REPUBLIC OF SLOVENIA

INITIAL MEMORANDUM

THE POSITION OF SLOVENIA ON
OECD DECISIONS, RECOMMENDATIONS AND OTHER
INSTRUMENTS IN FORCE
as of 20. 6. 2008

LJUBLJANA, 3 JULY 2008
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Abbreviations:
- OG RS: Official Gazette of the Republic of Slovenia
- Odl. US: Decision of the Constitutional Court of the Republic of Slovenia

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1. AGRICULTURE

C(79)18
Recommendation of the Council concerning the Role of Agriculture in the Planning and Management of Peri-Urban Areas

Conclusion: Slovenia accepts the Recommendation.

Explanatory Comment/Observation:
Slovenia is fully aware of the importance of the sustainable planning and management of agricultural land in peri-urban areas, which face numerous challenges due to their proximity to urban areas. Slovenia has already introduced various measures to protect the prime agricultural land in peri-urban areas in the context of broader rural development and spatial planning policy and commits itself to further enforcement of the principles set out within the respective recommendation. The existing legislative foundation comprises the following acts:

1. Agriculture Act, OG RS, No. 51/2006
7. Ordinance on Spatial Planning Strategy of Slovenia, OG RS, No. 76/2004
8. Spatial Order of Slovenia, OG RS, No. 122/04
9. Environmental Protection Act (official consolidated text), OG RS, No. 39/06

2. ANTI-CORRUPTION

C(97)240
Decision of the Council concerning further work on Combating Bribery in International Business Transactions

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
Issues mentioned in the given Decision are part of Slovenian criminal legislation – the Criminal Code (OG RS, No. 55/2008) and the Responsibility of Legal Persons for Criminal Offences Act (OG RS, No. 98/2004).

C(2006)163
Recommendation of the Council on Bribery and Officially Supported Export Credits

Conclusion: Slovenia associates itself with the Recommendation.

Explanatory Comment/Observation:
The Recommendation is fully integrated in the Criminal Code of Slovenia (OG RS, No. 55/2008) and into the Act on the Responsibility of Legal Persons for Criminal Offences (OG RS, No. 98/2004) and in the Resolution on the Prevention of Corruption in the Republic of Slovenia (OG RS, No. 85/2004). It is also a main part of the preventive activities of the
Commission for the Prevention of Corruption. The Slovenian Export and Development Bank is an authorised institution in the area of officially supported export credits and has adopted anti-bribery measures.

**C(97)123**

**Recommendation of the Council on Combating Bribery in International Business Transactions**

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia is already a member of the OECD Working Group on Bribery, has submitted its mutual evaluations and is effectively implementing its recommendations concerning the topics mentioned in the Recommendation.

**C(96)27**

**Recommendation of the Council on the Tax Deductibility of Bribes to Foreign Public Officials**

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Bribes to individuals and legal entities are explicitly determined as non-deductible expenses in the Slovenian tax legislation. The aforementioned provision includes also bribes to public officials as non-deductible expenses. Corporate Income Tax Act (OG RS 117/2006 and 56/2008).

**DCD/DAC(96)11**

**DAC Recommendation on Anti-Corruption Proposals for Bilateral Aid Procurement**

Conclusion: Slovenia associates itself with the Recommendation.

Explanatory Comment/Observation:
Anti-corruption requirements governing bilateral aid-funded procurement are part of general Slovenian criminal legislation and the everyday practice of Slovenian institutions.

**Guidelines for Multinational Enterprises: Section VI**

Conclusion: Slovenia associates itself with the Guidelines.

Explanatory Comment/Observation:

**Convention on Combating Bribery of Foreign Public Officials in International Business Transactions**

Conclusion: Slovenia has accepted this Convention.
Explanatory Comment/Observation:
Slovenia became a party to the Convention on 5 November 2001.

3. CAPITAL MOVEMENTS

C(61)96 Decision of the Council adopting the Code of Liberalisation of Capital Movements

Slovenia accepts the provisions of the Code of Liberalisation of Capital Movements with the reservations listed in Annex I to this document.

4. COMPETITION LAW AND POLICY

C(2005)34
Recommendation of the Council on Merger Review

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1) as published in the OG RS, No. 36/2008. The updated antitrust legislation of Slovenia allows for effective, efficient and timely enforcement in the field of merger review. Proceedings in cases of merger review are initiated on the basis of a notification, where the deadline has been extended to 30 days, or ex officio.

C(2001)78
Recommendation of the Council concerning Structural Separation in Regulated Industries

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comment/Observation:
Slovenia follows the principle of providing separate potentially competitive activities from regulated utility networks, as needed to reduce the market power of incumbents. The recommendation partly falls under the scope of the Competition Protection Office and is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008. Next to the Competition Protection Office, responsible for the implementation of general competition rules, regulatory authorities have officially determined responsibilities for the introduction and promotion of competition in the field of network industries. The competences of regulatory authorities are above all to exercise ex-ante control on the market and to provide the possibility of regulation in order to introduce competition and to suppress disproportions in certain sectors.

C(98)35
Recommendation of the Council concerning Effective Action against Hard Core Cartels

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008. The updated antitrust legislation of Slovenia allows effectively halting and deterring "hard core" cartels. The new Act increases the effectiveness of the Competition Protection Office through larger fines in conjunction with the possibility of remission of penalties and a longer period of limitation. Furthermore, the possibility of imposing a fine in the case of non-cooperation of undertakings enables the Office to be more effective in obtaining the data for taking the decision. Moreover, the Office also obtained additional investigatory powers. Within the framework of action against hard core cartels, the Competition Protection Office is ready to take the necessary steps in international cooperation in order to facilitate identification and investigation of hard core cartels.

C(95)130
Recommendation of the Council concerning Co-operation between Member Countries on Anticompetitive Practices affecting International Trade

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008. Moreover, close cooperation between the Member States of the EU is already established within the framework of the provisions of EC Council Regulation No. 1/2003 (OJ L, 1/2003) through the European Competition Network (ECN). This creates an effective mechanism to counter companies which engage in cross-border practices restricting competition. As the European competition rules are applied by all members of the ECN, this framework provides the means to ensure their effective and consistent application.

C(89)32
Recommendation of the Council concerning the Application of Competition Laws and Policy to Patent and Know-How Licensing Agreements

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008. The Competition Protection Office is aware of the issues related to the licensing of patents and know-how. Both disseminate new technology and provide returns to the inventor. However, licensing of intellectual property rights, like other agreements between undertakings, contains risks of anti-competitive effects. Moreover, the provisions of the Civil Code (official consolidated text – OZP-UPB1, OG RS, No. 97/07) related to licensing agreements are in accordance with the Conclusions of the Report of the Committee on Competition Law and Policy on Competition Policy and Intellectual Property Rights [CLP(89)3 and Corrigendum 1] and can be taken into account when reviewing patent and know-how licensing agreements from the perspective of competition law and policy.

C(86)65
Recommendation of the Council for Co-operation between Member Countries in Areas of Potential Conflict between Competition and Trade Policies

Conclusion: Slovenia accepts this Recommendation.
Explanatory Comment/Observation:
The Recommendation is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008. In order to avoid or minimise conflicts between trade and competition policies, competition policy considerations are taken into account in the implementation of trade policies. When assessing restrictive business practices of enterprises within relevant markets, the role of imports and the existence of trade barriers would be taken into account. Moreover, Slovenia is ready to co-operate, within existing national legislation, with the authorities of other countries in any investigation into possible anti-competitive effects of arrangements, recognising that jurisdictional difficulties may arise when information is sought from abroad or where the parties to a restrictive agreement are located in other countries.

C(79)155
Recommendation of the Council on Competition Policy and Exempted or Regulated Sectors

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comment/Observation:
Slovenia follows the principle that regulation should displace competition legislation only to the extent necessary to achieve public policy objectives in cases where they are under certain circumstances not obtainable through competition alone.

With regard to the regular reviews of regulatory regimes and of exemptions from restrictive businesses practices laws, as well as taking into account the experiences of other Member countries, the Recommendation partly falls under the scope of the Competition Protection Office and is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the Official Gazette of the RS, No. 36/2008. The competence is divided also between Competition Protection Office (CPO) and Ministry of Economy, including sectoral regulators for electronic communications and energy.

C(78)133
Recommendation of the Council concerning Action against Restrictive Business Practices Affecting International Trade Including those Involving Multinational Enterprises

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008.

Existing measures within the framework of ZPOmK-1 provide for effective prohibition or control of actions which could potentially affect competition by abusing a dominant position and market power or cartels and other restrictive agreements.

Slovenia is ready to co-operate, within existing national legislation, with the authorities of other countries in any investigation into possible anti-competitive effects of arrangements, recognising that jurisdictional difficulties may arise when information is sought from abroad or where the parties to restrictive practices are located in other countries.
Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is implemented by various measures provided for within the framework of existing legislation. The Recommendation partly falls under provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), OG RS, No. 36/2008. As regards the need to remedy the harmful effects of certain restrictive business practices related to the use of trademarks, it is taken into consideration to the extent that such practices are not essential to the legitimate protection of the trademark owner’s exclusive right.

The Recommendation also partly falls under the provisions of the Industrial Property Act (OG RS, No. 51/2006), which falls within the scope of the Slovenian Intellectual Property Office.

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comment/Observation:
The Recommendation is implemented by various measures taken within the framework of the existing legislation and partly falls under the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008. As regards the steps to be taken, ZPOmK-1 precisely defines the possibility of performing a sectoral investigation, when the rigidity of prices or other circumstances indicate the likelihood of restriction or distortion of competition on the market.

The recently adopted ZPOmK-1 provides for stronger action, by means of prohibition or control, against restrictive business practices, which include price-fixing and market-sharing agreements as well as monopolistic and oligopolistic practices affecting prices.

As for patents and patent licensing, the Recommendation is partly covered by the provisions of the Industrial Property Act (Official Gazette of the RS, No. 51/2006). This Act provides for the possibility of prevention of restrictive business practices in the field of patents and patent licensing in exceptional circumstances by granting a compulsory license.

With regard to the review of the price situation, the Price Control Act (OG RS, No. 51/2006) regulates control of prices of goods and services in Slovenia. State bodies may only apply control measures, as stipulated by law, to prices and only for reasons stipulated by law, such as in the case of activities in which an individual company or unit that independently performs activities or certain companies has/have a monopoly or a predominant position and the activities are necessary for the fulfilment of the needs of people and organisations.

The national consumer policy is outlined in the Resolution on the Implementation of the National Programme 2006–2010 (OG RS, No. 114/2005), which follows the basic principles of the current EU Consumer Policy Strategy. One of the objectives is to empower consumers through better education and information on goods and services in terms of price, choice, quality, diversity, affordability and safety, thus strengthening their position as buyers. Furthermore, the national consumer policy is designed in such a way as to enhance
consumers’ welfare, which is at the heart of well-functioning markets, and to protect consumers from risks and threats in the market that they cannot tackle as individuals.

**OECD Guiding Principles for Regulatory Quality and Performance (2005)**

Conclusion: Slovenia associates itself with this document.

Explanatory Comment/Observation:
The Guiding Principles are implemented by various measures taken within the framework of existing legislation. The recommendation partly falls within the scope of the Competition Protection Office and is covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008.

ZPOmK-1 offers the possibility of enforcing competition law vigorously and to employ effective tools such as leniency programmes and proportionate sanctions. In practice, the new Act increases the effectiveness of the Office through larger fines in conjunction with the possibility of remission of penalties and a longer period of limitation. Furthermore, through the possibility of imposing a fine in the case of non-cooperation of undertakings enables the Office to be more effective in obtaining the data necessary for taking a decision. Moreover, the Office also obtained additional investigatory powers.


Conclusion: Slovenia associates itself with this document.

Explanatory Comment/Observation:
The content of this document is partly covered by the provisions of the Prevention of the Restriction of Competition Act (ZPOmK-1), as published in the OG RS, No. 36/2008, and is additionally partly covered by the provisions of Council Regulation No. 1/2003 (OJ, 1/2003). The Guiding Principles for notifications, exchange of information and cooperation in investigations are effectively already applied within the framework of the European Competition Network (ECN). However, at the international level, the framework for the exchange of confidential information needs to contain effective safeguards for privileged information and the rights of defence, and thereby needs to take into account differences in the nature of sanctions for competition violations in different jurisdictions.

### 5. CONSUMER POLICY

**C(89)106**

Decision-Recommendation of the Council on the OECD Notification System on Consumer Safety Measures

Conclusion: Slovenia associates itself with this instrument.

Explanatory Comments/Observation:
In Slovenia, the notification procedures concerning the Safety Measures related to dangerous products is regulated by the Decree on the method of international exchange of information on measures and actions restricting trade in products (OG RS, No. 119/2003). The contact point is designated by this Decree.

The existing system includes the notification to the competent authority in Slovenia first (contact point) and than via the RAPEX system to the European Commission.
Recommendation of the Council on Consumer Dispute Resolution and Redress

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comment/Observation:
Judicial, and also administrative mechanisms designed to facilitate consumer dispute resolution, are in place. National non-governmental consumer organisations have the statutory ability to take action as a representative party for consumers who have suffered economic losses. Slovenia also participates in two EU-wide networks, including the network of European Consumer Centres, which deals with individual consumer cross-border complaints, and a network of national enforcement authorities combating fraudulent and deceptive cross-border practices of rogue traders. Two private schemes for out-of-court consumer dispute resolution have been established, one in the banking sector and another in the insurance sector. Codes of conduct are being encouraged, particularly in e-commerce. Slovenia has also been working towards establishing a statutory public scheme for out-of-court resolution of consumer disputes. Efforts have been made to ensure that an IT system to collect consumer complaints is put in place. Public funding is provided to support consumer education and information projects run by non-governmental consumer organisations.

Recommendation of the Council Concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia follows the principles of the Recommendation, which is primarily aimed at national public bodies with enforcement authority for protecting consumers against fraudulent and deceptive cross-border practices of rogue traders. This is implemented in the national Regulation on the implementation of Regulation 2006/2004/EC on Consumer Protection Cooperation (OG RS, No.118/05). The Regulation addresses challenges to develop efficient cooperation among consumer protection authorities and provides a framework of mutual assistance for enforcement authorities to use when dealing with cross-border infringements.

Recommendation of the Council concerning Guidelines for Consumer Protection in the Context of Electronic Commerce

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia is committed to its core principles, including information about the terms and conditions of transactions, information about goods and services in question, secure and easy-to-use payment mechanisms, access to dispute resolution and redress, and protection of consumers’ personal data. Measures to protect consumers engaging in electronic transactions are addressed in the national consumer protection law, which is in compliance with EU legislation. The key national instruments in this regard are the Consumer Protection Act (OG RS, Nos. 98/2004 and 126/2007) and the Electronic Commerce and Electronic Signature Act (OG RS, No. 61/2006).
Recommendation of the Council concerning Safety Measures Taken in the Interest of Children

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comments:

I. Product Safety Requirements and Standards
The Recommendation is implemented by the:
- General Product Safety Act (OG RS, No. 101/2003),
- Act on Technical Requirements for Products and Conformity Assessment (OG RS, No. 99/2004),
- List of standards drawn up on the basis of relevant European standards in accordance with the Rules on safety of toys (OG RS, No. 83/2007), and the
- List of standards drawn up on the basis of relevant European standards in accordance with the General Product Safety Act (OG RS, No. 19/2007).

II. Data collection and research on accidents
Since 2006, Slovenia has been included in the EU system known as IDB (Injury Data Base). Data are collected by the Institute of Public Health of the Republic of Slovenia.

III. Labelling, publicity and education
The requirement under points 1, 2, and 3 is covered by the legislation and list of standards under point I of this section.

Observation:
The requirements under points 3 and 4 are partly implemented on the basis of the Consumer Safety Programme, but in fact it is more a matter of practice taking into account the relevant legal grounds.

Recommendation of the Council concerning Risk Management and Cost-Benefit Analysis in the Product Safety Field

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comments:

I. Risk management in connection with consumer product safety is dealt by the General Product Safety Act (OG RS, No. 101/2003) which encourages producers and distributors to take all necessarily steps to prove that their products are safe. The general MRC (mutual recognition clause) is stated in the Act on Technical Requirements for Products and Conformity Assessment (OG RS, No. 99/2004).


