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Slovenski prevod sledi uradnemu dokumentu v angleščini.

ANNEX VIII PRILOGA VIII

INSTRUMENT FOR THE FREE PORT OF TRIESTE Instrument za Prosto tržaško pristanišče

Article 1

1. člen

1. In order to ensure that the port and transit facilities of Trieste will be available for use on equal terms by all international trade and by Yugoslavia, Italy and the States of Central Europe, in such manner as is customary in other free ports of the world:

(a) There shall be a customs free port in the Free Territory of Trieste within the limits provided for by or established in accordance with Article 3 of the present Instrument.

(b) Goods passing through the Free Port of Trieste shall enjoy freedom of transit as stipulated in Article 16 of the present Instrument.

2. The international regime of the Free Port shall be governed by the provisions of the present Instrument.

1. Da bi zagotovili, da bodo tržaško pristanišče in tranzitne ugodnosti na voljo za uporabo pod enakimi pogoji za vso mednarodno trgovino in za Jugoslavijo, Italijo in države srednje Evrope, tako kot je to običajno v drugih prostih lukah po svetu:

(a) se znotraj omejitev, ki jih vsebuje 3. člen tega instrumenta ali pa so z njim usklajene, ustanovi brezcarinsko pristanišče na Svobodnem trzaskem ozemlju;

(b) ima blago, ki potuje skozi Prosto tržaško pristanišče, pravico do prostega tranzita, kot to določa 16. člen tega instrumenta.

2. Mednarodni režim Prostega pristanišča urejajo določbe tega instrumenta.

Article 2

2. člen

1. The Free Port shall be established and administered as a State corporation of the Free Territory, having all the attributes of a juridical person and functioning in accordance with the provisions of this Instrument.

2. All Italian state and para-statal property within the limits of the Free Port which, according to the provisions of the present Treaty, shall pass to the Free Territory shall be transferred, without payment, to the Free Port.

1. Prosto pristanišče se ustanovi in upravlja kot državno podjetje Svobodnega ozemlja, ki ima vse lastnosti pravne osebe in deluje v skladu z določbami tega instrumenta.

2. Vse italijansko državno in paradržavno premoženje v mejah Prostega pristanišča, ki v

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skladu z določbami te Pogodbe preide na Svobodno ozemlje, se brezplačno prenese na Prosto pristanišče.

Article 3
3. člen

1. The area of the Free Port shall include the territory and installations of the free zones of the port of Trieste within the limits of the 1939 boundaries.



2. The establishment of special zones in the Free Port under the exclusive jurisdiction of any State is incompatible with the status of the Free Territory and of the Free Port.

3. In order, however, to meet the special needs of Yugoslav and Italian shipping in the Adriatic, the Director of the Free Port, on the request of the Yugoslav or Italian Government and with the concurring advice of the International Commission provided for in Article 21 below, may reserve to merchant vessels flying the flags of either of these two States the exclusive use of berthing spaces within certain parts of the area of the Free Port.

4. In case it shall be necessary to increase the area of the Free Port such increase may be made upon the proposal of the Director of the Free Port by decision of the Council of Government with the approval of the popular Assembly.

1. Območje Prostega pristanišča vključuje ozemlje in naprave prostih con tržaškega pristanišča v mejah iz leta 1939.

2. Ustanovitev posebnih con v Prostem pristanišču, ki bi bile pod izključno jurizdikcijo

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kake države, je nezdružljiva s statusom Svobodnega ozemlja in Prostega pristanišča.

3. Da pa bi zadovoljili posebne potrebe jugoslovanskega in italijanskega ladijskega prevoza po Jadranu, lahko direktor Prostega pristanišča na zahtevo jugoslovanske ali italijanske vlade in na podlagi soglasja Mednarodne komisije iz 21. člena na nekaterih predelih območja Prostega pristanišča nameni nekatera sidrišča izključno za uporabo trgovskih ladij, ki plovejo pod zastavo katere od obeh držav.

4. Če bi bilo treba območje Prostega pristanišča povečati, je tako povečanje mogoče na predlog direktorja Prostega pristanišča z odločitvijo Vladnega sveta in odobritvijo Ljudske skupščine.

