

LAW ON CONTROL OF STRATEGIC GOODS OF PARTICULAR SIGNIFICANCE TO SAFETY AND HEALTH

I. GENERAL PROVISIONS

Article 1

Purpose and Subject Matter

(1) This Act governs activities pertaining to strategic goods of particular significance to safety and health (hereinafter: strategic goods) in accordance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (OJ RS – MP, No. 9/97), the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction as well as the Council Regulation No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology (OJ L No. 159 as at 30. 6. 2000, page 1, including all amendments; hereinafter: Regulation 1334/2000/EC) and other international commitments by the Republic of Slovenia (hereinafter: international agreements).

(2) This Act also defines prohibited strategic activities, and in doing so it creates conditions for smooth implementation of strategic activities and measures for peaceful purposes. Furthermore, it stipulates both the commitments and restrictions pertaining to the implementation of strategic activities as well as the measures designed to control them with a view to preventing the pursuit of activities, which would violate the commitments of the Republic of Slovenia under international agreements, jeopardise international security or that of the Republic of Slovenia, as well as weakening its international political, legal and economic position.

(3) The provisions of this Act shall not apply to nuclear goods as defined by rules on ionising radiation protection and nuclear safety.

Article 2

Definitions

(1) For the purpose of this Act the following definitions shall apply:

1. Strategic goods are composed of strategic substances, strategic equipment and strategic technology:

- Strategic substances comprise chemicals, micro organisms (including viruses and fungi) and toxins (poisons), which could be on account of their properties used as means of mass destruction or as precursors of their production, as well as chemicals and goods which play a special role in the production of strategic equipment.

- Strategic equipment shall consist of:

- installations, accessories or any other equipment used for the production and extraction of strategic substances, or allowing for their use for mass destruction, including any equipment and systems designed for control and management of strategic equipment,
- installations, accessories or any other equipment playing a crucial role in the production of strategic equipment as referred to in the previous indent, including any equipment and systems designed for control and management thereof,
- strategic technology is any technical and professional documentation, manufacturing and technical specifications, technical notes, technical assistance and any other data or information required for the development, production and use of strategic substances and strategic equipment, irrespective of the form of the record and the manner of their transfer.

2. Means of mass destruction:

- strategic substances, irrespective of their origin or method of production, when they are designed to cause disability, injuries and death of people, plants or animals regardless of the magnitude, sort, duration or mechanism of these effects, and irrespective of the reasons, circumstances or method of their application due to these effects.
- strategic equipment when intended for the production and use of strategic substances with the aim of producing effects as referred to in the previous indent, that is irrespective of the function and method of its effects,
- strategic technology directly connected to the development, production and use of strategic substances and strategic equipment as referred to in indents 1 and 2 of this item,
- strategic goods, when intended for use in direct connection with the production and use of strategic substances and strategic equipment as referred to in indents 1 and 2 of this item.

3. Traffic is any:

- Import, i.e. any importation of strategic goods into the customs territory of the European Union,
- Export as laid down by Regulation 1334/2000/ES,
- Importation, i.e. any activity which causes the transfer of strategic goods into the territory of the Republic of Slovenia from other EU Member States,
- Departure, i.e. any other activity which causes the departure of strategic goods from the territory of the Republic of Slovenia into other EU Member States,
- Purchase or any other transfer to third parties,
- storage and keeping for the purposes as referred to in the previous indents of this item, in connection with these purposes, or as an independent activity.
- communication, integration, development of contacts, organising of meetings, or any other form of cooperation and assistance with regard to the preparation and implementation of activities as referred to in the previous indents of this item.

4. Production is:

- Any synthesis or extraction of chemicals,
- Cultivation or isolation of biological substances capable of self-replication,

- Synthesis, biosynthesis or extraction of biological substances incapable of self-replication, including toxins
- Construction, production engineering, manufacturing, integration, assembly, technological control, testing, quality assurance, maintenance and servicing of equipment, machinery and installations or their constituent parts,
- Storage and keeping of strategic goods for any purposes as referred to in the previous indents of this item, or for those related to these indents.

5. Transit shall constitute any movement of strategic goods across the customs territory of the European Union.

6. Strategic activity is any activity, research, production, processing, destruction, consumption, use, traffic or transit of strategic goods or any other activity involving strategic goods, irrespective of its method, scope or purpose.