III. Transparency of the decision-making process

According to the General Product Safety Act (OG RS, No. 101/2003), the information and authorities related to risks to consumer health and safety posed by products shall be
available to the public. A cost-benefit analysis is not directly required by law, but it is taken for granted that the cost-benefit analysis is an element in the existing product safety system.

C(81)7
Recommendation of the Council concerning Recall Procedures for Unsafe Products Sold to the Public

Conclusion: Slovenia associates with this Recommendation.

Explanatory Comments/Observation:
The General Product Safety Act (OG RS, No. 101/2003) regulates the issue of safety of products. In addition, the Decree on the method of international exchange of information on measures and actions restricting trade in products (OG RS, No. 119/2003), and the Rules on design and content of notification of dangerous products (OG RS, No. 33/2005) set up the procedures concerning recall of consumer products.

C(79)202
Recommendation of the Council concerning the Safety of Consumer Products

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comments:
1. Hazard assessment by Suppliers and Government Agencies
The General Product Safety Act (OG RS, No. 101/2003) clearly specifies the requirements for producers and distributors. In addition, the Rules on design and content of notification for dangerous products (OG RS, No. 33/2005) specify the procedures to be used when a product is recognised as dangerous by the producer or distributor.

2. Standards
The competent minister publishes the references of the relevant Slovenian national standards drawn up on the basis of European standards to be applied to establish the presumption of safety of a product.

The most recent publications of standards for consumer products are the:
- List of standards drawn up on the basis of relevant European standards in accordance with the General Product Safety Act (OG RS, No. 19/2007),
- List of standards drawn up on the basis of relevant European standards in accordance with the Rules on safety of toys (OG RS, No. 83/2007), and the
- List of standards drawn up on the basis of relevant European standards in accordance with the Rules on electrical equipment (OG RS, No. 75/2007).

With regard to other rules for specific products which could include products intended for consumers (machinery, personal protective equipment), the following list of standards should also be relevant:
- List of standards drawn up on the basis of relevant European standards in accordance with the Rules on machinery (OG RS, No. 84/2007)
- List of standards drawn up on the basis of relevant European standards in accordance with the Rules on personal protective equipment (OG RS, No. 95/2007)
The Slovenian Institute for Standardisation is a member of the CEN. Slovenia has influence on the preparation of new international safety standards through a representative on the Committee for General Product Safety per Directive 2001/95/ES.


4. Based on the General Product Safety Act (OG RS, No. 101/2003) and the Decree on the method of international exchange of information on measures and actions restricting trade in products (OG RS, No. 119/2003), the notification procedure concerning hazardous consumer products is regulated through the European RAPEX system. The RAPEX system includes EU Member States and is operated by the European Commission.

5. The prohibition on exporting dangerous products is defined in the General Product Safety Act (OG RS, No. 101/2003).

### C(77)139
**Recommendation of the Council concerning the Establishment of Data Collection Systems Related to Injuries Involving Consumer Products**

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comments/Observation:
The Institute of Public Health of Slovenia has been a partner of the EU's IDB (Injury Data Base) system since 2006.

### C(77)39
**Recommendation of the Council concerning Consumer Protection in the Field of Consumer Credit**

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The main principles (consumer information, protection of consumer privacy, protection of consumer's economic interests, means of redress and sanctions) contained in the OECD Recommendation are implemented in national consumer protection law, which is in compliance with EU legislation. The key national instrument in this area is the Consumer Credit Act (OG RS, Nos. 77/2004 and 111/2007).

### 6. CORPORATE GOVERNANCE

### C(2005)47
**Recommendation of the Council on OECD Guidelines on Corporate Governance of State-Owned Enterprises**

Conclusion: Slovenia accepts the Recommendation.

Explanatory Comment/Observation:
Slovenia distinguishes Public enterprises which are established by law or other legal act for the purpose of functions in the public interest in particular areas of enterprise. The activities of these enterprises are highly regulated and supervised. The other type of enterprise is where the state (government or local community) has a majority or minority stake/share in
the enterprise. These enterprises are functioning in the market on the basis of commercial principles.

C(2004)61
OECD Principles of Corporate Governance

Conclusion: Slovenia accepts these principles.

Explanatory Comment/Observation:
The core principles of corporate governance are integrated in Slovenia’s company law. Key national instruments in this regard are the Companies Act (OG RS, No. 42/06, 60/06), Market financial instruments Act (OG RS, No. 51/2006), Financial operations, insolvency proceedings and compulsory dissolution Act (OG RS, No. 126/2007), legal acts related to employee participation (OG RS, No. 25/2008). Self-regulatory instruments similar to the Corporate Governance Code further specify the principles applicable to companies listed on the Stock Exchange.

7. CURRENT INVISIBLE OPERATIONS

OECD/C(61)95
Decision of the Council adopting the Code of Liberalisation of Current Invisible Operations

Slovenia accepts the provisions of the Code of Liberalisation of Current Invisible Operations with the reservations listed in Annex II to this document.

C(64)124
Recommendation of the Council concerning the Conclusion of Bilateral Agreements for the Co-Production of Films

Conclusion: Slovenia accepts the Recommendation.

Explanatory Comment/Observation:
Films produced under co-production arrangements are awarded the same treatment as domestically produced films. Nevertheless, the Film Fund of the Republic of Slovenia Act contains a restriction that a film producer not registered to perform this activity in Slovenia may work only in cooperation with a Slovenian producer. This practically means that international co-productions are entered to the Film Fund contests by a Slovenian co-producer, while the resources are allocated to the project as such.

8. DEVELOPMENT ASSISTANCE

DCD/DAF/EFF(2005)1
Declaration of Paris on Aid Effectiveness

Conclusion: Slovenia associates itself with this Declaration.

Explanatory Comment/Observation:
Slovenia accepted this Declaration on 29 May 2008 and informed the OECD/DAC Secretariat of its clear liability to commitments arising from the Paris Declaration. Slovenia has already before that de facto accepted the Paris Declaration within the framework of the
European Consensus on Development (2005) and in several subsequent Council Conclusions (April 2006 and November 2007). In its Resolution on International Development Cooperation (which is in the parliamentary procedure), Slovenia refers to OECD guidelines, namely to the Rome Declaration on Harmonisation and Paris Declaration on Aid Effectiveness.

C/MIN(2008)2/FINAL
Declaration on policy coherence for development

Conclusion: Slovenia associates itself with this Declaration.

Explanatory Comment/observation:
Slovenia has adhered to the Declaration on policy coherence for development as at 4 June 2008.

C(89)2
Recommendation of the Council concerning an Environmental Checklist for Possible Use by High-Level Decision-Makers in Bilateral and Multilateral Development Assistance Institutions

C(86)26
Recommendation of the Council on Measures Required to Facilitate the Environmental Assessment of Development Assistance Projects and Programmes

C(85)104
Recommendation of the Council on Environmental Assessment of Development Assistance Projects and Programmes

Conclusion: Slovenia accepts these Recommendations.

Explanatory Comment/Observation:
Endeavours for sustainable development, including concern for environmental protection, are among the main goals of Slovenian law on international development cooperation (International Development Cooperation Act of the Republic of Slovenia, adopted in June 2006). Slovenia will ensure that its international development assistance will be carried out in accordance with national and international legislation and recommendations, and when necessary, will carry out environmental assessment of development assistance projects and programmes. Slovenia considers the above recommendations to be helpful tools to advance its development assistance in a coherent and systematic way. It will continue to provide and preferably increase technical assistance, financing and other forms of development cooperation in the area of environmental protection with regard to the need to develop good practices in waste management, nature protection, and activities related to sustainable production and consumption, including energy conservation and the use of renewable energy sources.

C(2006)94
Declaration on Integrating Climate Change Adaptation into Development Co-operation

Conclusion: Slovenia accepts this Declaration.

Explanatory Comment/Observation:
Slovenia is firmly convinced that climate change is not only an environmental problem, but also a development problem. Guaranteeing sustainable development, thus maintaining a balance between the goals of environmental protection, preservation of natural resources, economic growth and stability is one of the main objectives of the Slovenian law on international development cooperation. In its Resolution on International Development Cooperation (to be adopted), Slovenia will pay special attention to environmental and climate change issues. Slovenia intends to support better integration of climate change considerations into development cooperation strategies, policies and programmes, and promote understanding of climate change and its impacts in accordance with OECD standards and the Declaration on Integrating Climate Change Adaptation into Development Co-operation.

9. EDUCATION

C(2005)147
Recommendation of the Council concerning Guidelines for Quality Provision in Cross-Border Higher Education

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia fully supports the aim and principles of the Guidelines and acknowledges that increased cross-border mobility of students, academic staff, professionals, programmes and providers represent certain challenges for quality assurance and accreditation frameworks and bodies, as well as for systems for recognising foreign qualifications.

Accreditation and quality assurance standards and bodies are determined by the Higher Education Act (OG RS 119/06 and 64/08) and in detail by regulations adopted by the Council of the Republic of Slovenia for Higher Education. The Act on Recognition and Assessment of Education was adopted in 2004 (OG RS 73/04).

C(2005)24
Recommendation of the Council Concerning Guidelines on Earthquake Safety in Schools

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The content and aims of the OECD Recommendation are implemented in national legislation. Earthquake safety in schools is regulated by two acts: the Construction Act (OG RS 102/04, 126/07) and the Protection against Natural and Other Disasters Act (OG RS 64/94, 87/01, 41/04, 26/06).
The above acts precisely regulate the conditions for constructing buildings in view of earthquake safety requirements and measurements and actions which assure a high level of earthquake safety in schools and in general.

ED/MIN(78)4
Declaration on Future Educational Policies in the Changing Social and Economic Context
Conclusion: Slovenia associates itself with the Declaration.
Explanatory Comment/Observation:
The recommendations of declaration have been taken into account in the process of ongoing educational reform since 1995, especially in the development of educational standards and quality assurance, education and status of teachers, and equal opportunities for all. The level of resources for the educational sector from the public budget is relatively high.

10. EMPLOYMENT, LABOUR AND SOCIAL AFFAIRS

C(76)37
Recommendation of the Council on a General Employment and Manpower Policy

Conclusion: Slovenia associates itself with the Recommendation.

Explanatory Comment/Observation:
The principles recommended in this document (periodical examination of general employment principles and employment policy aimed at achieving higher employment) are fully implemented.

The principles and targets of the revised Lisbon Strategy, including full employment, have been promptly implemented in all main strategic documents, such as Slovenia's Development Strategy, Reform Programme for Achieving The Lisbon Strategy Goals, the National Development Plan 2007-2013 (NDP), Active Employment Policy programme for the period 2007-2013 and Action Programme for Persons with Disabilities 2007-2013. All these strategies programs and/or measures are evaluated on regular basis. Evaluation reports are submitted to the Government.

Strategy of economic migration, represents the first national document trying to integrate migration issues in its external relations with third countries on the basis of mutual partnership, understanding and joint search for effective responses.

Special assistance to disadvantaged groups to enter, remain or return to employment, is regulated by many Acts and Documents, such as:
- Pension and Invalidity Insurance Act (from 1999, has been changed for several times)
- Collective Agreements Act
- Law on Health and Safety at Work
- Employment and Insurance against Unemployment Act from 1991, has been changed for several times
- National Professional Qualifications Act
- Scholarship Act, 2007
- National Vocational Qualification Act, 2006
- Act on the Prevention of Illegal Work and Employment (changed 2006);
- Parental Protection and Family Benefits Act
- Aliens Act, which is in the competence of the Ministry of the Interior and
- Employment and Work of Aliens Act Employment and Work of Aliens Act, which is in the competence of the Ministry of Labour, Family and Social Affairs.
- Employment And Rehabilitation Act For Persons with Disabilities (Zzrzi), 2004, changed in 2005 and 2006, in the competence of the Ministry of Labour, Family and Social Affairs

C(64)48
Recommendation of the Council on Manpower Policy as a Means for the Promotion of Economic Growth

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comment/Observation:
Employment offices are the main bodies of active employment policy at the regional level and in principle they play the same role as their counterparts in OECD member countries. Employment offices are regulated in Employment and Unemployment Insurance Act which was adopted in 1991 and amended for several times. The need for a new act on employment and unemployment insurance, restructuring and vocational education have been discussed and approved lately. In the frame of the new act Slovenia also intends to improve and modernise the functioning of labour market institutions, such as public employment services as well as other agencies.

C(86)204
Declaration on the Social Aspects of Technological Change

Conclusion: Slovenia associates itself with this Declaration.

Explanatory Comment/Observation:
Principles recommended in this document are fully implemented in Slovenia in main strategies, development programs and action plans, as well as in legislation. Many measures are aimed at achieving technological changes in numerous fields of life and work. The measures in the area of energy efficiency and climate change are already underway. Anticipating impacts of proposed changes are not always in favour of social conditions; therefore different mechanisms are needed to reduce risks of possible negative impacts.

For example, the problem of unemployment as a consequence of technological restructuring is addressed through various financial, fiscal or labour market measurers, such as state aid rules, incentives for preserving employment in case of restructuring or retraining workers by employers.

New approaches to reemployment of redundant workers were implemented, such as workers funds, assistance for potentially redundant or displaced workers through education and training or job search.

The lifelong learning and training systems have been promoted, supported and included in tripartite collective employment acts. The results are already visible particularly in the area of number of people included in lifelong learning programs.

C(80)76
Declaration on Policies for the Employment of Women

Conclusion:
Slovenia associates itself with this Declaration.

Explanatory Comment/Observation:
The All legal standards related to employment are harmonised with the ILO conventions and recommendations concerning the protection of women. Besides, the Constitution of the Republic of Slovenia guarantees fundamental rights and freedoms to all citizens irrespective of their sex.
In 2001 the Slovenia established the Office for Equal Opportunities, which took on the tasks of the Office for Women's Policy as the professional service responsible for the realisation of the rights of women guaranteed by the Constitution, legislation and international treaties. By founding these Offices, Slovenia committed itself to integrating the principle of gender equality into government policy and to eliminating inequality in all areas of life. All principles recommended by this Declaration are also included in the Resolution on the National Programme for Equal Opportunities for Women and Men (2005–2013). The right of equal treatment of women at work concerning their access to employment, working conditions, level of remuneration, etc. is guaranteed by the Code of Labour and other legislation such as the Act on Equal Opportunities for Women and Men and the Act Implementing the Principle of Equal Treatment.

11. ENVIRONMENT

DECISIONS AND RECOMMENDATIONS RELATED TO WASTE

C(2001)107
Decision of the Council concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations

Conclusion: Slovenia accepts this Decision.

Explanatory Comment:
Transboundary movements of wastes are governed by the Decree on the implementation of Regulation (EC) No. 1013/2006 on shipments of waste (OG RS, No. 71/2007).


C(88)90
Decision of the Council on Transfrontier Movements of Hazardous Wastes

Conclusion: Slovenia accepts this Decision.

Explanatory Comment:
Transfrontier movements of hazardous wastes are governed by the Decree on the implementation of Regulation (EC) No. 1013/2006 on shipments of waste (OG RS, No. 71/2007).

By the implementation of the Regulation (EC) No. 1013/2006, Slovenia implemented the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal. This Community Regulation reflects the rules regarding international cooperation on control of shipments of hazardous wastes and ensures that shipments of hazardous waste are controlled. Information exchange, shared responsibility and cooperative efforts between Slovenia and other countries are promoted through implementation of this Regulation with a view to ensuring sound management of waste.

C(90)178
Decision-Recommendation of the Council on the Reduction of Transfrontier Movements of Wastes
Conclusion: Slovenia accepts this instrument.

Explanatory Comment:
In the case of transfrontier movements of wastes, Slovenia has taken into account the principles of priority for recovery and self-sufficiency at the national level in accordance with the Decree on waste management (OG RS, No. 38/2008) by taking measures to establish an integrated and adequate network of waste disposal installations, in order to enable Slovenia to become self-sufficient in waste management, taking into account its geographical circumstances (the number and proximity of other EU Member States) and the need for specialised installations for certain types of waste.