Article 4

4. člen

Unless otherwise provided for by the present Instrument the laws and regulations in force in the Free Territory shall be applicable to persons and property within the boundaries of the Free Port and the authorities responsible for their application in the Free Territory shall exercise their functions within the limits of the Free Port.

Če ni v tem instrumentu drugače določeno, se zakoni in predpisi, ki veljajo v Prostem pristanišču, uporabljajo za osebe in premoženje v mejah Prostega Pristanišča, pri čemer opravljajo oblasti, odgovorne za njihovo uporabo na Svobodnem ozemlju, svoje naloge v mejah Prostega pristanišča.

Article 5

5. člen

1. Merchant vessels and goods of all countries shall be allowed unrestricted access to the Free Port for loading and discharge both for goods in transit and goods destined for or proceeding from the Free Territory.

2. In connection with importation into or exportation from or transit through the Free Port, the authorities of the Free Territory shall not levy on such goods customs duties or charges other than those levied for services rendered.

3. However, in respect of goods, imported through the Free Port for consumption within the Free Territory or exported from this Territory through the Free Port, appropriate legislation and regulations in force in the Free Territory shall be applied.

1. Trgovskim ladjam in blagu vseh držav je dovoljen neomejen odstop do Prostega pristanišča, kar se tiče nakladanja in razkladanja tako blaga v tranzitu kot tudi blaga, ki je namenjeno na Svobodno ozemlje ali od tam prihaja.

2. V zvezi z uvozom v Prosto pristanišče, izvozom iz njega ali tranzitom skozi pristanišče oblasti Svobodnega ozemlja za takšno blago ne nalagajo carinskih ali drugih dajatev, razen listih za opravljene storitve

3. Vendar pa se za blago, ki se uvozi skozi Prosto pristanišče za porabo na Svobodnem ozemlju ali se s tega Ozemlja izvozi skozi Prosto pristanišče, uporabljajo ustrezna zakonodaja in predpisi, ki veljajo na Svobodnem ozemlju.

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Article 6

6. člen

Warehousing, storing, examining, sorting, packing and repacking and similar activities which have customarily been carried on in the free zones of the port of Trieste shall be permitted in the Free Port under the general regulations established by the Director of the Free Port.

Skladiščenje, shranjevanje, pregledovanje, razvrščanje, pakiranje in prepakirava nje ter podobne dejavnosti, ki so se običajno opravljale v prostih conah tržaškega pristanišča, so v Prostem pristanišču dovoljene na podlagi splošnih predpisov, ki jih uvede direktor Prostega pristanišča.

Article 7

7. člen

1. The Director of the Free Port may also permit the processing of goods in the Free Port.

2. Manufacturing activities in the Free Port shall be permitted to those enterprises which existed in the free zones of the port of Trieste before the coming into force of the present Instrument. Upon the proposal of the Director of the Free Port, the Council of Government may permit the establishment of new manufacturing enterprises within the limits of the Free Port.

1. Direktor Prostega pristanišča lahko v Prostem pristanišču dovoli tudi predelavo blaga.

2. V Prostem pristanišču so dovoljene proizvodne dejavnosti tistim podjetjem, ki so v prostih conah tržaškega pristanišča obstajala pred začetkom veljavnosti tega instrumenta. Na predlog direktorja Prostega pristanišča lahko Vladni svet znotraj meja Prostega pristanišča dovoli ustanovitev novih proizvodnih podjetij.

Article 8

8. člen

Inspection by the authorities of the Free Territory shall be permitted within the Free Port to the extent necessary to enforce the customs or other regulations of the Free Territory for the prevention of smuggling.

Znotraj Prostega pristanišča se dovolijo pregledi oblasti Svobodnega ozemlja v obsegu, potrebnem za uveljavljanje carinskih in drugih predpisov Svobodnega ozemlja za preprečevanje tihotapljenja.

Article 9

9. člen

1. The authorities of the Free Territory will be entitled to fix and levy harbour dues in the Free Port.

2. The Director of the Free Port shall fix all charges for the use of the facilities and services of the Free Port. Such charges shall be reasonable and be related to the cost of operation, administration, maintenance and development of the Free Port.

1. Oblasti Svobodnega ozemlja so v Prostem pristanišču upravičene določiti in pobirati

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pristaniške pristojbine.

