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NOTE VERBALE

The Permanent Representation of the Republic of Slovenia to the UN, OSCE and other International Organizations in Vienna presents its compliments to all Missions and Delegations of the participating States to the OSCE and to the OSCE Conflict Prevention Centre and has the honor to transmit the information of the Republic of Slovenia on the:

- Information Exchange on Conventional Arms Transfers,
- Questionnaire on Conventional Arms Transfers.

The Permanent Representation of the Republic of Slovenia to the UN, OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to all Missions and Delegations of the participating States to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

J.B.

Vienna, 18 May 2018



All Permanent Missions and Delegations to the OSCE
OSCE Conflict Prevention Centre

Vienna

Questionnaire on Participating States' Policy and/or National Practices and Procedures for the Export of Conventional Arms and Related Technology

Exporting country: Slovenia

Date of submission: 11. 05. 2018

1. Their basic principles, policies and/or national practices on the export of conventional arms and related technology.

Any export of conventional arms from Republic of Slovenia depends on decision of the governmental authorities.

2. Their national legislation governing the export of conventional arms and related technology. If applicable, report changes and/or updates to the data provided in 1995, including any relevant subsidiary legislation.

The national legislation governing the export of conventional arms is Law on Defence which regulates exports, imports, transits of the conventional arms and Decree on permits and consents for the trade in and production of military weapons and equipment which determines the types of, conditions and procedures for issuing the permits for trading in military weapons and equipment. This Decree also governs the procedure involved in issuing permits for single deals.

3. Any international agreements or guidelines, other than OSCE commitments, covering the export of conventional arms to which they are a party.

The international agreements covering the export of conventional arms are UN embargoes, EU recommendations and embargoes, Wassenaar Arrangement, Convention of land mines, OSCE documents, Arms Trade Treaty.

4. The procedures for processing an application to export conventional arms and related technology (who is the issuing authority? what other authorities are involved and what is their function? who deals with compliance?)

The companies that wish to export the conventional arms are bound by the: Law on Defence to obtain trading permits = general approval from the Ministry of Defence (MoD) for the flow of the conventional arms. In addition permits for single deals issued by the MoD are required for a single instance of export, import, and transit or brokerage operation. An expert commission adopted by the Government is involved in licence issuing procedure by giving the pre opinion for any single deal case. The expert commission consists of representatives of the Ministry of Defence, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of the Economy, the Customs Administration and the Slovene Intelligence and Security Agency. Administrative court deals with compliance.

5. Lists of conventional weaponry under national export controls and the basis for their control. If applicable, report changes and/or updates to the data provided in 1995.

We use the EU military list. The Law on Defence provides basis for the control.

6. Principles and national regulations on the destination or end-user of the equipment. Is there a complete *erga omnes* system or a published list of destinations of concern? Embargoed countries? Differentiation between destinations (e.g., is there any preferential treatment of (groups of) countries)?

Concerning the national commitment, there is political decision expressed through government to adhere to International norms, Treaties, Conventions, UN and EU Embargoes. The Law on Restrictive Measures publishes the list of embargoed countries. The Law on defence appoints the destinations of concern through the provisions of the law where specified that licence shall be rejected or revoked in the event that:

- The fulfilment of international obligations of the Republic of Slovenia is imperilled,*
- The security and defence interests of the Republic of Slovenia are imperilled,*
- Armed conflicts in the state which is the end user of military weapons and equipment are accelerated or allowed for,*
- There is justified suspicion that the military weapons or equipment of the importing state are traded to a third state and in the event that this is in contradiction to the defence and security interest of the state.*

7. Requirements for the provision of an end-user certificate in an export license application, or of non-re-exportation clauses, or of any other type of certification before and after delivery for conventional arms export contracts. If applicable, please specify any verification of the end-user certificate and/or non-re-exportation clauses before and after delivery.

The requirement for the provision of the end User Certificate (EUC) before the transaction is determined in the Decree on permits and consents for the trade in and production of military weapons and equipment. In many cases there is verifications of the EUC before the delivery are performed through the diplomatic network, post shipment verifications are mostly performed by the information from the exporters.

8. National definition of transit and transshipment (including free zones) of conventional arms, together with associated national legislation and compliance procedures.

National definitions are determined in our Customs law.

9. The procedures governing companies wishing to export arms. Are companies obliged to seek official governmental authority to enter into contract negotiations or to sign contracts with foreign customers?

The companies are not obliged to seek official governmental authority to enter into contract negotiations but are advised to seek the opinion on likelihood of approval for a possible transaction before signing contracts with foreign customers.

10. Policy on the revocation of export licences once they have been approved; please list any published regulations.

The export licence, once been approved, can be revoked due to the criteria specified in question 6., and in cases specified in the Decree on permits and consents for the trade in and production of military weapons and equipment.

- 11. The penal and administrative implications for any exporter failing to comply with national controls. If applicable, report changes and/or updates to the data provided in 1995.**

The exporter failing to comply with national controls can be state prosecuted.

- 12. Any circumstances in which the export of arms does not require an export licence.**
There are no such circumstances.

- 13. Licences for temporary export (e.g., demonstrations or testing), the period allowed and any special conditions attached to the licence, including verification of return procedures.**

Licences for temporary exports are approved for the time specified in the application form but not more than one year. The specific return certificate signed by the custom authorities makes the return verification.

- 14. Licence documents and any standard conditions attached to it.**

Required documents for any kind of export are:

- *An import permission from the country the goods are imported to when such a permit is required by the country in question,*
- *A statement by the final user or a certificate of the final user or some other appropriate document,*
- *In the case of brokerage, a proof of being registered to trade in military weapons and equipment,*
- *A statement on the intended use of the imported goods.*

- 15. Different types (e.g. individual, general, restricted, full, permanent, etc.) of licences and what they are used for.**

Republic of Slovenia is using individual licences only.

- 16. Advice given to exporters as to licensability, such as the likelihood of approval for a possible transaction.**

In the case of exporter's application, Ministry of Defence issues the document of likelihood of approval for a possible transaction.

- 17. The average number of export licences issued annually and the staff engaged in the export licensing procedure.**

The average number of export licences issued annually is around 80. Three people are engaged in export licensing procedure.

- 18. Any other relevant information pertaining to the export of conventional arms and related technology, e.g., additional laws, reports to Parliament, special procedures for certain goods.**

Ministry of Defence reports to the Government on licences issued once a year.

- 19. Are all guidelines governing conventional arms transfers nationally published?**

All guidelines governing conventional arms transfers are nationally published. Besides that the latest annual report on Slovenian arms exports is published nationally and internationally.