

Na temelju clanka 30. stavka 1. Zakona o sklapanju i izvršavanju međunarodnih ugovora (»Narodne novine«, broj 28/96), Vlada Republike Hrvatske je na sjednici održanoj \_\_\_\_\_ 2004. godine donijela

## **UREDBU**

### **O OBJAVI PROTOKOLA O REŽIMU PLOVIDBE UZ OKVIRNI SPORAZUM O SLIVU RIJEKE SAVE**

#### **Clanak 1.**

Objavljuje se Protokol o režimu plovidbe uz Okvirni sporazum o slivu rijeke Save, potpisan u Kranjskoj Gori 03. prosinca 2003. godine, u izvorniku na engleskom jeziku.

#### **Clanak 2.**

Tekst Protokola iz clanka 1. ove Uredbe u izvorniku na engleskom jeziku i prijevodu na hrvatski jezik glasi:

### **PROTOKOL O REŽIMU PLOVIDBE UZ OKVIRNI SPORAZUM O SLIVU RIJEKE SAVE**

U skladu sa odredbama clanka 10., stavka 6. Okvirnog sporazuma o slivu rijeke Save (u daljnjem tekstu: Sporazum) Bosna i Hercegovina, Republika Hrvatska, Republika Slovenija i Savezna Republika Jugoslavija (u daljnjem tekstu: Stranke) sporazumjele su se kako slijedi:

#### **Clanak 1.**

Plovidba na rijeci Savi od rkm. 0,00 do rkm. 586,00, rijeci Kolubari od rkm. 0,00 do rkm. 5,00, rijeci Drini od rkm. 0,00 do rkm. 15,00, rijeci Bosni od rkm. 0,00 do rkm. 5,00, rijeci Vrbas od rkm. 0,00 do rkm. 3,00, rijeci Uni od rkm. 0,00 do rkm. 15,00 i rijeci Kupi od rkm. 0,00 do rkm. 5,00 odvijati će se u skladu sa odredbama clanka 10. Okvirnog sporazuma o slivu rijeke Save.

#### **Clanak 2.**

1. Plovidba na rijekama iz clanka 1. ovog Protokola obavljati će se u skladu sa pravilima plovidbe koje određuje Međunarodna komisija za sliv rijeke Save (u daljnjem tekstu: Savska komisija) i nadležna tijela stranaka.
2. Pravila koja određuju nadležna tijela stranaka moraju biti u skladu sa odlukama Savske komisije.

#### **Clanak 3.**

Stranke priznaju ravnopravni status svim plovilima prilikom:

- a) naplaccivanja plovidbenih i luckih pristojbi, usluga i poreza;
- b) korištenja usluga pilotaže;

- c) korištenja luke opreme, mjesta sidrenja, prevodnica i drugih plovidbenih uređaja od opće koristi;
- d) utovara i istovara plovila, ukrcaja i iskrcaja osoba;
- e) provođenja svih oblika kontrola i izdavanja dokumenata od nadležnih tijela
- f) opskrbe plovila gorivom, mazivom, vodom i ostalim potrepštinama i
- g) rješavanja otpada, otpadnih voda i upotrebljenih mineralnih ulja nastalih na plovilima

#### **Članak 4.**

1. Carinsku, policijsku i sanitarnu službu obavljati će nadležna tijela stranaka i o svojim pravilima za postupanje izvještavati će Savsku komisiju koja će pomagati pri ujednačavanju tih pravila.
2. Carinska, policijska i sanitarna pravila koja se odnose na plovidbu rijekama iz članka 1. ovog Protokola primjenjivati će se na plovila bez diskriminacije u odnosu na njihovu državnu pripadnost. Ta pravila moraju biti takve naravi da ne ometaju plovidbu.
3. Carinske i granicne formalnosti obavljati će se na mjestima koje odrede nadležna tijela stranaka. Stranke su dužne o lokaciji tih mjesta obavijetiti Savsku komisiju.

#### **Članak 5.**

Nadzor sigurnosti plovidbe obavljati će nadležna tijela stranaka na ujednačen način u skladu s odlukama Savske komisije i nacionalnim propisima stranaka.