In accordance with the 2008 Decree on waste management, Slovenia ensures that waste management facilities apply the best available techniques and that waste is treated in accordance with legally binding environmental protection standards taking into account actions to reduce their transfrontier movements to the minimum justified by environmentally sound and efficient management.

C(86)64
Decision-Recommendation of the Council on Exports of Hazardous Wastes from the OECD area

Conclusion: Slovenia accepts this instrument.

Explanatory Comment:
Exports of hazardous wastes from the OECD area are governed by the Decree on the implementation of Regulation (EC) No. 1013/2006 on shipments of waste (OG RS, No. 71/2007).

With implementation of Regulation (EC) No. 1013/2006, Slovenia put monitoring and control instruments into force for exports of hazardous wastes to a final destination outside the OECD area. By implementation of this Regulation, the Slovenian competent authorities are empowered to prohibit movements of hazardous wastes to a final destination in a non-OECD country without the consent of that country and prior notification to any transit countries of the proposed movements if the wastes are directed to a non-adequate disposal facility in that country.

C(83)180
Decision-Recommendation of the Council on Transfrontier Movements of Hazardous Waste

Conclusion: Slovenia accepts this instrument.

Explanatory Comment:
Transfrontier movements of hazardous waste are governed by the Decree on the implementation of Regulation (EC) No. 1013/2006 on shipments of waste (OG RS, No. 71/2007). By implementation of this Community Regulation, Slovenia applies all the principles concerning transfrontier movements of hazardous waste set out in Council Decision C(83)180.

C(2004)100
Recommendation of the Council on the Environmentally Sound Management of Waste

Conclusion: Slovenia accepts this Recommendation.
Explanatory Comment:
Slovenia elaborated and implemented waste management policy by setting up a regulative framework and programmes to ensure that wastes are managed in an environmentally sound and economically efficient manner. More than forty Government Decrees and nine Government operational waste management programmes have been set up and implemented under the Environment Protection Act (OG RS, No. 41/2004) in such a way as to not lead to or create unnecessary obstacles to international trade of waste destined for recovery operations.

C(79)218
Recommendation of the Council on Waste Paper Recovery

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia set up a policy designed to increase the use of recycled fibres in paper products and to encourage increased recovery of waste paper for paper and board production as well as for other uses by issuing the Order on the management of separately collected fractions in the public service of urban waste management (OG RS, No. 21/01) and Decree on the management of packaging and packaging waste (OG RS, No. 84/06). Having encouraged the collection of waste paper, the level of recovered waste paper is relatively high in Slovenia, and all collected waste paper is used to produce recycled paper products in three Slovenian paper mills, so that there are also no considerable obstacles on the Slovenian market for recycled paper products.

C(78)8
Recommendation of the Council concerning the Re-Use and Recycling of Beverage Containers

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
By setting up the legal framework for packaging waste management in the Decree on the management of packaging and packaging waste (OG RS, No. 84/2006), Slovenia encourages the recycling of ultimately disposed-of containers and takes the necessary steps to reduce to a great extent any adverse effects they may have on the environment. With this Decree, certain provisions are set to stimulate the use of a system of distribution using refillable containers, but it seems that the reuse of beverage containers does not cover as much of the total quantity of disposed-of containers as possible or as expected, despite the fact that there are no trade barriers in Slovenia nor between Slovenia and neighbouring countries to prevent the use of refillable beverage containers.

C(76)155
Recommendation of the Council on a Comprehensive Waste Management Policy

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Provisions to develop and apply general waste management policy are included in the Environment Protection Act (OG RS, No. 41/2004). On the basis of this Act, more than forty Government Decrees and nine Government operational waste management programmes were set up to develop and implement comprehensive waste management policies which
fully satisfy the objectives of environmental protection and rational use of energy and resources. By setting up this legal waste management framework, Slovenia applies the principles concerning a comprehensive waste management policy contained in Recommendation C(76)155 and especially those elaborated in its Annex.

RECOMMENDATIONS RELATED TO THE POLLUTER-PAYS PRINCIPLE

C(89)88
Recommendation of the Council concerning the Application of the Polluter-Pays Principle to Accidental Pollution

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia has been using the Polluter-Pays Principle in accidental pollution involving hazardous substances on the basis of the Environment Protection Act (OG RS, No. 41/2004) since 2004. The operator of a hazardous installation (SEVESO establishment) bears the costs of all measures prescribed for control and prevention of accidents. In the case of accidental pollution which caused environmental damage, the polluter bears the costs of appropriate measures. The Government of Slovenia also recently submitted a proposal to Parliament for amendments to the Environment Protection Act (OG RS, No. 41/2004) which regulate environmental liability with regard to the prevention and remedying of environmental damage.

C(74)223

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia has fully accepted and has been implementing the Polluter-Pays principle since 1993. This principle is one of the basic principles in the Environment Protection Act (OG RS, No. 41/2004). The Polluter-Pays Principle is included in environmental policies and programmes and in determining environmental limit values and quality standards as well.

C(72)128
Recommendation of the Council on Guiding Principles concerning International Economic Aspects of Environmental Policies

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia fully takes into account these Guiding Principles in determining its environmental policies and measures.

RECOMMENDATIONS RELATED TO ENVIRONMENTAL INFORMATION

C(98)67
Recommendation of the Council on Environmental Information
C(90)165
Recommendation of the Council on Environmental Indicators and Information
C(79)114
Recommendation of the Council on Reporting on the State of the Environment

Conclusion: Slovenia accepts these Recommendations.
Explanatory Comment:
Public access to environmental information in Slovenia is regulated by the Act on the Access to Information of Public Character (OG RS, No. 24/2003). The Information Commissioner Act (OG RS, No.113/2005) was implemented to secure the right to access such information. The manner and content of informing the public on environmental data are prescribed by the Environment Protection Act (OG RS, No. 41/2004).

As obliged by the Environment Protection Act (OG RS, No. 41/2004), Slovenia carries out monitoring of natural phenomena, the state of the environment and environmental pollution. All monitoring activities are quality assured. Regular reports on the environment in Slovenia must be published at least every four years and indicator reports every second year. Reports must include an assessment of the state of the environment, implementation of the National Environmental Protection Programme and impact of economic sectors on the state of the environment including an assessment of incorporating environmental protection requirements into development policies in particular sectors. To monitor the economic, social and environmental dimensions of development is also one of the main tasks of an independent government office: The Institute of Macroeconomic Analysis and Development of the RS. The web version of the Report on the Environment, Environmental Indicators of Slovenia (which include 120 indicators on environmental themes, issues and economic sectors and relevant environmental goals), Catalogue of Data Sources, Atlas of the Environment (with web services), EIONET-SI Portal and web pages of the Ministry of the Environment and Spatial Planning (MESP) and the Agency enable access to environmental information to the public, decision makers and authorities. Agreements between state institutions were concluded to ensure better use and interoperability of data collected, including cooperation in establishment of environmental accounts (SORS Work Programme, National Statistics Act (OG RS, No. 45/1995).

RECOMMENDATIONS RELATED TO MATERIAL FLOWS AND RESOURCE PRODUCTIVITY

C (2004)79

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:

State-of-the-environment reports and a number of indicators are also prepared at the municipality level. We intend to develop methodologies to enhance knowledge of material flow within the country, especially the output component of total material requirements. Databases for environmental expenditures should be improved. Broader Internet access to environmental information to raise awareness and active public participation are envisaged.

C (2008)40
Recommendation of the Council on Resource Productivity

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Environment Protection Act (OG RS, No. 41/2004) determines waste management, transboundary movement of wastes, preparation of state-of-the-environment reports, indicators, pollutant release registers, environmental information and environmental expenditure. Some content from the Recommendation is also managed by the Resolution on the National Environmental Action Plan 2005–2012 (OG RS, No. 2/2006), especially objectives and measures for waste management, and 7 action plans for wastes. Environmental impacts associated with the use of natural resources and materials are also determined by the Decree on activities and installations causing large-scale environmental pollution (OG RS, No. 97/2004).

State-of-the-environment reports and a number of indicators are prepared in order to understand resource productivity in Slovenia. We intend to develop methodologies to enhance knowledge of material flow within the country, especially in the output component of total material requirements. Databases for natural resources and materials management, such as 3Rs, should be improved and be accessible via Internet.

RECOMMENDATIONS RELATED TO ENVIRONMENT POLICY INSTRUMENTS

C(2006)84

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia follows the Recommendation by ensuring that public environmental expenditure programmes are environmentally effective and in accordance with principles of public expenditure management.

Financing of measures in order to achieve the targets set out in the National Environmental Protection Programme (adopted by Parliament) has been pursued in recent years mainly through the provision of public sources of funding with annual investment of funds for the development and completion of public utilities infrastructure for waste water collection and treatment, as well as for construction of regional centres for municipal waste management, and the reconstruction and expansion of existing municipal waste landfills. Eligible project types have been specified in the Action Programme of measures for waste water and municipal waste management, both adopted by the Government. Public funding is used only as financial leverage in addition to other financial sources.

C(2002)3
Recommendation of the Council on Improving the Environmental Performance of Public Procurement

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia had laid out the basis for green public procurement in the Act on Public Procurement (OG RS, No. 128/2006) in Article 39, thus requiring that public purchasers take account of environmental factors when buying products or services.

In 2006 the Slovenia distributed the booklet Buying Green – Handbook on green public procurement (GPP) to over 3000 addresses in the public sector. (http://www.mop.gov.si/si/publikacije/).
In March 2008 the Secretariat of the Council of Sustainable Development of Slovenia started a process of setting up a working group on GPP. The group aims to develop an Action Plan on GPP for a set of products and services and to define detailed measures and environmental criteria for greener purchases.

**C(96)39**

**Recommendation of the Council on Improving the Environmental Performance of Government**

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Environment Protection Act – EPA (OG RS, No. 41/2004) promotes the adoption of an environmental management system (EMAS) in all types of organisations, including public authorities, and encourages the use of eco labels.

The Energy Performance of Buildings (Energy Act, OG RS, No. 27/2007 UPB2) demands efficient use of energy in all new buildings. The recently adopted (February 2008) National Action plan on Energy Efficiency 2008–2016 encourages and financially supports efficient and optimal end use of energy in the public sector, thus achieving an overall energy savings of 1.5% per year, also by using green public procurement as an important instrument for attaining this objective.

Eleven Slovenian city municipalities (representing nearly a third of the population) are obliged (according to the EPA, Article 38) to prepare a state-of-the-environment and integrated environmental programme in which the environmental performance of the local authority is emphasised.

In 2006/07, Slovenia issued an awareness-raising publication *You have the power. Show wisdom also.* and launched the website (http://www.slovenija-co2.si/en/index.htm) for decision makers, i.e. for all public officials. It deals with the state of environmental performance of all crucial sectors in Slovenia, their impacts on climate change and good practices that exists in Slovenia.

The Government of Slovenia adopted the Action Plan on Reductions of Greenhouse Gas Emissions on 20 December 2006 in which there are also demands for action in the whole public sector.

**C(90)164**

**Recommendation of the Council on Integrated Pollution Prevention and Control**

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia implements industrial pollution prevention policy governed by the basic principles listed in the appendix to the Recommendation. These principles are defined in the basic Environment Protection Act (OG RS, No. 41/2004) which requires integrated environmental permits and use of the best available techniques to protect the environment as a whole. Furthermore, the Decree on Categories of Industrial Activities and Installations able to cause Large Scale Pollution (OG RS, No. 97/2004) was adopted, which precisely determines the administrative procedure and conditions for granting environmental permits.

**C(90)177**

**Recommendation of the Council on the Use of Economic Instruments in Environmental Policy**

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Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia follows the recommendation through legislation adopted in the area of use of economic instruments in environmental policy.

In accordance with provisions of the new Environment Protection Act (OG RS, No. 41/2004), the polluter-pays principle is one of the major principles of environmental protection policy. This principle includes the obligation that the polluter pays all the costs of legal measures for pollution reduction as well as measures for risk management, use of natural resources and clean-up of environmental pollution. Implementation of the polluter-pays principle has in recent years become a very important financial source for environmental protection policy. Till today, the following economic instruments have been introduced in Slovenian environmental protection policy:

- waste water tax
- water abstraction charge (user charge)
- payment for water rights
- CO₂ tax
- landfill tax
- tax on used end-of-life vehicles
- tax on lubricant oils
- tax on generation of packaging waste
- tax on generation of waste electronic and electrical equipment
- tax on generation of waste pneumatic tyres
- tax on use of volatile organic compounds
- emission trading scheme

C(79)116
Recommendation of the Council on the Assessment of Projects with Significant Impact on the Environment

Conclusion: Slovenia accepts this Recommendation.

Explanatory comment:
The Recommendation is applied through the Environment Protection Act (OG RS, No. 41/2004) for plans, programmes and projects.

Slovenia implements Strategic Environment Assessment (SEA) for plans and programmes with significant impact on the environment and Environmental Impact Assessment (EIA) for projects with significant impact on the environment. The Environment Protection Act (OG RS, No. 41/2004) gives the possibility to the MESP to screen likely significant effects on the environment (Article 40), define the need for SEAs, and takes further steps in the SEA process.

Possible effects on Natura 2000 are screened according to the Rules on the assessment of acceptability of impacts caused by implementation of plans and activities affecting nature in protected areas (OG RS, No. 130/04). The Rules are based on the Nature Conservation Act (OG RS, No. 96/04, ZON-UPB2). The assessment methods for the SEA procedure are defined in legislation in the Environmental Decree on Environmental Reports and SEA process (OG RS, No. 73/2005).

On the governmental level, SEA has already been implemented for operational programmes for rural development, regional development, fisheries and cross-border cooperation. The
SEA is also implemented for land use and town planning, as well as for infrastructure plans of national importance. SEA on the local level is carried out for spatial development strategies and land-use planning.

The Environmental Impact Assessment has also been applied by the Environment Protection Act since 1993 and the Agency of Slovenia is implementing it. The list of EIA projects (OG RS, No. 41/2004) is prescribed by the Decree on the categories of activities for which an environmental impact assessment is mandatory (OG RS, No. 130/04). Transboundary effects and transborder cooperation are regulated by law and international agreements.

C(74)216
Recommendation of the Council on the Analysis of the Environmental Consequences of Significant Public and Private Projects

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Government of Slovenia established procedures and methodologies for forecasting and describing the environmental consequences of significant public and private projects likely to have a major impact on the quality of the environment through the Decree on the categories of activities for which an environmental impact assessment is mandatory (OG RS, No. 130/04). The part on environmental reports has a section on transboundary effects.

The Government of Slovenia supports the exchange of information on environmental matters which would help to forecast and describe the environmental effects of proposed programmes or projects. The Environment Protection Act (OG RS, No. 41/2004) determines communication rules in the case of transboundary projects as well as public participation.

RECOMMENDATIONS RELATED TO WATER ISSUES

C(89)12

C(78)4
Recommendation of the Council on Water Management Policies and Instruments

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia recognises the importance of integrated management of water resources. Therefore, the Slovenian legislation on environmental protection, the Environment Protection Act, (OG RS, No. 41/2004), and on water, the Water Act, (OG RS, No. 67/2002) defines the legal framework for a number of instruments (decrees and regulations) which determine the administrative, legislative and economic systems necessary for the implementation of effective management of water resources. The policies are based on sustainable development, long-term use of water resources and the polluter-pays principle.

C(74)221
Recommendation of the Council on Strategies for Specific Water Pollutants Control

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
In the case of implementing the policy of measures to prevent pollutants from reaching bodies of water by all appropriate means, such as modification of industrial processes and treatment of pollutants at the source utilising improved technologies, Slovenia identified pollutants of particular significance in the water environment and their origin by setting up the Decree on the emission of substances and heat in the discharge of waste water into waters and public sewage system (OG RS, No. 47/2005). The investment required to achieve the desired level of water quality were assessed by the 2004 Operational Programme for the discharge and treatment of urban waste water.

C(74)220
Recommendation of the Council on the Control of Eutrophication of Waters

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The provisions of this Recommendation are in general terms reflected in the Environment Protection Act (OG RS, No. 41/2004), but specifically in regard to technical possibilities for control of eutrophication and in regard to monitoring controls, several legal instruments were introduced.

