Generalni direktor FAO vse pogodbenice obvesti o vseh izjavah, ki jih prejme v skladu s tem členom.

## XVI. ČLEN

### Dodatni sporazumi

1. Pogodbenice lahko za reševanje posebnih vprašanj, povezanih z varstvom rastlin, ki potrebujejo posebno pozornost ali ukrepanje, sklepajo dodatne sporazume. Taki sporazumi se lahko uporabljajo za določene regije, za določene škodljive organizme, za določene rastline in rastlinske proizvode, za določene metode mednarodnega prevoza rastlin in rastlinskih proizvodov, ali pa lahko kako drugače nadomestijo določbe te konvencije.

2. Vsi taki dodatni sporazumi začnejo veljati za zadevno pogodbenico, ko so sprejeti v skladu s svojimi določbami.

3. Dodatni sporazumi naj spodbujajo uresničevanje ciljev te konvencije in bodo v skladu z načeli in določbami te konvencije, pa tudi z načeli preglednosti, nediskriminacije in izogibanja prikritim omejitvam, zlasti v mednarodni trgovini.

## XVII. ČLEN

### Ratifikacija in pristop

1. Ta konvencija je na voljo za podpis vsem državam do 1. maja 1952 in bo čimprej ratificirana. Listine o ratifikaciji se deponirajo pri generalnem direktorju FAO, ki vsako državo podpisnico obvesti o datumu deponiranja.

2. Takoj ko ta konvencija začne veljati v skladu z 22. členom, lahko k njej pristopijo tudi države, ki je niso podpisale in organizacije, članice FAO. Pristopijo z deponiranjem listine o pristopu pri generalnem direktorju FAO, ki o tem obvesti vse pogodbenice.

3. Ko organizacija, članica FAO, postane pogodbenica te konvencije, ob svojem pristopu objavi v skladu z določbami sedmega odstavka II. člena ustave FAO spremembe ali pojasnila k izjavi o pristojnostih, predložene v skladu s petim odstavkom II. člena ustave FAO, kot je morda potrebno za sprejetje te konvencije. Pogodbenica lahko kadar koli zahteva od organizacije, članice FAO, ki je pogodbenica te konvencije, da ji priskrbi podatke o tem, katera od organizacij članic in njenih držav članic je odgovorna za izvajanje zadev, zajetih v tej konvenciji. Organizacija članica je dolžna te podatke priskrbeti v razumnem času.

## XVIII. ČLEN

### Nepogodbenice

Pogodbenice spodbujajo državo ali organizacijo članico FAO, ki ni pogodbenica te konvencije, naj sprejme konvencijo, spodbujajo pa tudi vsako nepogodbenico, naj uporablja fitosanitarne ukrepe, skladne z določbami te konvencije in mednarodnimi standardi, sprejetimi v skladu z njo.

## XIX. ČLEN

### Jeziki

1. Enakoveljavni jeziki te konvencije so vsi uradni jeziki FAO.

2. Dokumenti in kopije dokumentov, ki jih v skladu s to konvencijo priskrbijo ali objavijo pogodbenice, so lahko napisani v njenem jeziku (jezikih), razen v primerih, navedenih v tretjem odstavku spodaj.

3. Naslednji dokumenti bodo napisani vsaj v enem uradnem jeziku FAO:

- a) informacije, poslane v skladu s četrtem odstavkom IV. člena,
- b) spremna besedila, ki vsebujejo bibliografske podatke o dokumentih, poslanih v skladu s točko b) drugega odstavka VII. člena,
- c) informacije poslane v skladu s točkami b), d), i) in j) drugega odstavka VII. člena,
- d) bibliografski podatki in kratki povzetki dokumentov, povezanih z informacijami, poslanimi v skladu s točko a) prvega odstavka VIII. člena,
- e) zahteve po informacijah s kontaktnih mest ter odgovori na takšne zahteve, razen priloženih dokumentov,
- f) dokumenti, ki jih dajo na voljo pogodbenice za zasedanja komisije.

