

Pursuant to paragraph four of Article 14 of the Act on Control of Strategic Goods of Particular Significance to Safety and Health (Official Journal RS, no 29/06), the Government of the Republic of Slovenia issues the

DECREE
on the principles and the procedure to draft a strategic risk assessment

Article 1
(subject of the decree)

This decree sets forth detailed principles under which potential consequences and impact of carrying out a strategic activity on national or international security (hereinafter: "strategic risk assessment") are assessed; it defines the procedure to draft the strategic risk assessment, the role of competent ministries and other bodies; and determines the type of information, opinions and positions that the competent body acquires from competent ministries and other bodies.

Article 2
(definitions)

A closed strategic activity pertains to one type of strategic goods only, to exactly set amounts, time of implementation and the parties taking part.

Other terms, used in this decree, have the same meaning as when used in the Act on Control of Strategic Goods of Particular Significance to Safety and Health (Official Journal RS, no 29/06).

Article 3
(multiple use of strategic risk assessment)

The strategic risk assessment for a single strategic activity can be used by the competent body in part or in full in assessing another strategic activity if the other activity will be carried out under equal or similar circumstances. The competent body can consult with competent ministries and other bodies in such a case.

Article 4
(the role of competent ministries and other bodies)

The ministry, competent for foreign affairs; the ministry, competent for defence or its Intelligence and Security Service; and the Slovenian Intelligence and Security Agency are tasked with providing information, opinions and positions to the competent body, pursuant to Article 5 of this decree.

The ministry, competent for interior affairs; and the ministry, competent for finance – the Customs Administration of the Republic of Slovenia, are tasked with providing information, opinions and positions to the competent body, pursuant to Article 6 of this decree.

The ministry, competent for the economy, is tasked with providing information, opinions and positions to the competent body if required, pursuant to Article 7 of this decree.

If additional data is required, the competent body can ask for opinions of other ministries and bodies.

Article 5
(reviewing the political and security situation)

In drafting the strategic risk assessment, the security and political situation in the state to which the planned strategic activity pertains to needs to be considered, mainly from the standpoint of:

- Interior political stability,
- Economic situation,
- The country's foreign policy,
- Agreements and programmes of economic and scientific cooperation with other countries, especially countries for which special caution is recommended,
- Membership in international control regimes and their implementation,
- National measures in the area of strategic goods,
- Military doctrine and chemical or biological programmes,
- Other important social and economic characteristics (organised crime, corruption, generally accepted moral values and norms etc),
- International agreements which limit the trade with the country to which the planned strategic activity pertains to.

Article 6
(reviewing security concerns)

Security concerns by all sides which are to take part in carrying out the strategic activity are considered in drafting a strategic risk assessment, especially from the standpoint of:

- Business activities of the sides taking part and their links to the planned strategic activity,
- Any possible criminal acts of the parties and individuals taking part, which also take into consideration data on filed criminal charges for criminal acts and violations that are directly linked to the planned implementation of the strategic activity or could exert influence on its implementation,
- Data from criminal records and records of ongoing criminal proceedings.

Article 7
(consideration of economic interests)

The economic aspects of the planned strategic activity regarding bilateral cooperation, existing trade as well as signed and implemented business deals are considered in drafting the strategic risk assessment.

Article 8
(the procedure for drafting the strategic risk assessment)

The procedure for drafting the strategic risk assessment begins with an application of a person liable for a permit to carry out the strategic activity.

The competent body requests opinions and information through the Commission for Strategic Goods from the competent ministries and bodies from Article 4 of this decree:

- In export or transit: The ministry, competent for foreign affairs; the Slovenian Intelligence and Security Agency; the ministry, competent for interior affairs; the ministry, competent for finance – the Customs Administration of the Republic of Slovenia; and the ministry, competent for the economy,
- In other strategic activities: The ministry, competent for interior affairs.

The competent ministries and other bodies submit the required information, opinions and positions to the competent body in writing.

During the drafting of the strategic risk assessment, the competent body can demand additional data required for drafting the strategic risk assessment from the person liable.

The competent body weighs the potential consequences and the impact of the planned implementation of the strategic activity on national and international security based on received information, opinions and positions as well as on the characteristics of the strategic goods and the scope and purpose of the strategic activity.

The final assessment is produced by the competent body in writing. The final assessment contains the assessment and its explanation.

Article 9
(entry into force)

This decree enters into force 15 days after the publication in the Official Journal of the Republic of Slovenia.

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The Government of the Republic of Slovenia

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