The first group of legal instruments is directed to the control of nutrient substances from municipal sewage sources and industrial effluents and are defined by the Decree on emissions from urban waste water treatment plants into waters (OG RS, No. 45/07) and by the Decree on emissions from small urban waste water treatment plants (OG RS, No. 98/07). Nutrient removal from various agricultural activities is defined by the Decree on the limit input concentration values of dangerous substances and fertilisers in soil (OG RS, No. 84/05).

The second group of instruments defines monitoring of nutrients in the water environment through the Decree on the chemical status of surface waters (OG RS, No. 11/2003) and the Rules on the monitoring of chemical status of surface waters (OG RS, No. 42/2003), taking into account the OECD conclusions on eutrophication.

The legal framework for transboundary problems of possible transfer of nutrient loads across the border is defined by the Agreement between Slovenia and the Republic of Croatia on water management issues (OG RS, No. 23/1997), in which coordination of monitoring programmes and discussion of results are defined.

RECOMMENDATIONS RELATED TO BIODIVERSITY

C(2004)81
Recommendation of the Council on the use of economic instruments in promoting the conservation and sustainable use of biodiversity

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia ratified the Convention on Biological Diversity in 1996 (Act on Ratification of the Convention on Biological Diversity (OG RS, No. 30/1997)) and in subsequent years established a framework to ensure the efficient long-term conservation and sustainable use of biodiversity and its related resources. The Nature Conservation Act (OG RS, No. 56/1999) and its executive acts determine measures on biodiversity conservation, protection of wild flora and fauna including their genetic material, habitats and ecosystems, and sustainable use of biodiversity components and conservation of natural balance. The Biodiversity Conservation Strategy was approved by the Government in 2001 (Biodiversity Conservation
Strategy of Slovenia, adopted by the Government of Slovenia on 20 December 2001 and published on the MESP web pages), and the Natura 2000 management programme (which covers 35.5% of the country’s areas with the most outstanding biodiversity) in 2007 (Operational programme – Natura 2000 management programme, adopted by the Government of Slovenia on 11 October 2007 and published on MESP web pages). Sustainable use of biodiversity components is integrated into legislation, programmes and strategies of other governmental sectors (listed at the end of the document), especially forestry (with over 100 years of tradition in planning sustainable use), hunting, fisheries and agriculture. Nature conservation concerns are integrated into spatial planning (including environmental assessment), water management, regional development and tourism.

This integration is pursuant to EU legislation and is also supported by certain economic instruments, including incentive measures. Therefore, domestic economic instruments are in place to support the application of the biodiversity policy and are the subject of further development.

RECOMMENDATIONS RELATED TO NOISE

C(85)103
Recommendation of the Council on Strengthening Noise Abatement Policies

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
In order to promote the production and use of quieter products, Slovenia elaborated noise control regulations with noise emission limits on products such as non-mobile machines, household equipment, motor vehicles and aircraft by setting the following Rules:

- Rules on noise emission from machinery used outdoors
- Rules on noise emissions from household appliances
- Rules on the EC-type approval of motor vehicles
- Rules on noise emission of aircraft

Slovenia also set up the regulative framework to ensure that the most exposed members of the population are protected from noise pollution by means such as traffic management, construction of noise barriers, insulation of buildings and preventing the creation of new noise sources by appropriate land use planning, especially in urban areas. The Decree on limit values for environment noise indicators and the Decree on the assessment and management of environmental noise are set up and implemented under the 2004 Environmental Act to develop noise abatement policies which would limit noise exposure to the population.

C(78)73
Recommendation of the Council on Noise Abatement Policies

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia elaborated and implemented emission standards on noisy activities through the 2004 Decree on limit values for environment noise indicators and for certain non-mobile machinery through the Rules on noise emission from machinery used outdoors.

Implementation of the 2004 Decree on the assessment and management of environmental noise also ensured that land-use planning, including transport planning, would incorporate
noise abatement requirements and that noise abatement would be considered at the outset of projects and that no new noise-sensitive residences would be located in areas with high noise levels. By the 1999 Rules on sound insulation in buildings, noise protection measures are required, especially for new buildings intended as residences, schools and hospitals.

Harmonised noise-measurement methods and test procedures designed to protect the environment are insured by the 2000 Rules on initial measurements and operational monitoring of noise sources and on conditions for their implementation. With these Rules, a close link between procedures for measuring noise emission and immission is established.

RECOMMENDATIONS RELATED TO TRANSFRONTIER POLLUTION

C(81)32
Recommendation of the Council concerning Certain Financial Aspects of Actions by Public Authorities to Prevent and Control Oil Spills

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia is fully aware of the problem of prevention, control and remediation of the effects of oil spills. National legislation regulates this area with certain laws and regulations. Slovenia has concluded but not yet ratified an international agreement with Italy and Croatia concerning the preparation of a contingency plan to protect the Adriatic Sea against pollution. Financial aspects are part of this agreement. Slovenia is also a party to international conventions concerning oil spills.

C(78)77
Recommendation of the Council for Strengthening International Co-operation on Environmental Protection in Frontier Regions

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia is fully aware of the importance of the cooperation in the protection of the environment in frontier regions. There are no regions set up as administrative units in Slovenia yet; however, legislation concerning regions and their responsibilities and tasks is in preparation. So far, Slovenia is administratively divided into municipalities and they have no special status according to their frontier location. Nevertheless, Slovenia has concluded a number of agreements with EU Member States (Italy, Austria and Hungary) and also with the non-member state Croatia concerning water issues. These agreements cover water management issues in frontier areas, including prevention against floods, supply of water, etc.

Slovenia is also a party to certain international conventions concerning environmental issues which may cause transboundary effects.

C(77)28
Recommendation of the Council for the Implementation of a Regime of Equal Right of Access and Non-Discrimination in Relation to Transfrontier Pollution

Conclusion: Slovenia accepts this Recommendation.
Explanatory Comment:
Slovenia has an established legal system which guarantees the rights of the public in relation to the transboundary impact of planned activities and projects on the environment. Slovenia is a party to international conventions which contain requirements for international cooperation in environmental matters.

C(76)55
Recommendation of the Council on Equal Right of Access in Relation to Transfrontier Pollution

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia has an established legal system which guarantees the rights of the public in relation to the transboundary impact of planned activities and projects on the environment. There are provisions in the Environment Protection Act (OG RS, No. 41/2004) which enable citizens to participate in the procedure of issuing environmental consent and/or environmental permits if the impact of the project or installation influences these citizens. Non-governmental organisations established to protect the environment and which fulfil the prescribed conditions have the same rights.

C(74)224
Recommendation of the Council on Principles concerning Transfrontier Pollution

Conclusion:
Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia is a party to all relevant international agreements concerning the protection of the environment. Slovenia has also concluded a number of bilateral and multilateral agreements with neighbouring countries concerning specific environmental issues. In negotiating international agreements, Slovenia follows the principles in the Recommendation.

RECOMMENDATIONS RELATED TO COSTAL ZONE MANAGEMENT

C (92)114
Recommendation of the Council on Integrated Coastal Zone Management

C (76)161
Recommendation of the Council on Principles concerning Coastal Management

Conclusion: Slovenia accepts these Recommendations.

Explanatory Comment:
Measures and instruments in both recommendations on Integrated Coastal Zone Management have a basis for implementation in the Environment Protection Act (OG RS, No. 41/2004), especially environmental consequences of significant public and private projects and principles concerning transfrontier pollution. For integrated coastal zone management the following legislation is also important: the Ordinance on Spatial Planning Strategy of Slovenia (OG RS, No. 76/2004), the Decree on the Spatial Order of Slovenia (OG RS, No. 122/2004) and the Decree laying down the content of environmental reports and on
detailed procedure for the assessment of the effects on certain plans and programmes on the environment (OG RS, No. 73/2005).

Slovenia is very active in activities related to Barcelona Convention. Ratification in 2008 of the signed Protocol for integrated coastal zone management in the Mediterranean is under procedure. The pilot study CAMP (Coastal Zone Management Programme) for the Slovenian North Adriatic coastal region under the Mediterranean Action Plan has been completed. The Regional Development Programme for the Slovenian North Adriatic coastal region 2007–2013 has been upgraded.

RECOMMENDATIONS RELATED TO ENERGY

C(85)102
Recommendation of the Council on Environmentally Favourable Energy Options and their Implementation

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia fully takes recommendations on long-term environmental and energy policies into account. The basic legislation for these recommendations is embodied in the Energy Act (OG RS, No. 27/2007), Environment Protection Act (OG RS, No. 41/2004) and Spatial Planning Act (OG RS, No. 33/2007). On the lower level we have various national and regional programmes such as the Resolution on the National Energy Programme (OG RS, No. 57/2004) and the National Efficiency Energy Action Plan for the period 2008–2016 (Decision of Government EVA: 2007-2511-0037)

C(85)101
Recommendation of the Council on the Control of Air Pollution from Fossil Fuel Combustion

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia regulates the limitation of emissions into the air from small, medium and large combustion plants by the Regulation on emission of substances into the air from large combustion plants (OG RS, No. 73/05) and the Regulation on emission of substances into the air from small and medium combustion plants (OG RS, No. 34/2007). Furthermore, it has developed and adopted the Operational Programme for reducing emissions of certain substances into the air from existing large combustion plants (Governmental Decision, No. 35405-1/2006/4, 9 February 2006).

C(79)117
Recommendation of the Council on Coal and the Environment

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia has adopted legislation for recommendations on the environmental and energy coal cycle in the Environment Protection Act (OG RS, No. 41/2004), Spatial Planning Act (OG RS, No. 33/2007) and Mining Act (OG RS, No. 98/2004). Intensified research on the utilisation of fossil fuels is part of research programmes in Slovenia. Slovenia fully accepted and has been implementing the polluter-pays principle since 1993. This principle is one of the basic
principles in the Environment Protection Act (OG RS, No. 41/2004). The Decree laying down the content of environmental reports and on detailed procedure for the assessment of the effects on certain plans and programmes on the environment (OG RS, No. 73/2005), the Decree on categories of activities for which an environmental impact assessment is mandatory (OG RS, No. 78/2006) and the Resolution on the National Energy Programme (OG RS, No. 57/2004) take into account the Recommendations on coal and the environment.

C(77)109
Recommendation of the Council on the Reduction of Environmental Impacts from Energy Use in the Household and Commercial Sectors

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia fully takes into account the Recommendations on management of energy demand, effective energy conservation measures, energy distribution systems and desirable energy systems in the Energy Act (OG RS, No. 27/2007), Environment Protection Act (OG RS, No. 41/2004) and Spatial Planning Act (OG RS, No. 33/2007). The Recommendations and attached conclusions are also taken into consideration in National Energy Efficiency Action Plan for the period 2008–2016 (Decision of Government EVA: 2007-2511-0037) and Resolution on the National Energy Programme (OG RS, No. 57/2004). The Recommendations are also partly defined in the Decree on a framework for the setting of the eco-design requirements for energy using products (OG RS No. 19/2008), the Regulation on energy efficiency requirements for ballasts for fluorescent lighting (OG RS No. 47/2007), the Regulation on energy efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OG RS No. 63/2007) and the Regulation on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof (OG RS No. 40/2007).

C(76)162
Recommendation of the Council concerning the Reduction of Environmental Impacts from Energy Production and Use

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:

For recommendations regarding off-shore oil and gas resources, Slovenia is very active in activities related to Barcelona Convention. Ratification in 2008 of the signed Protocol for integrated coastal zone management in the Mediterranean is under procedure.

For the part of Recommendation C(76)162) regarding surface-mined coal, Slovenia does not have any mining fields and consequently no law.

RECOMMENDATIONS RELATED TO TRANSPORT

C(2004)80

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Conclusion: Slovenia accepts this Recommendation.

Explanatory comment:
Provisions to assess the impacts of transport plans and programmes on the environment are included in the Environment Protection Act (OG RS No. 41/2004), according to which all transport programmes and plans are subject to environmental impact assessment. Furthermore, the Spatial Planning Act (OG RS, No. 3/2007) of 2007 determines that in the planning process each transport project should develop several alternative solutions from which the most appropriate one is chosen, assessed on the basis of economic and environmental impacts as well as social aspects.

C(74)218
Recommendation of the Council on Traffic Limitation and Low-Cost Improvement of the Urban Environment

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Environment Protection Act (OG RS, No. 41/2004) states that municipalities should prepare environmental programmes where the issue of transportation in cities forms an important part. Specific activities are being performed in order to support cities in preparation of urban mobility strategies, such as a nation-wide study on practical recommendations on how to develop integrated urban transportation plans.

RECOMMENDATIONS RELATED TO TOURISM

C(79)115
Recommendation of the Council on Environment and Tourism

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Development Plan and Policies of Slovenian Tourism (DPPST) 2007–2011 was adopted on 13 July 2006 by the Government of Slovenia and entered into force on 1 January 2007. The proposed development policies of the tourism industry in the forthcoming period are based on a detailed analysis of domestic and foreign environments, and on the consideration of the latest trends in tourism development. The vision, fundamental objectives, basic and business strategies, as well as policies were developed. For the purpose of continuously monitoring the implementation of basic strategic objectives, this document also anticipates the establishment of an effective evaluation system and implementation supervision of the DPPST. The DPPST comprises 8 policies (one of them being sustainable and regional development) which cover principal measures and activities whose implementation will contribute to the growth and development of the entire scope of Slovenian tourism. In addition, these policies represent development guidelines intended for all tourist entities in Slovenia.

The Expert Council for Tourism has been set up within the Ministry of the Economy with its members being representatives of diverse stakeholders’ groups. The MESP plays an important role in this process and is actively involved in setting up indicators for sustainable tourism, looking at the sustainable spatial planning of tourist activities and at natural protected areas; 35% of the geographical area of Slovenia has NATURA 2000 status.
DECISIONS AND RECOMMENDATIONS RELATED TO CHEMICALS

C(97)114
Decision of the Council concerning the Adherence of non-Member Countries to the Council Acts related to the Mutual Acceptance of Data in the Assessment of Chemicals

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
Slovenia accepts the provisions of this Decision and provisions from OECD Working Group on Good Laboratory Practice meetings and other exchanges of opinions. Slovenia has been a full member of this working group since June 2004.

C(89)87
Decision-Recommendation of the Council on Compliance with Principles of Good Laboratory Practice

C(81)30
Decision of the Council concerning the Mutual Acceptance of Data in the Assessment of Chemicals

Conclusion: Slovenia accepts these instruments.

Explanatory Comment/Observation:
Since June 2004, Slovenia has been a full member of the OECD Working Group on Good Laboratory Practice, Working Group on Test Guidelines and the related part of the Joint Meeting of the Chemicals Group and thus accepts the provisions of these instruments. They are implemented in our legislation by the Chemicals Act, Rules on Assessment and Procedures of Compliance Monitoring with Principles of Good Laboratory Practice and Rules on Principles of Good Laboratory Practice.

C(90)163
Decision-Recommendation of the Council on the Co-operative Investigation and Risk Reduction of Existing Chemicals

C(87)90
Decision-Recommendation of the Council on the Systematic Investigation of Existing Chemicals

Conclusion: Slovenia accepts these instruments

Explanatory Comment/Observation:
EU Directive 793/93 sets the procedures for risk assessment of existing chemicals, setting HPV as a priority. Slovenia, as a member of the EU, takes an active role in this system. The new EU REACH regulation (1907/2006) is going to repeal Directive 793/93 on 1.6.2008 and establish a new system of assessment and risk management of chemicals. One of the basic differences is the fact that it no longer makes a distinction between new and existing substances.

C(82)196

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Decision of the Council concerning the Minimum Pre-Marketing Set of Data in the Assessment of Chemicals

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
The new EU REACH regulation (1907/2006) obliges persons placing dangerous chemicals on the market to provide them along with Safety Data Sheets with all required information. Directive 67/548 and 99/45, inter alia, set the obligations for proper classification, packaging and labelling of all dangerous chemicals.