7. The person liable (hereinafter: the person liable) shall be any legal person, including any scientific, educational or other public institutions or national authorities, or an individual sole trader (hereinafter: individual sole trader) who performs strategic activities.

Article 3

Competent Authority

The authority responsible for chemicals (hereinafter: the competent authority”) shall be pursuant to this Act in charge of any professional or administrative tasks as well as those pertaining to inspection.

Article 4

List of Strategic Goods

(1) A list of strategic goods shall be published by the Government of the Republic of Slovenia (hereinafter: the Government) in accordance with its commitments under international agreements.

(2) The previous Paragraph notwithstanding, the Government may on the Commission’s proposal define as strategic goods from Article 22 also other strategic goods, provided that the control thereof lies in the national interest of the Republic of Slovenia.

(3) Strategic goods shall be considered any goods not included in the list as referred to Paragraph 1 of this Article (4), provided that the competent authority notifies the person liable that these goods as a whole or their constituent parts respectively could be intended for use with regard to the development, production, manipulation, management, maintenance, storage, detection, identification or proliferation of means of mass destruction.

(4) Further, strategic goods shall also constitute any goods aimed at export, which are not included in the list as referred to Chapter 1 of this Article (4), provided that the

importing country or receiving country is subject to the weapons embargo imposed through the common position or the joint action programme adopted by the European Council, or through the OSCE resolution, or the binding resolution adopted by the UN Security Council, or provided that the competent authority notifies the exporter that such goods as a whole or their constituent elements respectively could be intended for "military use". Military use as referred to in this paragraph shall mean as follows:

- a) Inclusion into military products from the list of military goods of EU Member States;
- b) Use of production, testing or analysis installations or their constituent elements for the development, production or maintenance of military products from the list as referred to in the previous item (b);
- c) *Use of any unfinished products in the plant for the production of military products as referred to in item a).*

(5) Further, strategic goods shall be regarded as any other goods not included in the list as referred to in Paragraph 1 Article 4, provided that the competent authority informs the person liable that these goods or its constituent parts respectively are or could be intended for use for parts or elements of military products as laid down by the rules on traffic and production of military weapons and equipment which have been exported from the Republic of Slovenia without any prior authorisation, or in the event that the authorisation prescribed by the legislation of the Republic of Slovenia has been violated.

(6) If the legal person is acquainted with the fact that the goods which have not been put on the list as referred to in Paragraph 1 Article 4 and which they are using in their pursuit of activities are intended for any use as mentioned in Paragraphs 3, 4 and 5 of Article 4, the legal person is liable to notify the competent authority thereof, and the latter shall decide whether such goods should be viewed as strategic goods.

Article 5

Transfer of Strategic Technology

The provisions arising from this Act shall mutatis mutandis apply to the transfer and transmission of strategic technology. The procedures and methods of application with regard to strategic technology shall be more thoroughly prescribed by the Government.

II. PROHIBITED AND AUTHORISED STRATEGIC ACTIVITIES

Article 6

Prohibited Strategic Activities

(1) Any development, improvement, production, transit, exchange, extraction, generation and stockpiling, storage, proliferation and use of means of mass destruction shall be prohibited.

(2) Inclusion in any preparations intended for use of means of mass destruction shall be prohibited.

(3) Any encouragement, advisory service, assistance or incitement with regard to any activities as referred to in Paragraphs 1 and 2 of this Article (6) shall be prohibited.

(4) Any re-export or departure of strategic goods as laid down by the Government.

Article 7

Authorised Strategic Activities

Strategic activities can be undertaken in accordance with the requirements as stipulated by this Act for the following purposes:

- Industry, agriculture, medicine, science-research and other peaceful means;
- Protection against means of mass destruction;
- Military purposes which are neither connected with the use of means of mass destruction, nor are they dependent on the use of toxic or virulent properties as a warfare method.
- Maintenance of public peace and order in conformity with the rules governing the reasons and manner of implementing these activities.