2. Direktor Prostega pristanišča določi vse dajatve za uporabo naprav in storitev Prostega pristanišča. Take dajatve morajo biti razumne in ustrezne stroškom obratovanja, upravljanja, vzdrževanja in razvoja Prostega pristanišča.

Article 10 **10. člen**

In the fixing and levying in the Free Port of harbour dues and other charges under Article 9 above, as well as in the provision of the services and facilities of the Free Port, there shall be no discrimination in respect of the nationality of the vessels, the ownership of the goods or on any other grounds.

Pri določanju in pobiranju pristaniških pristojbin in drugih dajatev v Prostem pristanišču na podlagi 9. člena kot tudi pri zagotavljanju storitev in naprav Prostega pristanišča ne sme biti nobenega razlikovanja glede na državno pripadnost ladij, lastništvo blaga, ali iz kakršnihkoli drugih razlogov.

Article 11 **11. člen**

The passage of all persons into and out of the Free Port area shall be subject to such regulations as the authorities of the Free Territory shall establish. These regulations, however, shall be established in such a manner as not unduly to impede the passage into and out of the Free Port of nationals of any State who are engaged in any legitimate pursuit in the Free Port area.

Prehod vseh oseb na območje Prostega pristanišča ali s tega območja urejajo predpisi, ki jih določijo oblasti Svobodnega ozemlja. Ti predpisi pa se uvedejo tako, da ne ovirajo po nepotrebem državljanov katerekoli države, ki na območju Prostega pristanišča opravljajo svoje zakonite dejavnosti, pri prehajanju v Prosto pristanišče ali iz njega.

Article 12 **12. člen**

The rules and bye-laws operative in the Free Port and likewise the schedules of charges levied in the Free Port must be made public.

Splošna in posebna pravila, ki se uporabljajo v Prostem pristanišču, kakor tudi ceniki storitev v Prostem pristanišču, morajo biti objavljeni.

Article 13 **13. člen**

Coastwise shipping and coastwise trade within the Free Territory shall be carried on in accordance with regulations issued by the authorities of the Free Territory, the provisions of the present Instrument not being deemed to impose upon such authorities any restrictions in this respect.

Obalna plovba in obalna trgovina na Svobodnem ozemlju se izvajata v skladu s predpisi, ki jih izdajo oblasti Svobodnega ozemlja, pri čemer se šteje da določbe tega

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instrumenta ne postavljajo v tem pogledu za te oblasti nikakršnih omejitev.

Article 14
14. člen

Within the boundaries of the Free Port, measures for the protection of health and measures for combating animal and plant diseases in respect of vessels and cargoes shall be applied by the authorities of the Free Territory.

Znotraj meja Prostega pristanišča izvajajo oblasti Svobodnega ozemlja, kar se tiče ladij in tovora, ukrepe za zascito zdravja in ukrepe za preprečevanje živalskih in rastlinskih bolezni.

Article 15
15. člen

It shall be the duty of the authorities of the Free Territory to provide the Free Port with water supplies, gas, electric light and power, communications, drainage facilities and other public services and also to ensure police and fire protection.

Oblasti Svobodnega ozemlja so dolžne oskrbovati Prosto pristanišče z vodo, plinom, z električno razsvetljavo in energijo, s komunikacijami, kanalizacijo in z drugimi javnimi storitvami, kot tudi zagotavljati policijsko in gasilsko zascito.

Article 16
16. člen

1. Freedom of transit shall, in accordance with customary international agreements, be assured by the Free Territory and the States whose territories are traversed to goods transported by railroad between the Free Port and the States which it serves, without any discrimination and without customs duties or charges other than those levied for services rendered.

2. The Free Territory and the States assuming the obligations of the present Instrument through whose territory such traffic passes in transit in either direction shall do all in their power to provide the best possible facilities in all respects for the speedy and efficient movement of such traffic at a reasonable cost, and shall not apply with respect to the movement of goods to and from the Free Port any discriminatory measures with respect to rates, services, customs, sanitary, police or any other regulations.

3. The States assuming the obligations of the present Instrument shall take no measures regarding regulations or rates which would artificially divert traffic from the Free Port for the benefit of other seaports. Measures taken by the Government of Yugoslavia to provide for traffic to ports in southern Yugoslavia shall not be considered as measures designed to divert traffic artificially.