C(88)85
Decision-Recommendation of the Council concerning Provision of Information to the Public and Public Participation in Decision-making Processes related to the Prevention of, and Response to, Accidents Involving Hazardous Substances

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
Provision of information to the public that could be affected by the consequences of accidents involving hazardous substances and their access to information is regulated by the Environment Protection Act (OG RS, No. 41/2004) and by the Decree on the Prevention of Major Accidents and Limitation of their Consequences (OG RS, No. 88/2005). The Environment Protection Act also regulates public participation in administrative procedures and opportunities for them to comment prior to decisions concerning siting and licensing of hazardous installations and the development of community emergency preparedness plans.

C(88)84
Decision of the Council on the Exchange of Information concerning Accidents Capable of Causing Transfrontier Damage

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
The Exchange of information related to accidents with transboundary damage potential is regulated by the Environment Protection Act (OG Nr. 41/2004) and Act on the Ratification of the UNECE Convention on the Transboundary Effects of Industrial Accidents (OG RS No. 27/99). Amendments to the environmental legislation will be needed to comply with the above decision completely. These amendments relate to the Appendix I of the decision.

C(87)2: Decision-Recommendation of the Council on Further Measures for the Protection of the Environment by Control of Polychlorinated Biphenyls

Conclusion: Slovenia accepts this instrument.

Explanatory Comment/Observation:
Industrial use of PCBs ceased and was replaced in January 1985. Unused PCB and waste was exported – D10 to France and 20 tonnes safely dumped in the area where it was used. PCB waste was included in the category of hazardous waste and handled in accordance with national legislation. Until 2010 all electrical equipment containing PCBs should be replaced with PCB-free equipment in accordance with legislation. PCBs are monitored in all environment segments (water, sediment, soil, air, etc.), waste, materials in contact with food and in food and also included in national human biomonitoring, which started in 2007.
competent authority maintains a register of users of PCB equipment and other related registers. PCB exports and imports are banned.

C(83)98
Recommendation of the Council concerning the OECD List of Non-Confidential Data on Chemicals

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is implemented in our legislation through the Chemicals Act, Biocidal Products Act, Cosmetic Products Act and EU REACH Regulation, which all define non-confidential data. Our policy is to disclose all relevant non-confidential data to the public.

C(83)97
Recommendation of the Council concerning the Exchange of Confidential Data on Chemicals

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Bases for exchange of confidential data are set down in our legislation through the Chemicals Act, Biocidal Products Act, Cosmetic Products Act and EU REACH Regulation. The principles set out in the appendix of the Recommendation will be applied for data exchange procedures.

C(83)96
Recommendation of the Council concerning the Protection of Proprietary Rights to Data submitted in Notifications of New Chemicals

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
In the EU, the procedure for protection of rights to data submitted in notifications of new chemicals is already in line with the OECD Recommendation. REACH will implement a new system of registration, which is going to unify the procedure for new and existing chemicals.

C(2003)221
Recommendation of the Council concerning Chemical Accident Prevention, Preparedness and Response

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia has introduced a national regime for the prevention of major accidents with hazardous substances and for the limitation of their consequences. The regime is composed of following instruments: registration of hazardous activities handling higher quantities of hazardous substances, environmental licensing of the operation of hazardous activities, criteria for siting new/modified hazardous activities, inspection and enforcement instruments, development and implementation of on-site and off-site emergency plans, and a system for reporting and analysing accidents with hazardous substances and informing the potentially affected public.
C(2003)87 (amended C(96) 41 )
Recommendation of the Council on Implementing Pollutant Release and Transfer Registers

Conclusion: Slovenia accepts the amended Recommendation.

Explanatory Comment/Observation:
Slovenia ratified the Aarhus Convention and is in the process of ratification of the Protocol on Pollutant Release and Transfers Register. A system of reporting industrial emissions and transfers to the national authority was established through the Regulation on implementation of Regulation EC 166/2006 (OG RS, No. 77/2006). It contains all the main principles from the Annex and is provided for larger emission sources and defined pollutants. In addition, industrial emissions to air and water for all industrial sources which are subject to legal requirements for monitoring is available on the Internet.

C(84)37
Recommendation of the Council concerning Information Exchange related to Export of Banned or Severely Restricted Chemicals

Conclusion: Slovenia accepts this Recommendation

Explanatory Comment/Observation:
Slovenia ratified the Rotterdam Convention in 1999 and is implementing EU Regulation 304/2003.

C(77)97
Recommendation of the Council establishing Guidelines in Respect of Procedure and Requirements for Anticipating the Effects of Chemicals on Man and in the Environment

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The European Union and Slovenia as a Member State have guidelines in place on procedures and requirements for risk assessment of dangerous chemicals. The procedure for risk assessment is going to change under the REACH registration, where producers and importers of substances are going to be responsible for risk consideration and risk reduction, on the basis of which the European Commission and Member States are going to build further risk assessment and risk management decisions on national and EU levels.

C(74)215
Recommendation of the Council on the Assessment of the Potential Environmental Effects of Chemicals

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The European Union and Slovenia as a Member State have been performing risk assessment of dangerous chemicals, and as a priority part of HPVs have been assessed in recent decades. The procedure for risk assessment is going to change under the REACH registration, where producers and importers of substances are going to be responsible for
risk consideration and risk reduction, on the basis of which the European Commission and the Member States are going to build further risk assessment and risk management decisions on national and EU levels.

C(73)172
Recommendation of the Council on Measures to Reduce all Man-Made Emissions of Mercury to the Environment

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Possible mercury emissions have already been reduced in Slovenia by accepting the EU Rules which limit the use of mercury in batteries, electronic equipment, medical devices, motor vehicles, etc. Slovenia is also actively participating in attempts to further reduce mercury on the international level (e.g. IFCS, SAICM). Slovenia does not have a chlor-alkali industry.

C(71)83
Recommendation of the Council of the Determination of the Biodegradability of Anionic Synthetic Surface Active Agents

Conclusion: Slovenia accepts this Recommendation with a reservation to the determination procedure proposed in the annex.

Explanatory Comment/Observation:
Slovenia adopted the C(71)83 Recommendation in its legal system in 2002 (Rules on biodegradability and labelling of detergents, OG RS, No. 73/2002, 13.08.2002). The 2002 legislation transposed the OECD Recommendations. In 2005 the existing rules were replaced by a new instrument (Decree on the implementation of the Regulation of the European Parliament and of the EC Council on detergents, OG RS, No. 66/2005, 13.07.2005), which retained the principles of the OECD Recommendation but applied improved state-of-the-art methods for the determination of the biodegradability of anionic synthetic surface active agents in accordance with EN ISO 11733.

C(96)42
Ministerial Declaration on Risk Reduction of Lead (see Council Resolution C(96)42)

Conclusion: Slovenia associates itself with the Declaration.

Explanatory Comment/Observation:
On the EU level, lead has already been partly reduced by implementing certain restrictions, such as restrictions in paints, electronic equipment and motor vehicles. Priorities of Slovenian environmental policy are defined by the National Environmental Action Programme (NEAP). The NEAP is a basic strategic environmental protection document based on four basic principles of environmental protection: pollution prevention, precautinary principle, polluter pays and life cycle approach. Risk reduction of lead is part of NEPA.

1998 Rotterdam (PIC)

Conclusion: Slovenia accepts this Convention and has been a member of the Convention since 24 February 2004.

Explanatory Comment/Observation:
Slovenia ratified the Rotterdam Convention in 1999 and is implementing EC regulation 304/2003.

2000 Montreal: Biosafety Protocol (Cartagena)

Conclusion: The Republic of Slovenia has been a member of the Protocol since September 2003.

Explanatory Comment/Observation:
The Act on ratification of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity ratified the Cartagena Protocol on Biosafety and recognised the Protocol as an international platform for biosafety that contributes to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, also taking into account risks to human health and specifically focusing on transboundary movements.


Conclusion: Slovenia is a party to the Montreal Protocol and its listed Amendments.

Explanatory Comment/Observation:
As a result of the GEF-funded Ozone Depleting Substances (ODS) Phase-out Project and re-establishment of the institutional strengthening component in 1995–98, Slovenia became a non-Article 5 party to the Montreal Protocol (MP) in 2000. With EU membership (1 May 2004), Regulation (EC) No. 2037/2000, which implements the MP on substances that deplete the ozone layer and is ahead of the MP provisions and its relevant decisions, entered into force.

The EC has a leading role in global efforts to phase out ODS in order to preserve the ozone layer. The Regulation is broader in scope than the Protocol in several areas – such as its phase out of schedules for several ODS (especially for HCFCs) – and its provisions on products and equipment go beyond the Protocol. It prohibits the production of controlled substances, limits their import/export through issuance of licences, sets rules of recovery, recycling and reclaim of used controlled substances and establishes monitoring mechanisms for refrigeration and air conditioning equipment containing controlled substances.

2001 Stockholm Convention (POPs)

Conclusion: Slovenia has been a member of the Convention since 2 August 2004

Explanatory Comment/Observation:
Slovenia ratified the Stockholm Convention on persistent organic pollutants in 2004 (OG RS 32/2004, International Agreements) and developed a National implementation plan for the management of POPs. As an EU member state Slovenia also implemented Regulation on implementation of the Regulation 850/2004 of the EP and EC on persistent organic pollutants (OJ RS 4/2005). Slovenia prepared an implementation plan in accordance with Article 7 of the Stockholm Convention,

2006 Dubai Declaration (SAICM)
Conclusion: Slovenia accepts this Declaration.
Explanatory Comment/Observation:
The Dubai Declaration, adopted on 6 February 2006 in Dubai, is being implemented in Slovenia so that by 2020 the overarching goal of the SAICM will be achieved. According to Article 23 of the Overarching Policy Strategy, the Strategic Approach national focal point has been designated by the Government (National Chemicals Bureau at the Ministry of Health), and an Inter-sectoral Committee on chemicals safety was appointed to be an coordinating body for the implementation of the SAICM. As the SAICM implementation body the National Chemicals Bureau has been authorised by the Government, which also adopted the National Action Plan on SAICM implementation in Slovenia. Moreover, Slovenia is funding the Quick Start Programme for the period 2006–2010 and the SAICM Secretariat for the period 2006–2020.

DECLARATIONS AND STRATEGY

OECD Environmental Strategy for the First Decade of the 21st Century
C/M(74)26
Declaration on Environmental Policy
C(79)121
Declaration on "Environment: Resource for the Future"
C885)111
Declaration on Anticipatory Environmental Policies

Conclusion:
Slovenia associates itself with policy objectives of the Strategy and the statements in these Declarations.

Explanatory Comment:
The priorities of Slovenian environmental policy are defined by the National Environmental Action Programme (NEAP). The NEAP is a basic strategic environmental protection document based on four basic principles of environmental protection: pollution prevention, precautionary principle, polluter pays and life cycle approach.

The NEAP sets key environmental objectives and priority tasks based on environmental assessments and prevailing trends:

- to place emphasis on climate change as an important challenge in the coming years and to reduce emissions of greenhouse gases, thereby contributing to the long-term goal of stabilising concentrations of greenhouse gases in the air as well as reducing emissions of ozone-depleting substances;
- to protect and preserve natural systems, habitats and wild animal and plant species in order to halt the loss of biodiversity and genetic diversity, and to stop soil from degrading further;
- to contribute to raising the quality of life and social welfare by ensuring that the environment does not contain pollution at levels harmful to health and the environment, by promoting sustainable development in towns and cities and, in particular, by ensuring that measures are implemented that establish good surface and underground water status and sustainable water management, including activities that focus on the water balance and on the rational consumption of water as a natural resource;
- to ensure that waste management and the use of renewable and non-renewable natural resources, which facilitate sustainable production and consumption, contribute to reducing environmental pollution and energy consumption in such a way that an excessive burden is not placed on the environment.
Strategic environmental protection guidelines and the instruments to be deployed to achieve the objectives of the NEAP are set in the following areas:

- Drafting and adoption of new legislation and the consistent implementation of existing legislation
- Sustainable use of natural resources
- Inclusion of environmental protection requirements in spatial development planning
- Integration of the environment into sectoral policies
- Environmental technologies
- Promoting sustainable production and consumption
- Economic policy and environmental protection
- Raising environmental awareness, dialogue with interested parties and public participation
- Rehabilitation of degraded areas

12. FINANCIAL MARKETS

C/MIN(2008)8/FINAL
Declaration on sovereign wealth funds and recipient country policies

Conclusion: Slovenia associates itself with this Declaration.

Explanatory Comment/Observation
Slovenia has adhered to the OECD Declaration on sovereign wealth funds and recipient country policies as at 5 June 2008.

C(2005)55/REV1

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Financial education is an important issue and Slovenia pays due attention to its development. The main goal in the field of financial education as set by the Government is to raise awareness of the general population about financial risks and ways to protect themselves against these risks through adequate savings, insurance and financial education. Financial education should not be seen as a final goal per se, it should also complement other initiatives such as for example provision of relevant and understandable information. It is not a replacement for consumer protection laws but will enable consumers to make better financial decisions, based on adequate information.

Currently, Slovenian legislation pursues the goal of adequate financial education by introducing basic interest calculations to secondary school curricula. Furthermore, the Slovenian legal framework does not limit the flow/exchange of relevant market information and has disclosure rules in place for undertakings. Consequently, market participants are able to make informed decisions. Additionally, the Slovenian Consumer Credit Act (OG RS, Nos. 77/04 – official consolidated text and 111/07) prescribes an obligation to provide relevant information to credit customers while the Consumer Protection Act (OG RS, Nos. 98/04 – official consolidated text and 126/07) requires that the nature of any contract is explained to consumers. Moreover, since the ECOFIN Council has stressed the importance of establishing a set of tools involving both the public and the private sector for a more
effective provision of financial education at EU level, and since Slovenia supports these conclusions, Slovenia is strongly committed to the goal of better financial education.

**C(75)198**

Recommendation of the Council concerning the Minimum Disclosure and Procedure Rules to be Complied with before Securities may be Offered to the Public

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The provisions are a subject of the Market in Financial Instruments Act (OG RS, No. 67/07 (100/07 corr.)) as well as of Commission Regulation (EC) No. 809/2004 of 29 April 2004 implementing Directive 2003/71/EC of the European Parliament and of the Council as regards information contained in prospectuses as well as the format, incorporation by reference and publication of such prospectuses and dissemination of advertisements (OJ EC L, No. 149/2004). The Market in Financial Instruments Act prescribes in Chapter 2 (Articles 36-98) rules on the nature and extent of information concerning issuers of securities to be sold to the public and concerning such securities, and rules on the methods of publication of such information as well as rules on a prior review of the information by competent authorities as to proper compliance with the stipulated requirements. The Act foresees that no person is allowed to offer securities to the public in the Republic of Slovenia without first publishing the appropriate prospectus unless otherwise specified by law in individual cases and that securities are not allowed to be admitted to trading on the stock exchange market without first publishing the appropriate prospectus unless otherwise specified by law in individual cases. General rules on drawing up prospectus (as defined in Article 54) foresee that the prospectus must contain all the information needed for investors to be able to make an assessment of the characteristics of the issuer and the securities that are the subject of the public offer or the admission to trading on a regulated market.

**C(74)157**

Recommendation of the Council concerning Regulations for the Public Offer and for Stock Exchange Listing or Quotation of Foreign Securities

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Market in Financial Instruments Act (OG RS, No. 67/07 (100/07 corr.)) foresees that when considering the public offer of securities by a third-country issuer in the Republic of Slovenia and that when considering the request for admission to trading on the stock exchange market of foreign issues, a third-country issuer (or an offer or intent to offer such issuer’s securities) or an applicant for admission of securities to trading on the stock exchange market must, for all activities related to the public offer or admission to trading on the stock exchange market, authorise a person to perform investment services in the Republic of Slovenia. This requirement protects investors, as both the authorised person and the authorising companies are liable for the content of the disclosure. However, the Securities Market Agency may also approve a prospectus relating to securities of a third-country issuer that is drawn up in accordance with the laws of the third country when the prospectus is drawn up in line with international standards determined by the international organisation of authorities competent for the supervision of securities, including the standards on the publication of information of the IOSCO and when in terms of the information contained, the prospectus meets the same requirements as those specified herein in terms of financial information.
C(74)156
Recommendation of the Council concerning Disclosure Requirements and Procedures to be Applicable to all Publicly Offered Securities

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Provisions regarding disclosure requirements (securities and issuers) are a subject of the Market in Financial Instruments Act (OG RS, No. 67/07 (100/07 corr.)). The Market in Financial Instruments Act (Articles 99–148) foresees that the obligations to disclose regulated information shall arise upon the admission of securities to trading on a regulated market. Accordingly, a public company shall, inter-alia: publish annual and semi-annual reports (Article 110), publish information on any change in major holdings (Article 124), publish information on any change in the amount of own shares (Article 125), immediately publish any change in the rights attaching to the various classes of shares admitted to trading on a regulated market (Article 128) and publish information on new issues of debt securities (Article 130). Furthermore, Article 136 foresees that a public company (or person seeking admission of securities to trading on a regulated market without the consent of a public company) must publish the regulated information in a manner that enables quick access to such information on a non-discriminatory basis.