III. REGISTRATION OF AUTHORISED STRATEGIC ACTIVITIES

Article 8

Requirements for Performing Strategic Activities

(1) Persons liable who perform strategic activities in the Republic of Slovenia shall, in addition to fulfilling general requirements to pursue activities which are subject to specific rules, also satisfy the following specific requirements:

- They shall carry out general and specific organisational actions to guarantee that no activities with strategic goods which are prohibited by this Act shall be performed, as well as securing these goods from disposal or loss,
- They shall use authorised technology in accordance with the specific requirements prescribed by the minister responsible for strategic goods (hereinafter: the Minister),
- They shall pursuant to Article 12 of this Act designate a strategic goods advisor (hereinafter: strategic goods advisor),
- They have not participated in any activities which inspire suspicion as to the handling or the intended use of strategic goods for any activities which are prohibited by this Act, and that there are no reservations pertaining to public order with regard to the pursuit of these activities, and lastly ,
- That responsible persons or persons in charge of the business of the persons liable have not been convicted for a criminal offence which has the force of res judicata with regard to means of mass destruction, or that no criminal proceedings have been initiated against them in connection to these activities.

(2) Persons liable who have established their business in one of EU Member States may as proof of their fulfilment of the requirements as referred to in indents 3, 4 and 5 of the previous Paragraph (1) submit to the competent authority the authorisation or any other equivalent certificate of the competent authority of this Member State in order to be able to perform strategic activities.

(3) General and specific organisational and security measures as referred to in indent 1 of Paragraph 1 of this Article (8) shall be prescribed by the Minister in consensus with the Minister responsible for defence as well as the minister in charge of the interior.

Article 9

Registration of Strategic Activities

(1) Persons liable shall prior to their pursuit of strategic activities notify these strategic activities to the competent authority or shall obtain an authorisation to perform strategic activities, provided that such authorisation is required. The sort and volume of strategic goods as well as the scope and purpose of strategic activities which are subject to authorisation shall be laid down by the Government.

(2) The authorisation as referred to in Paragraph 1 of this Article (9) shall be granted for a limited space of time, i.e. for max 5 years. The authorisation may be extended on the proposal of the person liable, if the person liable requests the extension of the authorisation at least 90 days prior to the expiry of its validation.

(3) The notification procedure and the notification application form as well as the application for the authorisation and the extension thereof shall be prescribed by the minister.

(4) Before granting or extending the authorisation, the competent authority shall examine the fulfilment of the requirements as referred to in Article 8, whereby it can address individual issues together with the Strategic Goods Committee. The Government shall define those strategic goods and strategic activities which require the opinion of the Committee.

(5) Persons liable having established their business in one of EU Member States and having submitted to the competent authority the authorisation or any other equivalent certificate of the competent authority of this Member State shall be considered as being authorised to perform strategic activities pursuant to this Act.

Article 10

Termination of Authorization to Perform Strategic Activities

(1) The authorisation as referred to in Article 9 shall expire:

- at the request of the person liable,
- in the event that the person liable fails to fulfil the requirements as prescribed in Article 8 of this Act,
- provided that the competent authority determines that the authorisation has been granted on the basis of incomplete, fictional or false data,
- provided that the circumstances change, or new facts which influence the pursuit of activities have been established.

(2) The competent authority shall decide on the termination of authorisation as referred to in the previous paragraph (1).

Article 11

List of Persons Liable

(1) The competent authority shall on the basis of notifications and authorisations issued keep a list of persons liable. The list shall include the following information:

- personal name, registered office, company, full address of place where activities are pursued, telephone and fax numbers, e-mail address and other relevant data on the person liable,
- personal name and contact telephone of fax number and e-mail address of the responsible person of the person liable,
- identification number of the person liable from the business register,
- date and number of activity notification, or number of authorisation to perform strategic activities,
- strategic activities of the person liable,
- strategic goods subject to strategic activities pursued by the person liable
- personal name and contact information of the strategic goods advisor.

(2) Data from the list from the previous paragraph shall be made available only to authorised official persons, authorities and institutions, and may be used only to perform administrative, supervisory and other tasks according to this Act.

(3) Data as referred to in Paragraph 1 of this Article (11) shall be kept for 3 years after cessation of the pursuit of strategic activities.

(4) Persons liable shall communicate any modification made to data as referred to in Paragraph 1 of this Article (11) to the competent authority no later than 15 days after the modification was made.