#### **Članak 6.**

1. U slučaju kada su obje obale rijeka iz članka 1. ovog Protokola na teritoriju jedne Stranke, ova ima pravo da stvari određene za tranzit zapecati ili stavi pod nadzor nadležnih tijela. Ta Stranka ima također pravo da od zapovjednika plovila ili brodaru zahtijeva pismenu izjavu o tome da li prevozi stvari čiji uvoz zabranjuje dotična Stranka, ali nema pravo zabraniti tranzit tih stvari. Ove postupci ne mogu biti povod za pregled stvari ili za sprecavanje i/ili zadržavanje tranzita. Zapovjednik plovila, ili brodar koji podnese netočnu izjavu bit će odgovoran za nju i sve njene posljedice sukladno zakonu države u kojoj je data izjava.
2. U slučaju kada rijeke iz članka 1. ovog Protokola čine granicu između dviju Stranaka, plovila, osobe i stvari koji su u tranzitu oslobođeni su svih granicnih formalnosti za vrijeme tranzitnog putovanja.

#### **Članak 7.**

Plovila se u plovidbi mogu služiti brodskim i obalnim uređajima za vezu u plovidbene svrhe, na način koji propiše Savska Komisija.

### **Clanak 8.**

1. Stranke ce medusobno priznavati isprave plovila i kvalifikacijske isprave posade na plovilima ukljucujuci i ovlaštenje zapovjednika.
2. Osnovna tehnicka pravila za plovila i uvjete za stjecanje ovlaštenja za obavljanje poslova zapovjednika utvrditi ce Savska komisija.

### **Clanak 9.**

1. U cilju sigurnosti plovidbe Savska komisija donositi ce godišnje i višegodišnje planove obilježavanja plovnog puta i radova iz clanka 10. stavka 4. Sporazuma.
2. Savska Komisija ce utvrditi pravila koja se odnose na gabarite plovnog puta sukladno međunarodnoj kategorizaciji.
3. Na dijelovima rijeka iz clanka 1. ovog Protokola koji cine državnu granicu između Stranaka, nacin izvršenja radova i mjera iz clanka 10. stavka 4. Sporazuma dogovoriti ce Stranke.
4. Nacin oznacavanja plovnog puta na rijekama iz clanka 1. ovog Protokola odrediti ce Savska komisija.

### **Clanak 10.**

1. Savska komisija je ovlaštena donositi odluke o naplacenju pristojbi za uporabu plovnog puta na rijekama iz clanka 1. ovog Protokola kao i odluke o visini i nacinu prikupljanja takovih pristojbi.
2. Sredstva pribavljena od naplate pristojbi iz stavka 1. ovog clanka mogu se koristiti iskljucivo radi financiranja radova i mjera iz clanka 10. stavka 4. Sporazuma i ne mogu služiti kao izvor dobiti.

### **Clanak 11.**

1. Ovaj Protokol sklapa se na neodređeno vrijeme.
2. Ovaj Protokol podliježe potvrđivanju, prihvatu ili odobrenju.
3. Isprave o ratifikaciji, prihvatu ili odobrenju bit ce što prije dostavljene depozitaru utvrđenom u clanku 14. ovog Protokola. Depozitar ce obavijestiti stranke o datumu polaganja svake isprave o ratifikaciji, prihvatu ili odobrenju.
4. Ovaj Protokol stupa na snagu tridesetog dana nakon dana deponiranja cetvrte isprave o ratifikaciji, prihvatu ili odobrenju. Depozitar ce obavijestiti stranke o datumu stupanja na snagu Protokola.

### **Clanak 12.**

1. Na izmjene ovog Protokola, povlacenje i rješavanje sporova primjenjuju se odgovarajuće odredbe Sporazuma.

2. Ovaj Protokol može prestati uzajamnim dogovorom stranaka.
3. Protokol ce prestati u slucaju prestanka Sporazuma.

### **Clanak 13.**

Rezerve na ovaj Protokol nisu dopuštene.