C(74)61
Recommendation of the Council concerning the Review of any Restrictions which Member Countries Impose on Portfolio Investment in Unlisted or Unquoted Securities

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Provisions regarding unlisted foreign securities are a subject of the Market in Financial Instruments Act (OG RS, No. 67/07 (100/07 corr.)), which also implements Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments (OJ EC L, No. 145/04). The Slovenian legal framework does not establish any restrictions on portfolio investments other than those necessary for technical reasons or investor protection (i.e. in accordance with Article 121/1(5) of the Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07) insurance companies can only invest in securities traded on an organised securities exchange). Furthermore, Slovenian legislation does not give the impression that only listed securities carry with them some standard endorsement and does not impose discriminatory exchange control restrictions.

C(71)234
Recommendation of the Council concerning Standard Rules for the Operations of Institutions for Collective Investment in Securities

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The provisions regarding public sale of the securities of foreign institutions for collective investment in securities in Slovenia is covered by the Investment Funds and Management Companies Act (OG RS, No. 26/05 – official consolidated version, 68/05 Odl.US: U-I-127/03-44, 92/07 (19/007 corr.)).

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment: The Market in Financial Instruments Act (OG RS, No. 67/07 (100/07 corr.)) allows reception by and transmission of orders to residents in relation to one or more financial instruments, execution of orders on behalf of clients, dealing on own account, portfolio management, investment advice, initial or subsequent underwriting and/or placing of financial instruments on a firm commitment basis, initial or subsequent placing of financial instruments without a firm commitment basis, and operation of multilateral trading facilities. The issuing of securities by banks and other financial institutions is covered by the Book Entry Securities Act (OG RS, No. 2/2007).

13. FISCAL AFFAIRS

C(2001)28
Recommendation of the Council on the Use of the OECD Model Memorandum of Understanding on Automatic Exchange of Information for Tax Purposes

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment: Slovenia is interested in Automatic Exchange of Information as stated in Article 2 of the OECD Memorandum of Understanding between the competent authorities. Slovenia has already prepared a magnetic and electronic format following the Recommendation of the Council on the Use of the Revised OECD Standard Magnetic Format and for Automatic Exchange of Information (C(97) 30/FINAL). The information will be provided once per calendar year.

C(2000)98

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment: Slovenia supports measures aiming at counteracting harmful tax competition. Slovenia does not use the list of jurisdictions meeting the tax haven criteria listed in the 2000 Report as a basis for its defensive measures. Slovenia uses its own list of jurisdictions (countries) which are subject to defensive measures, taking into account both the OECD list of jurisdictions meeting the tax haven criteria and the OECD list of uncooperative tax havens.

C(98)17
Recommendation of the Council on Counteracting Harmful Tax Competition

Conclusion: Slovenia accepts this Recommendation

Explanatory Comment: Slovenia supports measures aiming at counteracting harmful tax competition and accepts the above Recommendation, which consists of:
- recommendations concerning domestic legislation and practices;
Slovenia accepts the listed recommendations. Slovenia has already implemented most of the recommendations concerning national legislation and practices; several recommendations (concerning CFC rules, foreign investment fund rules, foreign information reporting rules) are under consideration.

- recommendations concerning tax treaties;
Slovenia already acts according to the listed recommendations and supports all measures aiming at counteracting harmful tax competition.

Slovenia endorses the guidelines on harmful preferential tax regimes. Slovenia is an active member of the EU Code of Conduct Group for Business Taxation and currently does not have any measure under Standstill or Rollback procedure.

C(97)195
Recommendation of the Council concerning the Model Tax Convention on Income and on Capital

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia’s policy concerning elimination of double taxation in international relations is to create a network of Tax Treaties with those OECD and non-OECD countries where economic and business relations require a treaty. Slovenia also wants to replace the treaties concluded by ex-Yugoslavia and succeeded by Slovenia, some of which are still in force, with new treaties in line with the latest OECD Model Tax Convention. Subject to positions set out in the 2008 Update of the Model Tax Convention, Slovenia adheres to the latest OECD Commentary on the Model Tax Convention.

C(97)184
Recommendation of the Council on the Granting and Design of Tax Sparing in Tax Conventions

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
When negotiating Tax Treaties Slovenia does not request a tax sparing provision. However, at the request of the other Contracting State, Slovenia is willing to consider including such a provision in the Treaty only under certain conditions and subject to limitations.

C(92)50
Recommendation of the Council concerning a Standard Magnetic Format for Automatic Exchange of Tax Information
&
C(97)30

Conclusion: Slovenia accepts these Recommendations.

Explanatory Comment:
Slovenia will use OECD Standard Magnetic Format which is an integral part of the Recommendations. The standard format will be used for automatic exchange of information concerning income realised from the tax year 2007 on.

C(97)29
Recommendation of the Council on the Use of Tax Identification Numbers in an International Context

Conclusion: Slovenia has an observation to this recommendation

Explanatory Comment:
At present, Slovenian legislation requires that non-residents receiving occasional income from sources in Slovenia present their residence identification number (the number that a non-resident uses in his residence country in relation to tax administration) to the payer of income. The payer of income (i.e. payer of the tax) must keep the number on file. In all other cases a non-resident is obliged to obtain a Slovenian tax identification number before any payment is made by a Slovenian payer of the tax. As the present legislation was enacted recently, Slovenia is monitoring its implementation, and for the time being any change in the legislation such that disclosure of non-residents' TIN would be mandatory in all cases is not foreseen. However, Slovenia thinks that TIN disclosure would improve the exchange of information, identification of the recipients of income and detection of undeclared income.

C(95)126
Recommendation of the Council on the Determination of Transfer Pricing between Associated Enterprises and its amendments

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Slovenian Corporate Income Tax Act (CIT2) (OG RS 117/06) and Rules on Transfer Prices (Rules) to a great extent follow the principles provided in the Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations. CIT2 and the Rules provide detailed rules on the use of the arm’s length principle and determination of pricing between related parties. There are, however, certain areas (Advance Pricing Agreements are one of them) where special attention will be needed in the future.

The implementation of the legislation in practice is of the greatest importance, and the Tax Administration is paying attention to it. Since 2001 a group of tax inspectors specialised in transfer pricing issues has been formed by the Slovenian Tax Administration. Beside CIT2 and the Rules, this group uses an internal Transfer Pricing Inspection Manual that also follows the above-mentioned Transfer Pricing Guidelines and includes examples of practice and interpretations in this field.

Slovenia is also engaged in the work of EU Joint Pricing Forum.

C(93)147
Recommendation of the Council concerning the Attribution of Income to Permanent Establishments with respect to the Model Tax Convention on Income and Capital

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
In determining the profits of permanent establishment, Slovenia acts, subject to the position in Article 7, according to the commentary to the said Article. Profits of permanent establishment are determined considering the arm’s length principle and functionally separate entity approach.

**C(92)81**  
Recommendation of the Council concerning an OECD Model Agreement for the Undertaking of Simultaneous Tax Examinations

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
For the time being, Slovenia has not concluded any bilateral agreements regarding simultaneous tax examinations. At EU level, this field is regulated by Council Directive 77/99/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation and taxation of insurance premiums. Corresponding provisions are included in the Tax Procedure Act. Slovenia is interested in improving cooperation with other States by concluding special agreements or memorandums of understanding concerning simultaneous tax examinations by using the model included in the Recommendation. Accession to the Convention on Mutual Administrative Assistance in Tax Matters will facilitate the endeavours to expand the network of binding instruments in this area.

**C(89)146**  
Recommendation of the Council concerning Tax Treaty Override

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
When concluding and applying tax treaties, Slovenia already acts according to the Recommendation. The Slovenian Constitution states that laws and other regulations must be in line with international legal principles and international treaties which are binding on Slovenia. This means that Slovenia shall not enact domestic legislation contrary to bilateral or multilateral international agreements.

**C(82)64**  
Recommendation of the Council concerning the Avoidance of Double Taxation with respect to Taxes on Estates and Inheritances and on Gifts

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
For the time being, Slovenia does not negotiate Treaties on Avoidance of Double Taxation with respect to taxes on estates, inheritances and gifts. Currently, there is only one such agreement in force (with the Czech Republic and Slovak Republic from 1936 and succeeded by Slovenia). Slovenia is ready to conclude such treaties with other states when invited to do so.

**C(81)39(Final)**  
Recommendation of the Council concerning a Standardised Form for Automatic Exchanges of Information under International Tax Agreements

Conclusion: Slovenia accepts this Recommendation.
Explanatory Comment: Slovenia will use a form with a uniform layout – the OECD standardised form – when the automatic exchange of information under bilateral or multilateral conventions is processed. Exchanges of this kind are more effective.

**C(80)155**  
**Recommendation of the Council concerning Mutual Administrative Assistance in the Recovery of Tax Claims**  

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:  
For the time being Slovenia has not concluded any bilateral Agreements regarding recovery or collection of taxes. Slovenia has established mechanisms and internal procedures for effective recovery of tax claims already by the transposition the Council Directive 76/308/EEC on mutual assistance for the recovery of claims relating to certain levies, duties, taxes and other measures in the Slovenian Law (Tax Procedure Act, OG RS 117/06). The established procedures can also be applied for recovery of tax claims on the ground of the Tax Treaties in cases where such provision is included in the Treaty. Where it seems appropriate Slovenia is willing to include (and it has already done so) corresponding provision regarding recovery of tax claims in tax treaties as it stands in the OECD Model Tax Convention or to conclude bilateral Agreements.

**C(77)149**  
**Recommendation of the Council on Tax Avoidance and Evasion**  

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:  
The Tax Procedures Act provides detailed rules concerning tax audits, tax investigations and internal controls aimed at assuring that taxpayers fulfil their obligations. In the international context, in order to prevent tax avoidance and evasion, effective exchange of tax information based on tax treaties is carried out by the Tax Administration. Information is exchanged on request, spontaneously and automatically.

**Convention on Mutual Administrative Assistance in Tax Matters**  

Conclusion: Slovenia associates itself with the Convention.

Explanatory Comment:  
Slovenia undertakes a commitment to accede to the Convention. The process of ratification is envisaged to be finished by the end of the year 2010.

**14. INFORMATION, COMPUTER AND COMMUNICATIONS POLICY**

**C(2008)99**  
**Declaration on the Future of Internet Economy**  

Conclusion: Slovenia associates itself with this Declaration.

Explanatory Comment/observation:  
Slovenia has adhered to the Declaration on the Future of Internet Economy as at 18 June 2008.

**C(2008)36 Recommendation of the Council for enhanced access and more effective use of public sector information**

Page 48 of 103
Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/observation:
The Act on Access to Public Information (OG RS, No. 24/03), among others, governs the field of re-use of public sector information, as stipulated by the EU in Directive 2003/98/EC. The public sector collects, produces, reproduces and disseminates a wide range of information pertaining to a broad selection of public activities in the fields of social work, economy, geography, weather, tourism, entrepreneurship, patents, justice affairs, culture, education and politics.

Public sector bodies collect, produce, reproduce and disseminate documents to perform their public functions. The use of this information for other non-public functions constitutes a re-use of information. Its key element is its added value, an additional value by which the private sector should be able to increase the usability of the original information, and hence offer more than the public sector within the framework of its public functions. Slovenia opted for a differentiated policy on charging for the re-use of commercial and/or non-commercial information. The public sector too, can re-use its own information (and charge it to users). In this case, though, when using the documents as entry data for its business purposes outside the field of public functions, the same prices and conditions must be applied both for the public body itself as well as for other parties on the re-use market.

The principal guideline for re-use of public information is based on the premise that the creation of public sector information is financed from public, i.e. governmental, budget sources, and can therefore not be regarded as public sector property but rather property of the people.

The Recommendations for enhanced access and more effective use of public sector information are also implemented in the Decree on the provision of public information, published in the OG RS, No. 76/05).

C (2008) 35
Recommendation of the Council on Protection of Critical Information Infrastructures

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
In March 2008 a coordination group for the preparation of the information security policy for public sector was established. The group includes experts from relevant ministries and governmental offices. The coordination group has to prepare information security policy, all relevant documents to enable security policy and relevant conclusions that would be endorsed by the Government of the Republic of Slovenia. Experts from Slovenia also actively participate at several working groups that deal with this subject at the EU level.

C(2007)68
Recommendation of the Council on Electronic Authentication

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Electronic Authentication in Slovenia has been regulated by the Electronic Commerce and Electronic Signature Act since 2000 (OG RS, No. 98/04). It is widely regarded as the key legal instrument for authentication service providers (certification authorities), clarifying their legal status and thus encouraging the development of their activities. The Act provides for a
technology-neutral approach in assessing different electronic authentication schemes. Notwithstanding Slovenia's small market size, five fully operational certification authorities provide authentication services to all major stakeholders: government, business and citizens.

At the international level the Act provides for the principle of international recognition. Accordingly, qualified certificates (having the same legal value as a handwritten signature) issued by a certification service provider with its seat in the European Union are equal to Slovenian qualified certificates. Also, qualified certificates issued by a certification service provider with its seat outside the European Union are equal to Slovenian certificates under certain conditions (voluntary registration in Slovenia, bi-lateral agreements). In both cases non-qualified certificates are assessed equal to Slovenia in their validity.

Authentication schemes are widely accepted and applied by a vast range of businesses such as corporate and private e-banking solutions, e-archiving, e-invoicing and government services reachable at: http://e-uprava.gov.si/e-uprava/en/portal.euprava. To this end it should be noted that personal data flows and/or transactions are required to be subjected to qualified certification authentication schemes, providing for the highest level of protection.

C(2007)67
Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws Protecting Privacy

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
With the adoption of the Information Commissioner Act (OG RS, No. 113/05) the Information Commissioner (http://www.ip-rs.si/?id=195) became an independent state body and the national supervisory authority for personal data protection and commenced operations from 2006 on.

Privacy of individuals is protected by the Personal Data Protection Act (OG RS 94/2007) and has been in force since 1 January 2005. Through a very detailed determination of rights, obligations, principles and measures for data controllers it provides a direct legal basis for personal data processing in general and additionally in such sectors as direct marketing, video surveillance, biometrics, the recording of entries and exits from premises, and professional supervision. The Information Commissioner has broad inspection and enforcement competencies in the field of personal data protection and actively cooperates in international privacy protection organisations and bodies such as the Article 29 Working Party, International Working Group on Data Protection in Telecommunications, Europol Joint Supervisory Body and Joint Supervisory Authority of Schengen.

C(2006)57
Recommendation of the Council on Cross-border Co-operation in the Enforcement of Laws against Spam

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Combating spam is a major international issue in terms of politics, practice and organisation, as spam undermines commercial confidence in general, thus disallowing full exploitation of the economic potential of the information society. Throughout the transposition of different international legal instruments Slovenia has already shown its commitment in combating spam in very different legal areas:

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- Personal Data Protection Act, OG RS, No. 94/2007

Certain forms of spam are also criminalised; especially by Article 225 of the Slovenian Penal Code. The legal instruments above provide for a comprehensive framework on spam prevention, investigation and prosecution. In terms of prevention it should be observed that Slovenian legislation established a general "opt-in" approach by not tolerating any unsolicited commercial communication / direct marketing messages in every major field of interest. In practical terms this means that almost any activity that falls under both widely accepted general legal definitions of spam (unsolicited commercial communication / direct marketing messages) can and will be investigated by at least one, but most likely (depending on the technology and/or content of the "spam communication") several, competent authorities (Market inspectorate, National Regulatory Authority – NRA, Information Commissioner and in some cases Police) cooperating in prosecuting the potential perpetrator and/or beneficiary. Consequently, such legislative framework provides that potential claims for damages are more likely to be successful as there are different possibilities to prove illegal conduct of the spammer and/or beneficiary.