Article 12

Strategic Goods Advisor

(1) Persons liable shall define a strategic goods advisor to implement this Act by way of a written authorisation which cannot be older than 12 months.

(2) Advisor for strategic goods shall:

- be thoroughly acquainted with both strategic activities and strategic goods of the person liable, to whom they are providing advisory services,
- shall be fully familiarised with the sectoral legislation, and shall call the attention of the person liable to the requirements and obligations they are liable to satisfy under this Act,
- provide advice to the person liable on other matters pertaining to the requirements for carrying out strategic activities pursuant to this Act and other acts.

(3) The person liable shall provide the advisor with regular training, independent performance of functions according to this Act, access to all data required, necessary material and financial resources as well as providing other working conditions.

IV. PERFORMANCE OF AUTHORISED STRATEGIC ACTIVITIES

Article 13

Authorisation to perform strategic activities

(1) In order to carry out strategic activities which are stipulated by the Government according to the type and quantity of strategic goods as well as the scope and purpose of these activities, an authorisation needs to be obtained in advance.

(2) Export and departure of strategic goods under this Act are subject to the provisions of Regulation 1334/2000/ES.

(3) The authorisation to perform strategic activities shall be granted for each concluded strategic activity. Furthermore, a general authorisation may be granted for more types of strategic goods, more countries or for a longer period of validity. The Government shall lay down the requirements to be fulfilled in order to obtain a general authorisation.

(4) The authorisation to perform strategic activities shall accompany strategic goods in all phases of this activity until its conclusion, and shall be available to control authorities as referred to in Articles 25, 29 and 30 of this Act.

(5) The Minister shall prescribe the application form for the acquisition of authorization as referred to in this Article (13).

Article 14

Strategic Risk Assessment

(1) In the course of deciding whether to grant the authorisation as referred to in Article 13, a strategic risk assessment is made on the designated pursuit of strategic activities.

(2) Strategic risk assessment shall on the basis of the volume and properties of strategic goods, the scope and purpose of strategic activities, security and political conditions and intelligence and security information, and while taking into consideration the commitments of the Republic of Slovenia in the framework of international agreements, the decisions of the National assembly or the Government with regard to the security, political and economic interests of the Republic of Slovenia evaluate any possible implications and the impact of the envisaged pursuit of strategic activities upon the national as well as international security.

(3) The competent authority shall be in charge of the formulation of the strategic risk assessment. The competent authority may over the course of the assessment procedure require from the person liable any additional data, while the members of the Committee for strategic goods (hereinafter: members of the Committee) shall obtain from competent ministries or any other authorities all specific information, opinions and positions with to make a strategic risk assessment.

(4) The Government shall lay down more detailed strategic risk assessment principles and procedures.

Article 15

Authorisation Procedure and Time Limits for Granting an Authorisation

(1) The competent authority shall decide on the implementation of strategic activities as referred to in Article 13 of this Act no later than in 30 days. As far as Paragraph 3 of this Article (15) is concerned, this decision can be made no later than 90 days upon receipt of complete application.

(2) In the event that the competent authority requires from the person liable additional data so as to be able to make a strategic risk assessment, then the time period necessary for the acquisition of such data shall not be included in the time-limit as referred to in the previous paragraph.

(3) When the competent authority asks for information, opinions and positions of other ministries or authorities, the latter need to provide the required data no later than in 30 days upon receipt of such request. This time-limit may by way of exception be extended for max 30 days, provided that some data are indispensable for the formulation of the strategic risk assessment, and further research, inquires and other more demanding procedures need to be carried out in order to obtain such data. The competent authority shall notify the person liable on such envisaged extension of time-limit.

(4) The strategic risk assessment presents a basis for granting or rejecting an authorisation to perform strategic activities. In the event that strategic activities pose an unacceptable risk for the purposes of this Act, or when the risk cannot be reliably assessed due to lacking or unreliable data, the competent authority shall not grant the authorisation.

(5) In the event that the endorsement of strategic activities results in the commitments and actions on the part of the competent authority as prescribed by international agreements, the competent authority may extend the time limit to start performing strategic activities until such time as has been defined for performing these further actions.