## XX. ČLEN

### Strokovna pomoč

Pogodbenice soglašajo, da se bodo za lažje izvajanje te konvencije zavzemale za zagotavljanje strokovne pomoči pogodbenicam, zlasti tistim v razvoju, in sicer dvostransko ali v ustreznih mednarodnih organizacijah.

## XXI. ČLEN

### Spremembe

1. Pogodbenica pošlje predlog spremembe te konvencije generalnemu direktorju FAO.

2. Predlagano spremembo te konvencije, ki jo od pogodbenice prejme generalni direktor FAO, ta predloži v odobritev komisiji na njenem rednem ali izrednem zasedanju, če pa gre pri dopolnjevanju za pomembne strokovne spremembe ali dodatne obveznosti pogodbenic, jih pred obravnavanjem komisije prouči svetovalni odbor strokovnjakov, ki ga skliče FAO.

3. Obvestilo o vseh predlaganih spremembah te konvencije, ki se nanašajo na prilogo, pošlje generalni direktor FAO pogodbenicam najpozneje takrat, ko jim pošlje tudi dnevni red zasedanja komisije, na katerem naj bi razpravljali o zadevi.

4. Predlagano spremembo te konvencije mora odobriti komisija, velja pa od tridesetega dne po tem, ko jo sprejmeta dve tretjini pogodbenic. Za namen tega člena se listina, ki jo deponira organizacija, članica FAO, ne prišteje tistim, ki jih deponirajo države, članice te organizacije.

5. Spremembe, ki pogodbenicam nalagajo nove obveznosti, veljajo za vsako pogodbenico le, če jih ta sprejme, in sicer od tridesetega dne po sprejetju. Listine o sprejetju sprememb, ki pogodbenicam nalagajo nove obveznosti, se deponirajo pri generalnem direktorju FAO, ki vse pogodbenice obvesti o prejemu in začetku veljavnosti teh amandmajev.

6. Predlogi sprememb k vzorčnim obrazcem fitosanitarnih spričeval iz priloge k tej konvenciji se pošljejo sekretarju, o njihovi odobritvi pa razpravlja komisija. Odobrene spremembe k vzorčnim obrazcem fitosanitarnih spričeval iz priloge k tej konvenciji začnejo veljati devetdeset dni po tem, ko sekretar uradno obvesti pogodbenice.

7. Največ dvanajst mesecev po tem, ko začnejo veljati spremembe k vzorčnim obrazcem fitosanitarnih spričeval iz priloge k tej konvenciji, ostanejo za potrebe te konvencije pravno veljavne tudi prejšnje različice fitosanitarnih spričeval.

## XXII. ČLEN

### Začetek veljavnosti

Takoj ko to konvencijo ratificirajo tri države podpisnice, začne med njimi veljati. Veljati začne tudi za vsako državo ali organizacijo članico FAO, ki jo ratificira ali k njej pristopi, in sicer od dneva deponiranja njene listine o ratifikaciji ali pristopu.

## XXIII. ČLEN

### Odpoved

1. Pogodbenica lahko kadar koli odpove ko konvencijo z uradnim obvestilom, in ga naslovi na generalnega direktorja FAO. Generalni direktor o tem nemudoma obvesti vse pogodbenice.

2. Odpoved začne veljati leto dni po dnevu, o generalni direktor FAO o tem prejme uradno obvestilo.

Priloga: Vzorčni obrazec fitosanitarnega spričevala

3. člen

Za izvajanje konvencije je pristojno Ministrstvo za kmetijstvo, gozdarstvo in prehrano.

4. člen

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

Št. 801-12/00-18/1

Ljubljana, dne 29. avgusta 2000

Predsednik

Državnega zbora

Republike Slovenije

Janez Podobnik, dr. med. l. r.

Obiskovalce strani zavezuje naslednje pravno obvestilo.  
Spletno mesto poganja