

NATIONAL REGULATIONS ON MILITARY WEAPONS AND EQUIPMENT EXPORT CONTROL IN THE REPUBLIC OF SLOVENIA

NATIONAL COMMITMENT

The Republic of Slovenia is aware of importance for effective export control of all kinds of weapons to countries, which support terrorism and countries under an arms embargo. This importance and concern is expressed through adherence to the relevant international norms, international initiatives, UN, OSCE and EU prohibitions in order to strengthen international security and stability.

Our concepts and perceptions of an export control system are currently based on the domestic legislation and international obligations such as international conventions, initiatives, arrangements and treaties.

Any export of weapons from Republic of Slovenia depends on decision of the governmental authorities. Ministry of Defense issues military weapons and equipment export licenses. Other ministries and Government Organization are involved in pre-licensing activities.

LEGAL AND REGULATORY FOUNDATIONS

The legal framework for the export licenses of military weapons and equipment is:

The Defense Law (RS Official Gazette, Nos. 103/04). By this law (Article Nos. 77):

1. Military weapons and equipment may be traded, exported, imported or transacted business as broker only by a commercial company, institution or other organization that obtains a license from the ministry;
2. The prior consent of the ministry shall be required for every export, import or transit of military weapons and equipment across the state's territory, if it is not determined other way by international agreement;
3. The consent stated in the previous paragraph shall be rejected in the event that:
 - The fulfillment of international obligations of the Republic of Slovenia are imperiled,
 - The security and defense interests of the Republic of Slovenia are imperiled,
 - 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 is traded to a third state and in the event that this is in contradiction to the defense and security interest of the state;
4. The Ministry shall change, abolish or annul the already issued consent stated in Paragraph 2 of this Article if grounds stated in the previous paragraph have been established. The Ministry shall reject the issue of permits in accordance with reasons from the previous paragraph without stating the reasons. In compliance with this article, the consent of the Minister shall determine obligations, which have to be fulfilled by the exporter or importer of military weapons or equipment. In the event that the issuing of the consent is rejected or the consent is changed, abolished or annulled in compliance with this law, claims for damages resulting from the execution of this law shall not come into effect.

The Decree on permits and consents for the trade in and production of military weapons and equipment (RS Official Gazette, Nos. 18/03).

This Decree shall determine the types of and conditions and procedures for issuing to commercial companies, institutes and other organizations for trading in military weapons and equipment

(trading permit). This is some kind of registration or general license. This Decree shall also govern the procedure involved in issuing permits for single deals that shall facilitate a single instance of export of military weapons or equipment.

Trading permits and permits for single deals can be obtained only by legal persons registered in the Republic of Slovenia who have a suitable activity entered in the register of companies.

Military weapons and equipment shall be classified into the groups defined in the attachment, which is a constituent part of this Decree. This is Slovenian military list that contain all 22 groups from Common Military list of the EU with the addition of 2 groups:

- 23.0.0. Security and special operative technology and equipment,
- 24.0.0. Personal, group and other equipment for military purposes.

LICENSE PROCEDURES AND PRACTICES

- Slovenian companies which wish to export or transit military arms and equipment must obtain the export license from the Ministry of Defense for every export operation,
- Export licenses are processed and issued on the case by case basis and are valid for the determined period of time only,
- Applications are checked by Slovenian legislation, by Slovenian foreign policy and security goals and principles, by the EU Code of Conduct on Arms Transfers, by international treaties, conventions, arrangements, initiatives, etc,
- Other authorities are involved in pre-license procedure through the prior opinion given by an expert commission that shall be appointed by the Government of the Republic of Slovenia and shall 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,
- The companies must send an announce to the Ministry of Defense, Ministry of Interior and Customs Authorities at least 3 days before goods crossing the state border,
- The companies must send the report about the accomplished exports to the Ministry of Defense within one week after export accomplished,

CONCLUSIONS

The Republic of Slovenia has a complete and effective control over the trade in arms and equipment. The EU and UN embargo lists and Code of conduct is implemented in a strict manner. Republic of Slovenia exercises a regular control on export of all kinds of arms and military equipment, and therefore actively contributes to the common security and stability in Europe.

The whole system of license procedures and control system improved and became more effective with implementation of pre-export announcement and post shipment reports and with installation of a new computer based application system.

Therefore we believe that danger of export arms from Slovenia to a country that is under an arms embargo is reduced to the minimum.

We also lay a great stress upon export arms to countries, which are not under an arms embargo. These are countries that support terrorism; violate human rights and other civilization standards. Transfer to such countries is also prevented. We are solving such applications in adherence to the EU Code of Conduct on case-by-case basis together with Ministry of Foreign Affairs.