Article 16

Modification and Cancellation of Authorisation

(1) The authorisation which has been granted according to Article 13 of this Act, may be subject to ex officio modification or cancellation, provided that it has been established that any one piece of information as indicated in the application is false, or in the event that after the authorisation has been granted the circumstances have changed to such an extent that the international commitments of the Republic of Slovenia require such modification or cancellation.

(2) The authorisation which has been granted according to Article 13 of this Act may be subject to any modification or cancellation at the request of the person liable, provided that their circumstances according to which the authorisation was granted have changed.

Article 17

Notification of Strategic Activities

(1) The government shall lay down strategic activities, which need to be according to their type and purpose communicated to the competent authority in advance.

(2) Notification of strategic activities as referred to in the previous paragraph shall take place no later than 90 days before the end of the calendar year for the next calendar year. The application shall in addition to general information on the person liable and strategic goods also contain data and information on the nature, scope and purpose of strategic activities.

(3) The Minister shall lay down the content of the application and the notification procedure for strategic activities.

V. REPORTING

Article 18

Report on Annually Performed Strategic Activities

(1) Persons liable who pursue strategic activities as referred to in Article 7 of this Act shall within 60 days after the end of the calendar year submit the report on strategic activities which were carried out in the previous year.

(2) The report from the previous paragraph shall include:

- Data on the person liable,
- Description of performed strategic activities,
- Type and volume of strategic goods subject to the performed strategic activities,
- Any other data on performed strategic activities.

(3) The Government may decide on the exemptions with regard to the concentration and quantitative limits as well as those pertaining to the type and scope of performed strategic activities. As for these exemptions, the report can be formulated pursuant to specific procedures in connection with the time-limits and scope of the report.

(4) Persons liable shall on request provide the competent authority with any other data they are liable to gather and communicate under international agreements, as well as all data necessary for the execution of their powers pursuant to this Act.

(5) The Minister shall prescribe a more detailed content of reports, the time-limits and the manner of reporting.

Article 19

Production of Particular Organic Chemicals

(1) Any legal person or individual sole trader producing a particular organic chemicals which has not been put on the list of strategic goods, but falls into the groups of chemical compounds composed of all carbon compounds, except oxides, sulphides and metal carbonates, and could be defined with its corresponding chemical name, structural formula, if known, as well as CAS registry number, if given, shall no later than 60 days

after the end of the calendar year submit to the competent authority a report on the quantity of this chemical which they produced the previous year.

(2) The Minister may define specific groups or quantities of individual organic chemicals which do not require reporting.

(3) The Minister shall prescribe a more detailed content of reports on particular organic chemicals as well as the time-limits and manner of reporting.

Article 20

Register of Strategic Activities

(1) Persons liable shall keep a record containing all documents with regard to performed strategic activities. The record shall be kept at least for a period of 5 years and shall be on request submitted to the competent authority.

(2) The record as referred to in the previous paragraph shall contain at least:

- type of strategic goods, name from the strategic goods list and its trade name,
- produced or extracted quantities of strategic goods,
- issued or consumed quantities of strategic goods together with all data on recipients (purchasers),
- quantities of strategic goods in stock or in use at the person liable.

VI. EXERCISE OF JURISDICTION

Article 21

Tasks to be Performed by the Competent Authority

The competent authority shall be responsible for:

- collecting and exchanging strategic goods information at an international level with other competent authorities in conformity with international agreements or systems of international communication,
- gathering data, at a national level, required to implement this Act,
- working together with ministries and authorities responsible for strategic goods,
- cooperating with international institutions and inspection authorities in charge of strategic goods,
- issuing decisions on the expiry of the authorisation to perform strategic activities (Article 10),
- keeping a list of persons liable (Article 11),
- issuing international import certificates for strategic goods, if the exporting country demands them,
- granting authorisations (Articles 9 and 13),
- securing and coordinating the implementation of the provisions of conventions, agreements, control regimes and other international commitments of the Republic of Slovenia pertaining to strategic goods and means of mass destruction, and providing the

European Commission with any data on strategic goods in accordance with Regulation 1334/2000/EC and in connection with this Act.

