

CHEMICAL WEAPONS ACT

GENERAL PROVISIONS

Article 1

Content and purpose of the Act

This Act sets out the obligations, prohibitions and restrictions relating to chemical weapons in accordance with the Convention on the Prohibition of the Development, Production, Stockpiling and Consumption of Chemical Weapons, and their Destruction (Official Gazette of the Republic of Slovenia, No. 34/97 - International Treaties, No. 9/97; hereinafter: the Convention).

Article 2

Prohibitions

The development, production, trade, stockpiling, storage and consumption of chemical weapons shall be prohibited.

Article 3

Exceptions

The prohibition under the preceding article shall not apply to toxic chemicals and their precursors used for purposes which are not prohibited under the Convention, such as:

- industrial, agricultural, research, medical, pharmaceutical and other peaceful purposes;
- protection against toxic chemicals or chemical weapons;
- military purposes which are not connected with the use of chemical weapons and which are not dependent on the use of the toxic properties of chemicals as a method of warfare.

The prohibition under the preceding article shall also not relate to toxic chemicals and their precursors used for domestic riot control purposes in accordance with special legal regulations.

Article 4

Definition of terms

The terms used in this Act shall have the following meanings:

1) Chemical weapons shall be:

- a) toxic chemicals and their precursors, except where intended for purposes not prohibited by the Convention, provided that the types and quantities are consistent with such purposes;
- b) munitions and devices specifically designed to cause death or other harm through the toxic properties of the chemicals under sub-paragraph a) which would be released as a result of the employment of such munitions and devices;
- c) any equipment specifically designed for use directly in connection with the employment of munitions and devices under sub-paragraph b).

2) A liable person shall be a private businessperson, state body, natural person or legal person with the function of owner or user of land, facilities, equipment and toxic chemicals which are the subject of supervision under the provisions of the Convention, i.e. a holder of the licence under Articles 5 and 6 of this Act.

- 3) The production of a chemical shall be the formation of a chemical through chemical reaction.
- 4) The processing of a chemical shall be a physical process, such as formulation, extraction or purification, in which the chemical is not converted into another chemical.
- 5) The consumption of a chemical shall be its transformation into another chemical by chemical reaction.
- 6) Trade shall be the import, export, sale or any kind of release to a third party.
- 7) Import shall be every instance of the entry of a toxic chemical into the customs area of the Republic of Slovenia irrespective of the type of consumption or application permitted for this chemical by customs regulations.
- 8) Export shall be every instance of the removal of a toxic chemical from the customs area of the Republic of Slovenia.
- 9) Transit shall be every instance of the transfer of a toxic chemical across the customs area of the Republic of Slovenia under customs supervision.
- 10) The Annex shall be the Annex on Chemicals from the Convention comprising guidelines for the list of chemicals and for lists 1, 2 and 3.
- 11) Toxic chemicals shall be chemicals and their precursors set out in the Annex under the preceding item.
- 12) A discrete organic chemical (DOC) shall be any chemical which belongs to the class of chemical compounds made up of all carbon compounds, excluding oxides, sulphides and metal carbonates, which may be defined with a chemical name, a structural formula (if known), and a CAS registration number (if one has been assigned).
- 13) A PSF chemical shall be an organic chemical which contains the elements phosphorus, sulphur or fluorine.
- 14) The Organisation shall be the Organisation for the Prohibition of Chemical Weapons established by the Convention.
- 15) International inspection shall be inspection carried out by the inspection team made up of inspectors and assistant inspectors of the Organisation.

II. OBLIGATIONS OF LIABLE PERSONS

Article 5

Production licences and licences to operate facilities

The production of toxic chemicals and the operation of chemical production facilities for purposes under Article 3 of this Act may be performed on the basis of a licence issued by the minister responsible for health (hereinafter: the minister), in agreement with the ministers responsible for the economy, for the environment and for defence.

A licence under the preceding paragraph shall also be necessary for every change or adaptation of a facility for the production of toxic chemicals.

More detailed conditions for the production of toxic chemicals shall be prescribed by the minister, in agreement with the ministers responsible for the economy, for the environment and for defence.

A record of the licences under this Article shall be kept by the Chemicals Office (hereinafter: the Office).

Article 6

Other licences

Licences shall be obtained from the Office for the import, transit, export, storage and consumption of toxic chemicals for purposes under Article 3 of this Act.

The Office shall issue the licences under the preceding paragraph within 30 days at the latest. Licences for the storage and consumption of toxic chemicals shall be issued within six months of the receipt of a full application.

Notwithstanding the provisions of the first paragraph of this Article, the minister may determine that a licence is not required for individual chemicals contained in List 3 of the Annex.

The minister shall prescribe in more detail the method of acquiring the licences under the first paragraph of this Article.