1. Blagu, ki potuje po železnici med Prostim pristaniščem in državami, ki slednje uporabljajo, v skladu z običajnimi mednarodnimi sporazumi zagotavljajo Svobodno tržaško ozemlje in države, skozi katere blago potuje, prost tranzit brez kakršnegakoli razlikovanja in brez carinskih bremen ali dajatev razen tistih za opravljene storitve.

2. Svobodno ozemlje in države, ki prevzemajo obveznosti po tem instrumentu in čez

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ozemlje katerih poteka ta tranzitni promet tja in nazaj, storijo vse, kar je v njihovi moči, da v vseh pogledih in v največji možni meri zagotovijo lažji, hitrejši in učinkovitejši pretok blaga po zmernih cenah, in glede pretoka blaga v Prosto pristanišče in iz njega ne uporabljajo nobenih razlikovalnih ukrepov, kar se tiče tarif, storitev, carin, sanitarnih, policijskih ali kakršnihkoli drugih predpisov.

3. Države, ki prevzemajo obveznosti iz tega instrumenta, ne sprejemajo nobenih ukrepov v zvezi s predpisi ali tarifami, ki bi umetno preusmerile promet iz Prostega pristanišča v korist drugih morskih pristanišč. Ukrepi, ki bi jih sprejela jugoslovanska vlada in zagotavljajo promet pristaniščem v južni Jugoslaviji, se ne štejejo za ukrepe, namenjene umetnemu preusmerjanju prometa.

Article 17

17. člen

The Free Territory and the States assuming the obligations of the present Instrument shall, within their respective territories and on non-discriminatory terms, grant in accordance with customary international agreements freedom of postal, telegraphic, and telephonic communications between the Free Port area and any country for such communications as originate in or are destined for the Free Port area.

Svobodno ozemlje in države, ki prevzemajo obveznosti iz tega instrumenta, bodo na svojem ozemlju pod ne diskriminacijskimi pogoji v skladu z običajnimi mednarodnimi sporazumi zagotavljali svobodo postnih, telegrafskih in telefonskih zvez med območjem Prostega pristanišča in katerokoli državo za tista sporočila, ki prihajajo iz Prostega pristanišča ali so tja namenjena.

Article 18

18. člen

1. The administration of the Free Port shall be carried on by the Director of the Free Port who will represent it as a juridical person. The Council of Government shall submit to the Governor a list of qualified candidates for the post of Director of the Free Port. The Governor shall appoint the Director from among the candidates presented to him after consultation with the Council of Government. In case of disagreement the matter shall be referred to the Security Council. The Governor may also dismiss the Director upon the recommendation of the International Commission or the Council of Government.

2. The Director shall not be a citizen of Yugoslavia or Italy.

3. All other employees of the Free Port will be appointed by the Director. In all appointments of employees preference shall be given to citizens of the Free Territory.

1. Prosto pristanišče upravlja direktor Prostega pristanišča, ki ga bo zastopal kot pravno osebo. Vladni svet predloži guvernerju seznam kandidatov, usposobljenih za mesto direktorja Prostega pristanišča. Guverner imenuje direktorja izmed predlaganih kandidatov po posvetovanju z Vladnim svetom. V primeru nesoglasja se zadeva predloži Varnostnemu svetu. Guverner lahko tudi odpokliče direktorja, če mu to priporoči Mednarodna komisija ali Vladni svet.

2. Direktor ne sme biti državljan Jugoslavije ali Italije.





3. Vse druge uslužbence v Prostem pristanišču bo imenoval direktor. Pri vsakem imenovanju uslužbencev imajo prednost državljani Svobodnega ozemlja.

Article 19
19. člen

Subject to the provisions of the present Instrument, the Director of the Free Port shall take all reasonable and necessary measures for the administration, operation, maintenance and development of the Free Port as an efficient port adequate for the prompt handling of all the traffic of that port. In particular, the Director shall be responsible for the execution of all kinds of port works in the Free Port, shall direct the operation of port installations and other port equipment, shall establish, in accordance with legislation of the Free Territory, conditions of labour in the Free Port, and shall also supervise the execution in the Free Port of orders and regulations of the authorities of the Free Territory in respect to navigation.