### **Clanak 14.**

1. Vlada stranke na cijem teritoriju bude potpisan ovaj Protokol deponirat ce jedan izvornik ovog Protokola kod Glavnog tajnika Ujedinjenih naroda, koji ce biti njegov depozitar.
2. Nakon stupanja na snagu ovog Protokola, depozitar ce osigurati njegovu registraciju u skladu s clankom 102. Povelje Ujedinjenih naroda.

Sastavljeno u Kranjskoj Gori, dana 03. prosinca 2002. u pet izvornika na engleskom jeziku, od kojih po jedan zadržava svaka stranka, a jedan ce biti deponiran kod depozitara.

ZA BOSNU I HERCEGOVINU  
Svetozar Mihajlovic

ZA REPUBLIKU HRVATSKU  
Tonino Picula

ZA REPUBLIKU SLOVENIJU  
Dimitrij Rupel

ZA SAVEZNU REPUBLIKU JUGOSLAVIJU  
Goran Svilanovic

## **PROTOCOL ON THE NAVIGATION REGIME TO THE FRAMEWORK AGREEMENT ON THE SAVA RIVER BASIN**

Pursuant to the provisions referred to in Article 10, Paragraph 6 of the Framework Agreement on the Sava River Basin (hereinafter: The Agreement), Bosnia and Herzegovina, the Republic of Croatia, Republic of Slovenia and the Federal Republic of Yugoslavia (hereinafter: The Parties) have agreed as follows:

### **Article 1**

Navigation on the Sava River from the river kilometer 0.00 to the river kilometer 586.00, on the Kolubara River from the river kilometer 0.00 to the river kilometer 5.00, on the Drina River from the river kilometer 0.00 to the river kilometer 15.00, on the Bosna River from the river kilometer 0.00 to the river kilometer 5.00, on the Vrbas River from the river kilometer 0.00 to the river kilometer 3.00, on the Una River from the river kilometer 0.00 to the river kilometer 15.00 and on the Kupa River from the river kilometer 0.00 to the river kilometer 5.00, shall be carried out in accordance with the provisions of Article 10 of the Framework Agreement on the Sava River Basin.

## **Article 2**

- 1) Navigation on the rivers referred to in Article 1 of this Protocol shall be carried out in accordance with the Rules of Navigation to be determined by the International Sava River Basin Commission (hereinafter: Sava Commission) and the competent authorities of the Parties.
- 2) The Rules determined by the competent authorities of the Parties shall be in accordance with the decisions of the Sava Commission.

## **Article 3**

The Parties acknowledge equal status of all vessels in:

- a) payment of navigation and port fees, services and taxes;
- b) use of pilotage services;
- c) use of port equipment, anchorage sites, navigation locks and other vessel equipment for general use;
- d) loading and unloading vessels, embarking and disembarking persons;
- e) conducting all types of controls and issuing documents by the competent authorities;
- f) furnishing vessels with fuel, lubricants, water and other supplies; and
- g) discharging waste, wastewater and used mineral oils generated onboard vessels.

## **Article 4**

- 1) The competent authorities of the Parties shall be in charge of customs, police and sanitary procedures and shall communicate the rules on these procedures to the Sava Commission which shall assist in their harmonization.
- 2) The customs, police and sanitary rules pertaining to navigation on the rivers referred to in Article 1 of this Protocol shall be applied to vessels without discrimination in terms of nationality. These rules shall be of such nature so as not to hinder navigation.
- 3) Customs and border formal procedures shall be conducted at the sites designated by the competent authorities of the Parties. The Parties shall inform the Sava Commission on the location of these sites.

## **Article 5**

The competent authorities of the Parties shall supervise navigation in a uniform manner in accordance with the decisions of the Sava Commission and national regulations of the Parties.

## **Article 6**

- 1) In cases where both banks of the river as referred to in Article 1 of this Protocol are in the territory of one Party, that Party shall be entitled to seal the items designated for transit or put them under the supervision of the competent authorities. In addition, that Party shall be entitled to request from the master or shipper a written statement verifying whether he is transporting items prohibited for import to the respective Party, but it shall not be entitled to ban the transportation of such items. These procedures may not be used as pretext for inspection of said items or preventing and/or delaying the transit. The master or shipper who submits an incorrect statement shall be liable for it and all possible consequences in accordance with the law of the Party to which authorities the statement was given.