A record of the licences under the first paragraph of this Article shall be kept by the Office.

Article 7

Restriction of trade

The minister may prohibit or restrict trade in toxic chemicals with States not party to the Convention, in accordance with the provisions of the Convention or the resolutions of the Organisation.

Article 8

Prevention of improper use

Liable persons who carry out the activities under Article 5 of this Act shall be obliged to provide for measures by which handling of toxic chemicals which is not in accordance with this Act or with the Convention may be prevented.

Article 9

Reporting

Liabile persons must submit to the Office data on the process of the production, consumption and processing of toxic chemicals, data on facilities and technical equipment, and data on import, export, transit and storage, including the specification of and data on the quantities of individual toxic chemicals, and data on the production of discrete organic chemicals and PSF chemicals. Liable persons must also submit other documentation at the request of the Office.

The minister shall prescribe the deadlines for and the content and method of communicating the data under the preceding paragraph.

III. RESPONSIBILITIES AND POWERS

Article 10 Chemicals Office

The Office shall be responsible for cooperation with the Organisation in the implementation of the functions and powers deriving from the Convention. In doing so:

- it shall collect at the national level data which it is obliged to communicate to the Organisation under the Convention;
- it shall cooperate in the preparation of agreements on facilities which the Government of the Republic of Slovenia makes with the Organisation in accordance with the Convention;
- it shall cooperate in the assertion of claims for the covering of costs related to international inspection;
- it shall cooperate with international inspection;
- in accordance with Article 10 of the Convention it shall cooperate with the Organisation in the event of the threat of use or the actual use of chemical weapons.

In implementing the functions under the preceding paragraph, the Office shall cooperate with the ministries responsible for economic activities, for internal affairs, for foreign affairs, for defence and for the environment.

Article 11 Customs bodies and internal affairs bodies

Supervision of the import, export and transit of toxic chemicals shall be performed by customs bodies and internal affairs bodies. Supervision of import and export shall also be performed by health inspectors.

A customs body may only permit entry into the customs area and approve a request for the customs-permitted consumption or application of toxic chemicals if the liable person, in addition to other documentation for the implementation of customs regulations, also submits the licence under Article 6 of this Act, approved by an inspector under item 1 of the first paragraph of Article 13 of this Act.

Customs bodies and internal affairs bodies which establish a violation of this Act or the Convention in the course of their work shall immediately inform the Office.

In the event of an attempt to bring in chemical weapons or toxic chemicals without the licence under Article 6 of this Act, the chemical weapons or toxic chemicals shall be seized. Seized chemical weapons or toxic chemicals shall be stored in facilities specified by the minister, in agreement with the ministers responsible for the economy and for the environment. Storage costs and other costs for the fulfilment of the requirements of the Convention relating to seized chemical weapons or toxic chemicals shall be borne by the holder or owner of the chemical weapons or toxic chemicals.

IV. COLLECTION, USE AND PROTECTION OF DATA

Article 12

Collection, use and protection of data

A database for the needs of the implementation of the Convention and of this Act shall be kept by the Office in accordance with the programme of information support pursuant to the act governing the area of chemicals.

Personal data relating to liable persons shall be kept by the Office and shall be acquired directly from the liable person or from the central population register. This personal data shall be: the tax number or personal identification number of the liable person; his first name and surname; and the address of his head office or place of permanent residence.

The bodies responsible for the implementation of this Act must notify each other if a well-founded suspicion of the unlicensed production, processing, consumption, transit, storage or trade of chemical weapons or toxic chemicals is established.

The bodies responsible for the implementation of this Act may only use data communicated to them in accordance with this Act and the Convention and for the purpose for which they acquired it, and shall be obliged to protect it in accordance with the Convention and with the acts governing chemicals and personal data protection.

V. INSPECTION

Article 13

Inspection and supervision

Inspection and supervision of the implementation of the Convention, of this Act and of regulations issued on the basis of this Act shall be carried out by the following, in line with their powers:

1. Health inspectors, who shall perform the supervision of chemicals (hereinafter: inspectors);
2. International inspectors.

In special cases and for individual tasks, the minister may establish an inspection group led by an inspector and also consisting of representatives of other inspection bodies in accordance with the contents of the task.

Until the costs of international inspection carried out by the Organisation are reimbursed, they shall be covered from the national budget.

Article 14

Procedure upon the arrival of international inspection

Notification of the arrival of international inspection shall be undertaken by the service which operates round the clock within the ministry responsible for internal affairs. The ministry responsible for internal affairs shall notify the head of the escort team at the Office, or his deputy if he is not available, without delay.

The Office must inform the Government without delay of every notification of arrival of international inspection teams.

The course of the procedure for the reception and escort of individual types of international inspection shall be regulated in instructions approved by the minister, in agreement with the responsible ministers.