All of the above institutions are already involved in different practice-sharing and training groups on Internet security in general, comprising different experts from government, business and consumer associations. They provide various kinds of user information and education on certain specific issues. It must be observed that legislation on spam as a whole is socially widely accepted and respected, and thus violations arising from Slovenia are very rare.

A well developed international cooperation framework is also established which will allow full implementation of obligations under this Recommendation. This is a notion of sector-specific legislation. Mostly this is also a mandatory legal requirement of different legal instruments of the EU in fields of electronic commerce, electronic communication and personal data protection, whereas in case of the police, international cooperation has an even wider dimension. Furthermore, it should be observed that at least in the case of the e-commerce contact point according to Directive 2000/31, a functioning scheme for both national coordination and international cooperation and coordination is already established and could be deployed in the implementation of this Recommendation.

C(2003)259
Recommendation of the Council on Broadband Development

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The Electronic Communications Act (OG RS, No. 13/07), among others, regulates efficient competition in the electronic communications market and acceleration of growth of electronic communication networks and services, which consequently contributes to economic and social development.

In 2004 Slovenia issued the Strategy for Development of Broadband Networks in order to set the programme framework for broadband development in 2004–2006. The main principles in the strategy are:
- consideration of the primary role of the market and competitiveness in broadband development,
- formulating measures to activate the public sector, especially in areas where private sector interest is lacking,
- expansion of broadband connections in public administration and stimulation of development of e-government services, and
- stimulation of competitiveness between different types of infrastructure and services.

On 1.1.2008 there were 17.1 broadband connections per 100 inhabitants.

Slovenia is preparing a new Strategy for development of broadband networks. Delivering broadband in rural and scarcely populated areas is generally more expensive than delivering broadband in urban areas, and thus the new Strategy will concentrate on stimulation of private sector for the development of broadband networks and services.

C(2002)131
Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks – Towards a Culture of Security

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
In general, Slovenian legislation already reflects and implicitly contains many of the principles presented in the OECD Council’s recommendation. However, there are also specific legislative acts dealing with these issues:
- Electronic Commerce and Electronic Signature Act, OG RS, No. 98/2004

For Slovenia it is very important that efforts to enhance the security of information systems and networks are consistent with the values of a democratic society and basic concerns for personal privacy. Ensuring a high level of protection of consumers’ and users’ rights, including the right to privacy and data protection in electronic communications, is one of the crucial elements of an inclusive information society, enabling the smooth development and wide take-up of new innovative services and applications.

C(97)62/FINAL
Recommendation of the Council concerning Guidelines for Cryptography Policy

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Cryptography is generally used for security and protection of privacy, intellectual property, electronic commerce, financial and business information, public safety and national security. The Recommendation is applied through different legislation such as the:
- Electronic Commerce and Electronic Signature Act, OG RS, No. 98/2004,
- Personal Data Protection Act, OG RS, No. 94/2007,
- Decree on conditions for electronic commerce and electronic signing, OG RS, No. 77/2000,
- Decree on documentary and archival material custody, OG RS, No. 86/2006,
- Decree on the protection of classified data in information systems, OG RS, No. 48/2007,

and through other (internal) rules and regulations issued by governmental bodies and organisations.
Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia is fully in line with EU legislation, foremost with the transposition of Directive 95/46/EC of the European Parliament and the Council for the Protection of Individuals regarding Personal Data Processing and the Free Movement of Such Data. OECD recommendations and principles have thus been implemented in the common EU legislation and national acts. Basic data protection principles such as collection limitation, data quality, security and accuracy, purpose specification, proportionality, use limitation and others are crucial and integral parts of Directive 95/46/EC and the national Personal Data Protection Act (OG RS, No. 94/2007), the latter being supervised by the independent supervisory authority – the Information Commissioner.

Declaration on Authentication for Electronic Commerce

Conclusion: Slovenia associates itself with the Declaration.

Explanatory Comment:
Authentication in electronic commerce has been regulated in Slovenia by the Electronic Commerce and Electronic Signature Act since 2000. The Act is an instrument implementing Directive 1999/93/EC on a Community framework for electronic signatures through the Electronic Commerce and Electronic Signature Act on one hand, but also entirely transposing relevant provisions of the United Nations’ Commission on International Trade Law (UNCITRAL) Model Law on electronic commerce on the other. It is widely regarded as the key legal instrument for authentication service providers (certification authorities), clarifying their legal status and thus encouraging the development of their activities. Notwithstanding Slovenia's small market size, five fully operational certification authorities provide authentication services to all major stakeholders: government, business and citizens.

In respect of international recognition it should be noted that the Electronic Commerce and Electronic Signature Act provides for the principle of international recognition. Accordingly, qualified certificates (having the same legal value as a handwritten signature) issued by certification service providers with a seat in the European Union are equal to Slovenian qualified certificates. Also qualified certificates issued by a certification service provider with a seat outside European Union are under certain conditions (voluntary registration in Slovenia, bi-lateral agreements) equal to Slovenian certificates. In both cases non-qualified certificates are assessed equal to Slovenia in their validity.

Authentication schemes are widely accepted and applied by a vast range of government and business services especially in certain e-government services in the field of tax collection and in business in e-banking and e-archiving. Also, just recently a bill was passed in the Slovenian Parliament enabling integration of qualified certificates into personal ID documents, which will likely foster the use of authentication schemes in public and commercial services.

Declaration on Consumer Protection in the Context of Electronic Commerce

Conclusion: Slovenia associates itself with the Declaration.
Explanatory Comment:
In the area of consumer protection in the context of electronic commerce, the main consumer protection bodies in Slovenia are the Consumer Protection Office and Slovenian Consumer Association, with the involvement of the Ministry of the Economy and the Ministry of Higher Education, Science and Technology.

Consumer protection in the context of electronic commerce in Slovenia is regulated by the:
- Electronic Commerce and Electronic Signature Act – official consolidated text, OG RS, No. 98/2004,

The Consumer Protection Office issued the Resolution on the national programme for consumer protection 2006–2010 where protection in the context of electronic commerce is also recognised as an important part of consumer protection. The Slovenian Consumer Association is very active in educating users and increasing awareness of consumer protection in their online activities.

C(98)177
Declaration on Protection of Privacy on Global Networks

Conclusion: Slovenia associates itself with the Declaration.

Explanatory Comment:
The Information Commissioner, the national supervisory authority for personal data protection, fully supports the notions of the Declaration by actively participating in the International Working Group on Data Protection in Telecommunications (IWGDPT) in building common positions as regards privacy protection on global networks. Furthermore, several activities of the Information Commissioner are in line with the Declaration. The Information Commissioner has launched several awareness campaigns that promote user education and awareness of privacy in on-line communications (brochures, press conferences, participation in the SAFE-SI safer Internet awareness node, website materials etc.). The Information Commissioner also has competencies to issue and publish preliminary opinions to state bodies and public powers holders on harmonising the provisions of proposals of legislation with privacy protection legislation and other legislation governing personal data and in so doing continuously encourages the use of privacy-enhancing technologies. In terms of privacy policies, the Information Commissioner has the competency to issue non-binding opinions of which several organisations have availed themselves and submitted their privacy policies to prior scrutiny by the Commissioner.

C(85)139
Declaration on Transborder Data Flows

Conclusion: Slovenia associates itself with the Declaration.

Explanatory Comment:
In terms of transborder flows of data, the legislation of the Republic of Slovenia is fully in line with that of the European Union, foremost with the transposition of Directive 95/46/EC of the European Parliament and the Council for the Protection of Individuals regarding Personal Data Processing and the Free Movement of Such Data, thus implementing a harmonised and transparent approach to transborder flows of data as stipulated by the OECD Declaration on Transborder Data Flows.
Aforementioned Directive 95/46/EC is transposed in the Personal Data Protection Act of the Republic of Slovenia as of 2004 (OG RS, Nos. 86/04, 113/05 - ZInfP, 51/07 - ZUstS-A, 67/07 and 94/07 - officially consolidated text No. 1). The competences and tasks of the independent supervisory body for personal data protection are performed by the Information Commissioner.

15. INSURANCE

C(2008)23

Conclusion: Slovenia agrees with this Recommendation.

Explanatory Comment/Observation:
The Republic of Slovenia agrees with this Recommendation in principle. We would like to mention that the Pension and Invalidity Insurance Act (OG RS, No. 19/2006 – amendments included, 112/2006 Odl.US: U-I-358/04-13, 114/2006-ZUTPG, 91/2007 Skl.US: U-I-325/05-5, 10/2008-ZVarDod; PIA) does indeed foresee that consumers are given objective and relevant information with regards to their benefits arising from pension insurance. Also, the providers play an important role in promoting the population’s awareness in this field. However, any further steps that are needed to create broader consumer awareness are not yet foreseen.

C(2008)22

Conclusion: Slovenia agrees with this Recommendation.

Observation:
Slovenia agrees with this Recommendation in principle. However, we would like to mention the Insurance Act (OG RS, Nos. 109/06, 9/07, 102/07), which does indeed foresee that consumers are given objective and relevant information on their risk exposures. However, any further steps that are needed to create broader consumer awareness are not yet foreseen.

C(2007)8
Recommendation of the Council on Guidelines on Funding and Benefit Security in Occupational Pension Plans

C(2004)41
Recommendation of the Council on Core Principles of Occupational Pension Regulation

Conclusion: Slovenia accepts these Recommendations.

Explanatory Comment/Observation:
The Recommendation is already implemented by existing provisions governing voluntary supplementary pension insurance.
Existing Slovenian legislation implements all the provisions of the Guidelines. With regards to the bankruptcy, however, one point remains open. Slovenian legislation does not provide for a priority position for due and unpaid contributions at the time of employer bankruptcy. The collective supplementary pension insurance in Slovenia is based on a defined contribution system on a voluntary basis and is formed on the basis of a civil law contract between the employer and employees and a contract between the employer and the provider. However, there are several measures taken by the legislation to protect the worker and the assets deriving from paid-in contributions or contributions due to be paid, in line also with Directive 2003/41/EC and Directive 80/987/EEC, such as legal separation of the employer, fund assets and fund operator, the protection of vested rights, information given by the fund operator to fund members – employees, etc. In case of bankruptcy of the employer, the assets of the fund cannot be used to pay the employer's debts, as the fund is in exclusive ownership of its members and can only be used for securing or settling the claims of a person insured under voluntary supplementary insurance, based on the contract on voluntary supplementary insurance. If there are due and unpaid contributions, employees have the same rights as other creditors.

C(2006)7

C(2005)46
Recommendation of the Council on Guidelines for Pension Fund Governance

Conclusion: Slovenia accepts these Recommendations.

Explanatory Comment:
This Recommendation is already implemented by existing provisions governing voluntary supplementary pension insurance:
- Pension and Invalidity Insurance Act (OG RS, Nos. 19/06 – official consolidated text, 112/06 Odl.US: U-I-358/04-13, 114/06-ZUTPG, 91/07 Skl.US: U-I-325/05-5, 10/08-ZVarDod; PIA)
- Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07)
- Investment Trusts and Management Companies Act (OG RS, Nos. 26/05 – official consolidated text, 68/05 Odl.US: U-I-127/03-44, 92/07 (19/07 corr.))
- Banking Act (OG RS, Nos. 131/2006, 1/2008)
- Various other regulations, administrative decisions and ordinances.

C(2005)45
Recommendation of the Council on Guidelines for Insurers' Governance
Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The appropriate structure of insurance governance is prescribed in the Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07) as well as in the Companies Act (OG RS, Nos. 42/06, 10/08).


Conclusion: Slovenia does not accept this Recommendation

Observation:
Slovenia has implemented the definition used in the International Convention for the Suppression of the Financing of Terrorism. The definition of terrorism used for compensation of terrorism related losses is not completely in line with the proposed elements of the Recommendation.

C(2004)62

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Appropriate claim management is prescribed by the Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07) as well as in the Code of Conduct. Some of the requirements of the Recommendation are not explicitly prescribed in existing Slovenian legal acts. Nevertheless, the Slovenian insurance supervisor is of the opinion that insurance claim management is in line with the Recommendation.

C(98)40
Recommendation of the Council on Assessment of Reinsurance Companies

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The duty to assess reinsurance companies to which insurance companies cede business as well as the duty of reinsurance companies to disclose relevant information is prescribed in the Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07).

C(83)178
Recommendation of the Council concerning a Common Classification of the Classes of Insurance Recognised by the Supervisory Authorities of the Member Countries

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The classification of insurance is prescribed in the Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07). The classification used is in line with the Recommendation. In Class A.7 “Life: miscellaneous” the Class “Zavarovanje izpada dohodkov” is used, while in Class B.18 “miscellaneous” the Class “Zavarovanje pomoči” is used. The term for the authorisation covering all non-life classes is “Premoženjska zavarovanja”.

C(79)195

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Recommendation of the Council concerning Institutional Co-operation between Authorities of Member Countries Responsible for Supervision of Private Insurance

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
The exchange of information between supervisory authorities is dealt with in the Insurance Act (OG RS, Nos. 109/06 – official consolidated text, 9/07, 102/07). Various bilateral memorandums have already been signed.

16. INTERNATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES

C(2000)96
Decision of the Council on the OECD Guidelines for Multinational Enterprises

View (other instruments)
Guidelines for Multinational Enterprises

Conclusion: Slovenia accepts the Decision and the Guidelines.

Explanatory Comment/Observation:
Slovenia is in favour of the principles of the Decision and is in the process of implementing the Decision and the Guidelines. Slovenia, as an adherent country to the Decision, has been under the obligation to establish a National Contact Point in order to implement the Guidelines. Slovenia undertakes to inform the business community, employee organisations and other interested organisations regarding the substance of the Guidelines and activities by the National Contact Point. Formal procedures for its establishment are in progress.

C(91)147
Decision of the Council concerning National Treatment

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
As an adherent to the Decision, Slovenia accepts to notify exceptions under the National Treatment Instrument and the examination of the measures departing from national treatment defined by the Instrument. The exceptions are as follows:

- Air Transport (Registration of an aircraft, operating licence – Aviation Act)
- Games of Chance (Lotteries, sports betting, casinos and gaming halls – Gaming Act)
- Investigation and Security Services
- Investment Fund Management Companies
- Authorised Investment Fund Management Companies (Investment Funds and Management Companies Act, as amended)
- Exploitation of Natural Resources: natural resources are categorised as a public good by the Constitution of the Republic of Slovenia. Exploitation of natural resources is possible exclusively on the basis of a concession, based on specific legal acts and regulations at governmental or local community levels, whereas a foreign operator may be excluded or special conditions may apply. Certain activities are organised as a publicly funded service (utility or other public service). (Authority:
- Film Production (Film Fund Act of Slovenia)
- Maritime Transport (registration of ships – Maritime Act)
- Public Health Services (Authority: Health Act)
- Health Insurance Services (Health Insurance Act)

For transparency purposes, the following enterprises are listed as state-controlled enterprises:
- Domestic air transport services: “Adria Airways”
- Rail transport: “Slovenske železnice”
- Energy: Ownership and operation of energy transmission networks
- Obligatory retirement insurance
- Telecommunications: “Telekom Slovenije d.d.”
- Postal services: "Pošta Slovenije d.o.o."

C(91)73
Decision of the Council on Conflicting Requirements being imposed on Multinational Enterprises

Conclusion: Slovenia accepts the Decision.

Explanatory Comment/Observation:
Slovenia recognizes the need for effective cooperation on problems arising from conflicting requirements being imposed on Multinational enterprises. Therefore, it is prepared to give Member countries concerned prompt and sympathetic consideration to their requests for consultations in the Committee or through other mutually acceptable arrangements, facilitated by notification at the earliest stage practicable.

C(84)92
Decision of the Council on International Investment Incentives and Disincentives

Conclusion: Slovenia accepts the Decision.