Article 22

Strategic Goods Committee

(1) The Government shall establish the Strategic Goods Committee responsible for the harmonisation of activities by competent ministries and other national authorities pertaining to the implementation of the national policy, programmes and measures pursuant to this Act and in accordance with international agreements.

The Strategic Goods Committee shall consist of the representatives of the governmental line ministries responsible for the interior, international relations, intelligence-security affairs, economic affairs and other general or specific competencies pertaining to strategic goods and strategic activities which are crucial for the implementation of this Act. The members of the Committee shall represent the opinions and positions of their own line ministries, and shall be authorised to take decisions in the procedures which are pursuant to this Act subject to cooperation with the Strategic Goods Committee.

(2) Strategic Goods Committee shall be instrumental in the formulation of the strategic risk assessment, and shall provide opinion on other procedures carried out by the competent authority. Furthermore, it shall be in charge of strategic goods related exchange of information among line ministries; it shall coordinate joint tasks to be carried out by line ministries, and shall address strategic goods related problems from the standpoint of internal security, foreign affairs as well as international commitments. Last but not least, the Committee shall suggest to the government the inclusion of some goods onto the list of strategic goods.

(3) The Government shall lay down the composition and method of approach of the Strategic Goods Committee.

Article 23

Scientific Advice

(1) The Minister may on the proposal of the competent authority appoint expert institutions or individual experts for strategic goods in the field of chemistry, biology, medicine, military affairs and other areas related to this Act to provide advisory service to the competent authority and to address specific technical issues pertaining to this Act.

(2) Any charges related to the professional work as referred to in the previous paragraph shall be covered from the national budget.

Article 24

Protection of Information

(1) The competent authority and other authorities involved in the implementation of this Act may use information which they have been provided in accordance with this Act and other international agreements only for those purposes according to which they have

obtained such information, and shall protect them in conformity with the rules governing the protection of personal and classified information as well as the specific rules on classified information management as laid down by international agreements.

(2) Provided that the rules as referred to in the previous paragraph do not stipulate otherwise, any piece of information as mentioned in the previous paragraph shall be according to the security grading regarded as “classified”, unless the competent authority and other authorities from the previous paragraph do not set any other security grading.

VII. CONTROL

Article 25

Powers of Enforcement Authorities and Control Authorities

The following authorities have been assigned the task of controlling the implementation of this Act: inspectors responsible for chemicals (hereinafter: chemicals inspectors) in accordance with general and specific powers under this Act; inspectors of international organisations in accordance with the provisions arising from international agreements on strategic goods control; as well as customs authorities and the police in conformity with the powers as referred to in Articles 29 and 30 of this Act.

Article 26

Powers of Inspectors Responsible for Chemicals

In addition to enjoying powers pertaining to general inspection and supervision rules, the chemicals inspector shall be pursuant to this Act responsible for:

- comparing the consistency of notified strategic activities and quantities of strategic goods with the dossier,
- examining all dossiers pertaining to the implementation of strategic activities, including the validity of the authorisation by the authorised strategic goods advisor,
- examining the supply situation of strategic goods,
- prohibiting or halting any activity in connection with strategic goods, provided this activity is in violation of this Act or in contravention of other international agreements.
- taking samples of strategic goods for research purposes free of charge,
- checking strategic goods and the implementation of strategic activities.

Article 27

Analyses of Inspection Samples

(1) Analyses of inspection samples shall be performed by laboratories with the appropriate accreditation to carry out analyses of strategic substances or strategic technology, or by laboratories with the appropriate level of internal quality system and appropriate compliance with technical requirements.

(2) The previous paragraph notwithstanding, the analyses of inspection samples of strategic goods may be performed by authorised laboratories of international organisations responsible for controlling particular types of strategic goods.

Article 28

International inspections

(1) International inspections are conducted pursuant to the procedures and powers as set out in the framework of international agreements. The competent authority shall be, together with other competent ministries and authorities as well as other organisations and institutions, in charge of the preparation and unhindered implementation of inspections. The Minister shall prescribe precise details of preparations for and implementation of international inspections, tasks and obligations on the part of both persons liable and the competent authority.

(2) All points of entry for international inspections shall be laid down by the minister responsible for the interior in consensus with the minister in charge of foreign affairs.