Article 15 **Powers of inspectors**

In addition to general powers under general regulations and under the special regulation relating to health inspection, an inspector shall have the following further powers under this Act:

1. to order measures for the removal of irregularities and deficiencies in relation to activities under Articles 5 and 6 of this Act by a specified deadline;
2. to halt, by order, the production, consumption, processing, transit, trade and storage of toxic chemicals;
3. to halt, by order, all activities in facilities for which a licence is required under Articles 5 and 6 of this Act if the facility has not acquired the appropriate licence;
4. to approve the import and export of toxic chemicals on the basis of the licence under Article 6 of this Act before the lodging of a customs declaration.

The inspector shall notify the Office of the measures under the preceding paragraph.

An appeal against the order of an inspector under the first paragraph of this Article may be lodged with the ministry responsible for health within fifteen days of the order being served.

An appeal shall not delay the execution of the order.

Article 16 **Obligation of liable persons to cooperate in international inspection**

Liable persons shall be obliged to allow international inspection, to cooperate with the escort team and to render it assistance in the performance of international inspection.

The minister shall define in more detail the method of cooperation of liable persons in the performance of international inspection.

Article 17 **Escort team**

Inspections under Articles 6 and 9 of the Convention and investigations under Article 10 of the Convention shall be carried out through the instrument of an escort team.

The escort team shall be proposed by the minister responsible for health and appointed by the Government of the Republic of Slovenia. The members of the escort team shall be employees of the ministries responsible for health, for foreign affairs, for internal affairs, for economic activities, for defence, for the environment and for agriculture. The head of the escort team shall be a representative of the Office. The head of the escort team shall form an appropriate team for each individual inspection from among the members of the escort team. In the event of inspection within military facilities and of the inspection of old chemical weapons, the head of the escort team shall authorise a representative of the ministry responsible for defence to lead the escort team.

The head of the escort team shall give the verbal orders necessary for the performance of inspection and investigation, and other orders necessary for exercising powers and enforcing the obligation to cooperate. An appeal against a verbal order given by the head of the escort team shall not delay its execution.

The course of international inspection and supervision, and the functions of the escort team shall be specified in more detail by the minister.

Article 18

Border points of entry

Border points of entry for international inspection shall be determined by the minister responsible for internal affairs, in agreement with the minister responsible for foreign affairs.

VI. PENAL PROVISIONS

Article 19

A fine of at least SIT 1,000,000 shall be levied on a legal person who:

1. does not obtain the appropriate licence before beginning the production of toxic chemicals (first paragraph of Article 5);
2. does not obtain the appropriate licence for operating a facility for the production of toxic chemicals before commencing the operation of the facility (first paragraph of Article 5);
3. does not obtain the appropriate licence for changing or adapting a facility for the production of toxic chemicals before commencing the operation of the facility (second paragraph of Article 5);
4. carries out the import, transit, export, storage and consumption of toxic chemicals without the appropriate licence (first paragraph of Article 6);
5. acts in breach of Article 7 of this Act;
6. acts in breach of Article 8 of this Act;
7. fails to provide the requested data (Article 9);
8. imports, exports or conveys toxic chemicals across the territory of the Republic of Slovenia without the approval under item 4 of the first paragraph of Article 15 of this Act;
9. does not permit inspection (Article 16).

A fine of at least SIT 500,000 shall be levied on an individual who commits an offence under the preceding paragraph in the independent performance of an activity.

A fine of at least SIT 100,000 shall be levied on the responsible person of a legal person who commits an offence under the preceding paragraph.

Article 20

A fine of at least SIT 700,000 shall be levied on a legal person who:

1. fails to submit other requested documentation for which a special request has been made (first paragraph of Article 9);
2. fails to render assistance to the escort team in the performance of inspection (Article 16);
3. fails to respect the written orders of the head of the escort team (third paragraph of Article 17).

A fine of at least SIT 350,000 shall be levied on an individual who commits an offence under the preceding paragraph in the independent performance of an activity.

A fine of at least SIT 70,000 shall be levied on the responsible person of a legal person who commits an offence under the first paragraph of this Article.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 21

Performance of administrative functions

Until the Office is founded, the functions under this Act shall be performed by the ministry responsible for health.

Article 22

Performance of functions of inspection

Until the appointment of inspectors under item 1 of the first paragraph of Article 13 of this Act, the functions under this Act shall be performed by health inspectors.

Article 23

Deadline for the issuing of executive regulations

Regulations on the basis of this Act shall be issued within six months of the entry into force of this Act at the latest.

The Government of the Republic of Slovenia shall appoint the head and members of the escort team under Article 17 of this Act within three months of the entry into force of this Act.

Article 24

Commencement of validity

This Act shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia.