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ENGLISH only



PERMANENT REPRESENTATION OF THE REPUBLIC OF SLOVENIA
TO THE UNITED NATIONS, OSCE AND OTHER
INTERNATIONAL ORGANISATIONS IN VIENNA

No.: 115/11

NOTE VERBALE

The Permanent Representation of the Republic of Slovenia to the United Nations, OSCE and other International Organisations in Vienna presents its compliments to the Missions and Delegations of the Participating States to the OSCE and to the OSCE Conflict Prevention Centre and, in accordance with FSC Decision 17/10 of 24. November 2010, has the honour to convey the answers with the regard to the Questionnaire on the OSCE Principles on the Control of Brokering in Small Arms and Light Weapons.

The Permanent Representation of the Republic of Slovenia to the United Nations, OSCE and other International Organisations in Vienna avails itself of this opportunity to renew to the to the Missions and delegations of the participating states to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 25 November 2011

To:

To the Missions and delegations of the participating states to the OSCE and
To the OSCE Conflict Prevention Centre

*) Change of distribution status, text remains unchanged

QUESTIONNAIRE

Question	Sources	Question	YES	NO
1	PoA II.14	Does your country have laws, regulations and/or administrative procedures governing brokering in SALW?	X	
2		List laws and/or administrative procedures regulating SALW brokering in your country. <u>Law on Defense, Decree on permits and consents for the trade in and production of military weapons and equipment.</u>		
3	GGE Report, paragraph 63(i)	Are those laws and procedures part of the national export control system?	X	
		Comments [type text]		
4	FSC.DEC/8/04	Does your country have a definition of brokering activities by persons and entities?	X	
4a		If yes, please provide. <u>Based on the Defense Act and above mentioned Decree, trade in military weapons and equipment shall encompass the sale of military weapons and equipment, including brokerage (hereinafter: sale), and import, export and transit of military weapons and equipment.</u>		
5		Does your country require brokers to register before they can apply for brokering licences?	X	
		Comments: <u>Brokers must obtain a trading permit (registration) from the Ministry of Defense.</u>		
6		Does your country require a licence to engage in brokering activities?	X	
		Comments: <u>The prior consent (permit for single deal) shall be required for every brokerage of military weapons and equipment.</u>		
7		Does your country make a background check on past involvement in illicit activities before registering a broker or issuing brokering licences?	X	
		Comments: <u>We make a background check with an assistance of an expert commission that is consist of representatives of the Ministry of Defense, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of the Economy, the Customs Administration and the Slovene Intelligence and Security Agency.</u>		
8	PoA II.14	Does your country keep a register of SALW brokers/traders?	X	
		Comments: <u>All documentation about brokers/traders must be kept permanently.</u>		
9	FSC.DEC/8/04	Does your country require a licence for SALW brokering activities on the territory of your country regardless of the nationality of the brokers?	X	
		Comments: <u>Brokers need to be registered in the Republic of Slovenia irrespective of their nationality</u>		

10		Does your country control brokering activities outside your territory carried out by brokers of your country's nationality?	X	
		Comments [type text]		
11		Does your country control brokering activities outside your territory carried out by non-citizen residents who are established in your country's territory?	X	
12	BPG, Brokering, V (1)	What is the policy on deciding which State's jurisdiction is appropriate for each brokering transaction? A: <u>The Slovenian states jurisdiction applies for each brokering transaction made by Slovenian persons or legal entities.</u>		
13	BPG, Brokering, V (5(i))	Does your country have requirements for end-use documentation that must be met before each brokering activity is authorized?	X	
13(a)		If so, describe. <u>In the case of brokerage, a statement by final user or certificate of the final user or some other appropriate document must be met before each brokering activity is authorized.</u>		
14	PoA II.14	Does your country require a licence, permit or other authorization for each brokering transaction?	X	
15	GGE Report paragraph 44	Are such applications for a licence, permit or other authorization considered for approval on a case-by-case basis?	X	
		Comments [type text]		
16		Are there exceptions to the requirement to hold a licence or authorization for a brokering transaction?		X
16a		Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials) [type text]		
17		What are the criteria for granting a licence, permit or other authorization? A: <ul style="list-style-type: none"> – Imperiling the fulfillment of international obligations of the Republic of Slovenia, – Imperiling the security and defense interests of the Republic of Slovenia, – Acceleration or allowing of Armed conflicts in the state which is the end user of military weapons and equipment, – A justified suspicion that the military weapons or equipment of the importing state is traded to a third state. 		

QUESTIONNAIRE (continued)

Question	Sources	Question	YES	NO
18	BPG, Brokering, V (3)	Is <i>ex post facto</i> licensing possible?		X
18(a)		If yes, under which conditions? [type text]		
19		Does your country have measures to validate the authenticity of documentation submitted by the broker?	X	
19(a)		If so, describe those measures. <u>We use government contacts, diplomatic channels or even police investigative information.</u>		
20	FSC.DEC/8/04	Does your country keep records of all licences or written authorizations issued?	X	
20(a)		If yes, how long are the records kept for?		
		(a) 10 years		
		(b) Indefinitely		
		(c) Other - PERMANENTLY		
21	BPG, Brokering, V (4(ii))	Does your country require brokers to report regularly on their activities?	X	
21(a)		If so, describe. <u>Brokers are obliged to send the report about the exports to the Ministry of Defense within eight days after export accomplished.</u>		
22	PoA II.3	Is it a criminal offence to engage in a SALW brokering transaction without a licence or authorization in your country?	X	
		Comments: <u>- Article 307 of Criminal Law</u>		
23		Does your country share with other States information on such matters as the disbarment of brokers and revocation of registration?	X	
		Comments: <u>- With the countries of concern</u>		
24		Does your country regulate activities that are closely associated with the brokering of SALW?	X	
24(a)		If so, which of the following activities are regulated (check relevant boxes)?		
		(a) Acting as dealers or agents in SALW	X	
		(b) Providing for technical assistance	X	
		(c) Training	X	
		(d) Transport	X	
		(e) Freight forwarding	X	
		(f) Storage	X	
		(g) Finance	X	
		(h) Insurance	X	
		(i) Maintenance	X	
		(j) Security	X	
		(k) Other services		X
		Comments [type text]		
25		Are these activities regulated by legislation on brokering or any other legislation? A: <u>These activities are partly regulated by Law on Defense and Decree on permits and consents for the trade in and production of military weapons and equipment and partly by general and special prescribed conditions (registration, suitable activities entered in the register of companies etc.);</u>	X	

26	PoA II.14	What penalties or sanctions does your country impose for illegal brokering activities? A: <u>Fine and criminal prosecution</u>		
27	PoA II.14	If the answer to question 1 is “no”, does your country wish to request assistance in developing laws, regulations and/or administrative procedures to regulate brokering in SALW?		
28		What kind of assistance do you require?		
29		Has your country developed a project proposal for assistance?	X	
29(a)		Does your country require training on controlling brokering activities in SALW?		X
30	PoA II.6	During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g., prosecution)?	X	
30(a)		Please give details. <u>A trading permit for brokering activities was withdrawn to one company</u>		
31		Is your country content for these replies to be published on the OSCE website?	X	