Article 29

Control by the Customs Authorities

(1) Customs authorities shall in accordance with their powers control import and export of strategic goods.

Article 30

Police control

(1) The police shall be in charge of controlling importation, departure and transit of strategic goods.

(2) The driver transporting strategic goods shall ensure that the authorisation to perform strategic activities as referred to in the previous paragraph always accompanies strategic goods, and shall show it at the request of the police officer.

(3) In the event that the driver fails to produce the authorisation as referred to in Paragraph 2 of this Article (30), the police officer shall inform the competent authority thereof, and shall, if necessary, withhold strategic goods until the arrival of the competent inspector.

VIII. PENAL PROVISIONS

Article 31

(1) Any legal person shall be subject to a fine amounting from 300.000 to 30.000.000 SIT due to committing the following offence:

- Violation of Article 6 of this Act;
- Failure to comply with the requirements pertaining to the pursuit of strategic activities (Article 8);

- Violation of Paragraph 1 of Article 9 of this Act;
- Violation of Paragraph 4 of Article 11 of this Act;
- Violation of Article 12 of this Act;
- Failure to obtain an authorisation to perform strategic activities in accordance with Article 13 of this Act;
- Failure to communicate strategic activities pursuant to Article 17 of this Act;
- Violation of Article 18 or 19 of this Act;
- Failure to provide inspectors with unhindered inspection and supervision; obstruction of inspection and supervision, failure to provide required documents, data, explanations or other necessary instruments (Articles 26 and 28).

(2) Any sole trader shall be subject to a fine amounting from 150.000 to 15.000.000 SIT for committing the offence as referred to in the previous chapter (1).

(3) The responsible person of the legal person or the sole trader respectively shall be subject to a fine amounting from 50.000 to 1.000.000 SIT for committing the offence as referred to in Chapter of this Article (31).

(4) Any individual shall be subject to a fine amounting from 30.000 to 300.000 SIT for committing the offence as referred to in Paragraph 1 Article 31, provided that they perform activities as referred to in indents 3, 4 and 5 of Article 2 of this Act.

IX. PRELIMINARY AND FINAL PROVISIONS

Article 32

Consistency of Activities

Persons liable who are performing strategic activities on the day of the entry into force of this Act shall adjust their performance with Article 9 of this Act no later than 60 days after the entry into force of the rules issued on the basis of Article 9 of this Act.

Article 33

Validity of Authorisations

All authorisations pertaining to import, transit, export, storage and consumption of toxic chemicals, production of toxic chemicals and operation of facilities for their production which have been granted pursuant to the Chemicals Weapons Act, (OJ RS, No. 36/99 and 2/04 – Act Amending the Health Inspection Act), together with all authorisations for export of strategic goods granted in accordance with the Act Regulating the Exports of Dual-Use Goods (OJ RS, No. 37/04), shall remain valid until their expiry.

Article 34

Time Limit for Formulating Rules Based on This Act

The Government and the Minister shall issue rules pursuant to this Act no later than 12 months following its entry into force.

Article 35

Rules to be Applied until the Entry into Force of New Rules

Until the publication of the rules under this Act the following provisions shall apply:

- Rules concerning terms, content and method of data communication (OJ RS, No. 76/00),
- Rules on the conditions for the production of toxic chemicals and the operation of facilities for the production thereof (OJ RS, No. 76/00),
- Rules on the method for obtaining licences for the import, transit, export, storage and use of toxic chemicals (OJ RS, No. 76/00),
- Rules on the implementation of inspection pursuant to the Chemical Weapons Act (OJ RS, No. 76/00),
- Instructions concerning organization and performance of individual types of international inspections performed by the Organization for the Prohibition of Chemical Weapons (OJ RS, No. 60/01),
- Orders on the designation of the entry border crossing for the international inspections of the Organisation for the Prohibition of Chemical Weapons (OJ RS, No. 10/00), insofar they are not in contravention of this Act.

Article 36

Rule which expires

The Chemicals Weapons Act shall expire (OJ RS, No. 36/99 and 2/04 – Act Amending the Health Inspection Act) with the entry into force of this Act.

Article 37

Entry into Force

This act shall enter into force on the 15th day following its publication in the Official Gazette of the Republic of Slovenia.