- 2) In cases where the river as referred to in Article 1 of this Protocol forms a border between two Parties, the vessels, persons and items in transit shall be exempted from all formal border-crossing procedures during the transit.

### **Article 7**

In navigation, vessels may use onboard coastal equipment for navigation-related communication in the manner prescribed by the Sava Commission.

### **Article 8**

- 1) The Parties shall mutually recognize the vessels documents and qualification documents for crew, including the boat master license.
- 2) Basic technical rules for vessels and requirements for obtaining the boat master license shall be determined by the Sava Commission.

### **Article 9**

- 1) With the aim to provide navigation safety, the Sava Commission shall adopt annual and multi-annual plans for marking navigable waterways and carry out the activities referred to in Article 10 Paragraph 4 of the Agreement.
- 2) The Sava Commission shall establish the rules related to dimensions of the fairway in accordance with the international categorization.
- 3) In cases where the river referred to in Article 1 of this Protocol forms a border between two Parties, the manner of executing the activities and measures referred to in Article 10 Paragraph 4 of the Agreement shall be agreed between the Parties.
- 4) The Sava Commission shall establish the manner of marking the navigable waterway on the rivers referred to in Article 1 of this Protocol.

### **Article 10**

- 1) The Sava Commission is authorized to make decisions on collecting fees for the use of the fairway on the rivers referred to in Article 1 of this Protocol as well as on the amounts and the manner of collecting such fees.
- 2) The funds obtained from the collection of the fees referred to in Paragraph 1 of this Article shall be used exclusively for financing the activities and measures referred to in Article 10 Paragraph 4 of the Agreement and shall not serve as a source of profit.

### **Article 11**

- 1) This Protocol shall be concluded for an indefinite period of the time.
- 2) This Protocol shall be subject to ratification, acceptance or approval.
- 3) Instruments of ratification, acceptance or approval shall be lodged as soon as possible with the Depositary identified in Article 14 of this Protocol. The Depositary shall inform the Parties of the date of deposit of each instrument of ratification, acceptance or approval.
- 4) This Protocol shall enter into force on the thirtieth day after the date of deposit of the fourth instrument of ratification, acceptance or approval. The Depositary shall notify the Parties of the date of the entry into force of this Protocol.

## **Article 12**

- 1) The provisions of the Agreement related to amendments, withdrawal and dispute settlement shall apply to this Protocol.
- 2) This Protocol may be terminated by mutual agreement of all Parties.
- 3) The Protocol shall terminate in case of the termination of the Agreement.

## **Article 13**

No reservations may be made to this Protocol.

## **Article 14**

- 1) One original of this Protocol shall be deposited by the Government of the Party in whose territory signing of this Protocol shall take place with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall act as Depositary.
- 2) The Depositary shall, upon entry into force of this Protocol, ensure its registration in accordance with Article 102 of the Charter of the United Nations.

Done at Kranjska Gora, on December 3<sup>rd</sup>, 2002 in five originals in the English language, one to be retained by each Party, and one to be deposited with the Depositary.

FOR BOSNIA AND HERZEGOVINA  
Svetozar Mihajlovic

FOR THE REPUBLIC OF CROATIA  
Tonino Picula

FOR THE REPUBLIC OF SLOVENIA  
Dimitrij Rupel

FOR THE FEDERAL REPUBLIC OF  
YUGOSLAVIA  
Goran Svilanovic

## **Clanak 3.**

Provedba međunarodnog ugovora iz clanka 1. ove Uredbe u djelokrugu je Ministarstva mora, turizma, prometa i razvitka.

## **Clanak 4.**

Ova Uredba stupa na snagu osmog dana od dana objave u »Narodnim novinama«.

Na dan donošenja ove Uredbe, međunarodni Ugovor iz clanka 1. ove Uredbe nije na snazi, te će se podaci o njegovu stupanju na snagu objaviti sukladno odredbi clanka 30. stavka 3. Zakona o sklapanju i izvršavanju međunarodnih ugovora, nakon njegova stupanja na snagu.

Klasa:  
Urbroj:  
Zagreb,

PREDSJEDNIK

Ivo Sanader