V skladu z določbami tega instrumenta direktor Prostega pristanišča sprejme vse razumne in potrebne ukrepe za upravljanje, obratovanje, vzdrževanje in razvoj Prostega pristanišča kot učinkovitega pristanišča, primerne za hitro odvijanje pristaniškega prometa. Direktor je predvsem odgovoren za izvajanje vseh vrst pristaniških del v Prostem pristanišču, vodi obratovanje pristaniških naprav in druge pristaniške opreme in v skladu z zakonodajo Svobodnega ozemlja določa delovne razmere v Prostem pristanišču kakor tudi nadzira izvajanje ukazov in predpisov oblasti Svobodnega ozemlja v zvezi s plovbo.

Article 20
20. člen

1. The Director of the Free Port shall issue such rules and bye-laws as he considers necessary in the exercise of his functions as prescribed in the preceding Article.

2. The autonomous budget of the Free Port will be prepared by the Director, and will be approved and applied in accordance with legislation to be established by the popular Assembly of the Free Territory.

3. The Director of the Free Port shall submit an annual report on the operations of the Free Port to the Governor and the Council of Government of the Free Territory. A copy of the report shall be transmitted to the International Commission.

1. Direktor Prostega pristanišča izdaja taka splošna in posebna pravila, ki so po njegovem mnenju potrebna pri opravljanju nalog, ki jih predpisuje prejšnji člen.

2. Samostojni proračun Prostega pristanišča, ki ga bo pripravljala direktor, se odobrava in uporablja v skladu z zakonodajo, ki jo ima sprejeti Ljudska skupščina Svobodnega ozemlja.

3. Direktor Prostega pristanišča predloži letno poročilo o delovanju Prostega pristanišča guvernerju in Vladnemu svetu Svobodnega ozemlja. Kopija poročila se pošlje Mednarodni komisiji.





Article 21

21. člen

1. There shall be established an International Commission of the Free Port, hereinafter called "the International Commission", consisting of one representative from the Free Territory and from each of the following States: France, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the United States of America, the People's Federal Republic of Yugoslavia, Italy, Czechoslovakia, Poland, Switzerland, Austria and Hungary, provided that such State has assumed the obligations of the present Instrument.

2. The representative of the Free Territory shall be the permanent Chairman of the International Commission. In the event of a tie in voting, the vote cast by the Chairman shall be decisive.

1. Ustanovi se Mednarodna komisija Prostega pristanišča, v nadaljevanju "Mednarodna komisija", ki jo sestavljajo po en predstavnik Svobodnega ozemlja in po en predstavnik iz vsake od naslednjih držav: Francije, Združenega kraljestva Velike Britanije in Severne Irske, Zveze sovjetskih socialističnih republik, Združenih držav Amerike, Federativne Ljudske republike Jugoslavije, Italije, Češkoslovaške, Poljske, Svice, Avstrije in Madžarske, pod pogojem, da je ta država sprejela obveznosti iz tega instrumenta.

2. Predstavnik Svobodnega ozemlja je stalni predsednik Mednarodne komisije. Pri enakem številu glasov odloča glas predsednika.

Article 22

22. člen

The International Commission shall have its seat in the Free Port. Its offices and activities shall be exempt from local jurisdiction. The members and officials of the International Commission shall enjoy in the Free Territory such privileges and immunities as are necessary for the independent exercise of their functions. The International Commission shall decide upon its own secretariat, procedure and budget. The common expenses of the International Commission shall be shared by member States in an equitable manner as agreed by them through the International Commission.

Mednarodna komisija ima sedež v Prostem pristanišču. Njeni uradi in dejavnosti so izvzeti iz krajevne jurisdikcije. Člani in uradniki Mednarodne na Svobodnem ozemlju uživajo privilegije in imuniteto, kakršni so za neodvisno opravljanje njihovih nalog. Mednarodna komisija odloča o svojem sekretariatu, postopku in proračunu. Skupne stroške Mednarodne komisije si pravično delijo zdrave članice, kot se dogovorijo v Mednarodni komisiji.

Article 23

23. člen

The International Commission shall have the right to investigate and consider all matters relating to the operation, use, and administration of the Free Port or to the technical aspects of transit between the Free Port and the States which it serves, including unification of handling procedures. The International Commission shall act either on its own initiative or when such matters have been brought to its attention by any State or by the Free Territory or by the Director of the Free Port. The International Commission shall communicate its views or recommendations on such matters to the State or States concerned, or to the Free Territory, or

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to the Director of the Free Port. Such recommendations shall be considered and the necessary measures shall be taken. Should the Free Territory or the State or States concerned deem, however, that such measures would be inconsistent with the provisions of the present Instrument, the matter may at the request of the Free Territory or any interested State be dealt with as provided in Article 24 below.

Mednarodna komisija ima pravico preiskovati in pretehtati vse zadeve v zvezi z delovanjem, uporabo in upravljanjem Prostega pristanišča ali s tehničnimi vidiki tranzita med Prostim pristaniščem in državami, ki ga uporabljajo, vključno s poenotenjem postopkov ravnanja. Mednarodna komisija ukrepa na lastno pobudo, ali kadar jo na to opozorijo katerakoli država ali Svobodno ozemlje ali direktor Prostega pristanišča. Mednarodna komisija sporoči svoja stališča ali priporočila o taksnih zadevah prizadeti državi ali državam ali Svobodnemu ozemlju ali direktorju Prostega pristanišča. Ta priporočila se preučijo in sprejmejo se potrebni ukrepi. Če pa Svobodno ozemlje ali prizadeta država ali države sodijo, da taksni ukrepi ne bi bili v skladu z določbami tega instrumenta, se lahko zadeva uredi, kot je to določeno v 24. členu spodaj na zahtevo Svobodnega ozemlja ali katerekoli zainteresirane države.

Article 24
24. člen

Any dispute relating to the interpretation or execution of the present Instrument, not resolved by direct negotiations, shall, unless the parties mutually agree upon another means of settlement, be referred at the request of either party to the dispute to a Commission composed of one representative of each party and a third member selected by mutual agreement of the two parties from nationals of a third country. Should the two parties fail to agree within a period of one month upon the appointment of the third member, the Secretary-General of the United Nations may be requested by either party to make the appointment. The decision of the majority of the members of the Commission shall be the decision of the Commission, and shall be accepted by the parties as definitive and binding.

Vsi spori v zvezi z razlago ali izvajanjem tega instrumenta, ki jih ni mogoče rešiti z neposrednimi pogajanjmi, se, če tako zeli katerakoli od strank v sporu, razen če se stranki skupno ne dogovorita o drugačnem načinu reševanja, predložijo komisiji na zahtevo ene ali druge stranke, ki jo sestavljajo po en predstavnik vsake vpletene stranke in tretji član, ki ga stranki sporazumno izbereta izmed državljanov tretje države. Če se stranki v roku enega meseca ne moreta dogovoriti o imenovanju tretjega člana, lahko katerakoli stranka zaprosi generalnega sekretarja Združenih narodov, da opravi imenovanje. Odločitev Komisije se sprejema z odločitvijo večine članov Komisije in je za obe stranki dokončna in obvezna.

Article 25
25. člen

Proposals for amendments to the present Instrument may be submitted to the Security Council by the Council of Government of the Free Territory or by three or more States represented on the International Commission. An amendment approved by the Security Council shall enter into force on the date determined by the Security Council.

Predloge za spremembe tega instrumenta lahko Varnostnemu svetu dajejo Vladni svet Svobodnega ozemlja ali tri oziroma več držav, ki so zastopane v Mednarodni komisiji. Vsaka sprememba, ki jo potrdi Varnostni svet, začne veljati na dan, ki ga določi

Comitato Porto Libero di Trieste

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Varnostni svet.

Article 26 26. člen

For the purposes of the present Instrument a State shall be considered as having assumed the obligations of this Instrument if it is a party to the Treaty of Peace with Italy or has notified the Government of the French Republic of its assumption of such obligations.

Za namene tega instrumenta se za državo šteje, da je prevzela obveznosti iz tega instrumenta, če je pogodbenica Mirovne pogodbe z Italijo ali je uradno obvestila vlado Francoske republike, da je prevzela taksne obveznosti.

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