Explanatory Comment/Observation:
Financial incentives for Foreign Direct Investments are granted on the basis of the Decree on Financial Incentives for Foreign Direct Investments (OG RS, No. 11/07). The Decree represents the basis for new State Aid Schemes BE03-5715334-2007, Aid No. XR 45/2007 (OJ EU C28/07) and BE04-5715334-2007, Aid No. XS 90/07 (OJ EU C110/07 and OJ EU C241/07).

C(2007)23
Recommendation of the Council on Principles for Private Sector participation in Infrastructure

Conclusion: Slovenia accepts the Recommendation.

Explanatory Comment/Observation:
The principles for private sector participation in infrastructure are contained in the Public-Private Partnership Act (OG RS, No. 127/06) as a general law, and in the Rules on the content of the eligibility of execution of a project according to the model of public-private partnership (OG RS, No. 32/2007) adopted on its basis and in the Decree on the uniform methodology for the preparation and treatment of investment documentation in the field of...

Sectoral legislation provides a method for setting prices of public services and public utility services. Since public sector accounting is cash-flow based, prices of these services in all cases do not yet include total depreciation. We are fully aware of this imperfection and the risk of such setting of end prices. Regulations to annul this systemic imperfection are therefore being prepared by the line ministries.

C(95)112
Recommendation of the Council on Revision of the OECD Benchmark Definition of Foreign Direct Investment

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
In Slovenia, the central bank is in charge of compilation of the international investment position as well as balance of payments, which also comprise direct investment data. In compliance with the IMF’s Special Data Dissemination Standards, data are published and reported to the IMF. Apart from the standard presentation of the international investment position and balance of payments, Slovenia also produces data on direct investment broken down by country and activity (stocks and flows) and reports them to Eurostat according to questionnaires in Vademecum. The Bank of Slovenia also publishes data on direct investment on its website and prepares an annual publication on direct investment that contains a brief analysis as well as extensive tables on the aggregate figures on inward and outward direct investment. The annual publications can be accessed at http://www.bsi.si/iskalniki/ecb_en.asp?MapalId=714. Time series for data on direct investment exist from 1994 onwards. The Bank of Slovenia is able to meet deadlines for financial flows and income as well as positions that are needed for compilation of the OECD Direct Investment Yearbook. For a detailed presentation of methodological background of direct investment statistics, the SIMSDI questionnaire is filled in.

C(89)76
Recommendation of the Council on Member Country Exceptions to National Treatment and Related Measures concerning Access to Local Bank Credit and the Capital Market

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia supports the OECD Recommendation with regard to equal treatment for foreign-controlled enterprises in accessing local bank credit and the capital market. Full account will be taken by Slovenia in the context of possible reviews of or changes to existing legislation of the objectives of the National Treatment Instrument in order to ensure that such changes do not result in the introduction of new exceptions to the National Treatment Instrument.

C(88)131
Recommendation of the Council on Member Country Exceptions to National Treatment and National Treatment related Measures in the Category of Official Aids and Subsidies

Conclusion: Slovenia accepts this Recommendation.
Explanatory Comment/Observation:
Slovenia supports the OECD Recommendation with regard to equal treatment for foreign-controlled enterprises in accessing public funds and suggests that the countries which limit it with exceptions remove or relax such measures at the earliest convenience.

C(88)41
Recommendation of the Council on Member Country Exceptions to National Treatment and National Treatment related Measures concerning the Services Sector

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia is prepared to reconsider the totality of its national treatment exceptions concerning the services sector and undertake reviews or changes to existing measures, and observe the objectives of the National Treatment Instrument not to introduce changes resulting in the introduction of new exceptions.

C(87)76
Recommendation of the Council concerning Member Country Exceptions to National Treatment and National Treatment related Measures concerning Investment by Established Foreign-Controlled Enterprises

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia is prepared to reconsider the totality of exceptions of national treatment and national treatment-related measures and to examine the possibility of removing or relaxing exceptions to national treatment and national treatment-related measures in the area of investment by established foreign-controlled enterprises.

C(86)55
Recommendation of the Council on Member Country Measures concerning National Treatment of Foreign-Controlled Enterprises in OECD Member Countries and Based on Considerations of Public Order and Essential Security Interest

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia accepts the notification of measures related to national treatment as related to public order and essential security, and in particular measures concerning state aid and subsidies. This also applies to the notification of government procurement practices, especially preferential treatment of locally-owned enterprises, and measures reducing non-discriminatory market access and restrictions that apply to foreign-controlled enterprises.

C(76)99
Declaration on International Investment and Multinational Enterprises

Conclusion: Slovenia associates itself with the Declaration.

Explanatory Comment/Observation:
According to the Decision of the Council of 27 June 2000, Slovenia was invited to become an adherent country and on 22 January 2002 adopted the decision to accept the Declaration.
For the purposes of an examination by the Investment Committee, a comprehensive Investment Policy Review was prepared.

**Convention on the Protection of Foreign Property**

Conclusion: Slovenia associates itself with the Convention.

Explanatory Comment/Observation:

Slovenia gives full compliance to the objective of the protection of foreign property and at any time ensures fair and equitable treatment to the property of nationals of other countries. The only case when depriving the property of a national of other country is allowed corresponds to measures taken in the public interest, on the basis of non-discrimination and accompanied by the provision for the payment of compensation. This is regulated by the Constitution of the Republic of Slovenia (OG RS, Nos. 33/91-I, 42/97, 66/2000, 69/2004 and 68/2006), the Property Code (OG RS, No. 87/02), and the Spatial Planning Act (OG RS, No. 110/02). Slovenia recognises the principle of the freedom of transfer of current income from property and proceeds upon liquidation of a property to a national of another Party to the Convention as entitled to them.

17. **PUBLIC MANAGEMENT**

C(2003)107

Recommendation of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Service

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:


All officials are obliged to inform the principal of their performance of the activities that they believe are contrary or could run contrary to the above-mentioned acts, prior to the commencement of such activities. Officials holding the highest managerial positions may not perform any profitable activities with the exception of activities in the field of science, research, education, art, journalism and culture.

There are also special rules regarding incompatibility of employment for civil servants employed in state institutions, such as the police, army, customs service, different inspection services, etc. Finally, the prime minister, members of the Government of the Republic of Slovenia and state secretaries must lead by example in this field, signing a special Code of Ethics of the Government of the Republic of Slovenia, which also manages conflict of interest.

C(98)70
Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The majority of the principles recommended in this document have already been implemented. The Slovenian authorities have recognised the need to improve ethical conduct in public service in order to ensure well-functioning institutions and the system as a whole. The basis of the minimum standards and principles of behaviour for every public servant represents an important part of the Civil Servants Act, which entered into force in 2003. The Act defines the ethical obligations of all public servants clearly and without exception. Furthermore, the Act guarantees the legal foundation for the appropriate procedures and sanctions to deal with misconduct in conjunction with other appropriate provisions of the Slovenian Penal Code and the Prevention of Corruption Act.

According to the Civil Servants Act, a Code of Conduct for Public Officials should be adopted. The body responsible for preparing and adopting the document is the Officials’ Council in cooperation with the state administration and local communities, trade unions and the Professional Association of Civil Servants in Slovenia.

C(95)21
Recommendation of the Council on improving the quality of government regulation

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Government of the Republic of Slovenia considers the Council’s recommendation as an instrument of further development and as a way of ensuring the quality and transparency of government regulations by adopting the OECD guidance/check list as an important pillar of a broader regulatory management system that enables development, implementation, evaluation and revision of regulations.

The Slovenian Government currently undertakes comprehensive public sector reforms resulting in fundamental changes in the public management via measuring administrative costs on the basis of the standard cost model methodology and systematic examination of our legislation, in compliance with the Rules of Procedure of the Slovenian Government and adopted Methodology for implementation and monitoring of the Statement on Reduction of Administrative Burdens and Participation of Interested Public.

The Government of the Republic of Slovenia is fully aware of the tasks that lie ahead and are very important for the further development and implementation of the principles of better regulation: intensified development of managerial forces and management strategies devoted to a higher quality of government regulation, more intensive development of training capacities in the use of better regulation tools and implementation of regulatory impact assessment with the development of appropriate institutional arrangements for reviewing the quality assurance of impact assessments.

18. SCIENTIFIC AND TECHNOLOGICAL POLICY

C(2007)48
Recommendation of the Council on Quality Assurance in Molecular Genetic Testing
Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The legal framework for assuring the quality of genetic testing is set by the Regulation on conditions that must be met by laboratories in the field of laboratory based medicine (OG RS 64/2004). The Regulation does not apply to the entire scope of the molecular genetic testing, there are deficiencies in the field of "Proficiency Testing" since this kind of activities has been only recently introduced in Slovenia. Initiative for introducing additional specialization in laboratory medical genetics has been elaborated and proposed for support to the Ministry of Health in the past year, implementation of the proposal is expected.

C(2006)184
Recommendation of the Council concerning Access to Research Data from Public Funding

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The main research policy instrument, The National Research and Development Programme 2006–2010 (NRDP), is based on the principles of developing and supporting advanced and internationally open measures for scientific research and technological development.

Slovenia implements numerous bilateral agreements on scientific and technological cooperation and has been an authorised partner in the Framework Programmes of the European Community since the 4th Framework Programme, cooperating with numerous international organisations.

With regard to access to digital research data from public funding and taking into consideration the efforts to improve the international sharing and access of research data, the Ministry also supports cooperation with global programmes and information facilities such as CERN, GBIF and EMBC on a European scale.

Slovenia has followed the initiative of the OECD Mega Science Forum from 1996 to establish a global network and in 2000 the MHEST became one of the ten founding members of the Global Biodiversity Information Facility.

To strengthen the instrument of the NRDP, the Ministry of Higher Education, Science and Technology established a targeted research programme on the issue of the access to research data from public funding, involving preparation of a study that would provide a solid basis for the establishment of further regulatory measures in this area.

C(2005)149/Rev1
Recommendation of the Council on the Licensing of Genetic Inventions

Conclusion: Slovenia accepts this Recommendation

Explanatory Comment/Observation:
The above Recommendation deals with subject matter that is within the competencies of the Ministry of Health (health system and medicaments), the Competition Protection Office (market competitiveness) and the Ministry of Higher Education, Science and Technology (research institutions and students). The ability to conclude licensing agreements for intellectual property rights is defined in the Industrial Property Act (OG RS, No. 51/06). Nevertheless, Slovenian legislation does not fully involve regulations that would
cover genetic inventions or licensing of genetic inventions, as the General Licence Agreement Regulation covers this issue (Code of Obligations, OG RS, No. 97/07).

**C(95)182/FINAL**

Recommendation of the Council concerning Principles for Facilitating International Technology Co-operation Involving Enterprises

Conclusion: Slovenia adheres to the Recommendation.

Explanatory Comment/Observation:
Slovenia adheres to the Recommendations according to existing legislation on intellectual property rights. Technological development is supported by participation in the EUREKA Programme (implemented under the Slovenian EU Presidency from July 2007 to June 2008). For implementation of the Standardization Act (OG RS 59/1999), the Slovenian Institute for Standardization is competent.

For development and diffusion of technologies, provisions are given in the Act on Research and Development Activities and, due to the fact that Slovenia has been a member country of the EU since 2004, European legislation is in force with regard to market openness.

**C788(60)Final**

Recommendation of the Council concerning a General Framework of Principles for International Co-operation in Science and Technology

Conclusion: Slovenia adheres to the Recommendation.

Explanatory Comment/Observation:
Slovenia fully supports efforts for mutually beneficial scientific and technological exchanges as well as efforts to remove barriers with harmful effect on scientific and technological progress. In agreement with the broader framework of national foreign policy, Slovenia supports and promotes international cooperation in science and technology with 81 countries, according to 93 bilateral acts that involve 44 agreements on scientific and technological cooperation exclusively, 41 agreements on educational, scientific and cultural cooperation, 3 international agreements on economic, industrial, technological and scientific cooperation and 5 succession acts from the former state. Presently, 16 more bilateral agreements on scientific and technological cooperation are in preparation.

Slovenia participates in the 7th Framework Programme of the European Community on Research, Technological Development and Demonstration Activities and in the four specialised programmes of the 7th Framework Programme (People, Ideas, Capacities, Cooperation). For the 5th Framework Programme, a network of national contact points was established, and since the beginning of the 6th Framework Programme Slovenia has also been participating in the ERA-NET projects of the European Commission (the actual number of ERA-NET projects amounts to 92 at present). Slovenia follows and promotes recommendations of the EU Commission on the rights and obligations of researchers, their employers and the founding agencies as expressed in the European Charter for Researchers and in the Code of Conduct for the employment of researchers. The EU Directive on Scientific Visa from 2005 has been transplanted into the national Rules of Implementation as at 8 March 2008.

Slovenia is a member of a number of international organisations and the Ministry coordinates participation in programmes of multilateral cooperation within its sectoral competencies (ICGEB, ICTP, ICPE, IIR, EMBC, CIESM, CERN – ATLAS, Pierre Auger) and the COST programme.
A list of bilateral S&T agreements may be given later on at the ICCP meeting.

Slovenia provides support to the Western Balkans Countries, on a bilateral basis as well as on the basis of European/INCO cooperation projects, in their effort to establish relevant national structures and mechanisms for international scientific and technical cooperation.

The main instrument of national policy for science and technology is the National Research and Development Programme 2006–2010 which involves the commitment to the implementation of the Lisbon strategy. According to the NRDP two agencies have been set up, namely the Slovenian Research Agency (which provides for international cooperation, human resources development and infrastructure) and the Slovenian Technology Agency (which provides for technological development, international cooperation and international technology transfer).

Since special attention has been paid to the education and training of future generations of students and scientists in Slovenia for the last 20 years, we wish to point out the special Young Researchers Programme (initiated and carried out by the Ministry till 2004, and since then by the Slovenian Research Agency).

C(86)82
Recommendation of the Council concerning Safety Considerations for Applications of Recombinant DNA Organisms in Industry, Agriculture and the Environment

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Management of Genetically Modified Organisms Act (OG RS, No. 23/2005) is in compliance with this OECD Recommendation and provides a horizontal type of legislation on modern biotechnology (recombinant DNA organisms) and their products, and intermediates other existing legislation in the areas of agriculture and healthcare.

In that respect we would like to emphasise that Slovenian biosafety policy is based on measures for preventing and reducing possible adverse effects on the environment, especially related to preservation of biological diversity and human health in order to ensure safe application of modern biotechnology.

In October 2002, Slovenia ratified the Cartagena Protocol on Biosafety and recognises the Protocol as an international platform for biosafety.

C(2004)135
Declaration on Fostering the Growth of Innovative and Internationally Competitive SMEs

Conclusion: Slovenia adheres to the Declaration.

Explanatory Comment/Observation:
By participating to the OECD Ministerial Conference held in Istanbul from 3-5 June 2004, Slovenia adhered to the principles expressed in the Declaration, emphasizing the key role that SMEs may play in driving sustainable economic growth. By adhering to the Declaration, Slovenia expressed willingness to reinforce the prior commitment to put in policies which support the development, growth and competitiveness of SMEs that had been taken with the Bologna Charter for SME Policies in June 2000.

C(2004)31 REV1
Declaration on Access to Research Data from Public Funding (C/2004/31/Rev1)

Conclusion: Slovenia accepts the Declaration.

Explanatory Comment/Observation:
The Slovenian Ministry of Higher Education, Science and Technology has designed a Targeted Research Programme involving elaboration of a study in view of subsequent preparation of regulatory measures for the field.

C(2004)31/REV 1
Declaration on International Science and Technology Cooperation for Sustainable Development

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment:
Slovenia has been actively pursuing the following issues:
- Sustainable development – access to education (involving life-long education)
- Ethical considerations of Science and Technology – intersectoral governmental body, medical ethical commission, plans for a state commission
- Global science and technology networks and platforms – special ministerial commission for gender issues
- Role of the Global Forum – participation in the Global Biodiversity Information Facility (GBIF)
- Critical role of science and technology in particular fields: nanotechnologies, biodiversity-biology, physics and other natural sciences, life sciences, biotechnology
- Strengthening national innovation policies and programmes by enhancing existing global collaborative networks
- Within the framework of international agreements, strengthening regional research funding, donation programmes and instruments to support international collaboration in science and technology
- Cooperation with relevant regional and international organisations and civil society institutions to promote sustainable development through science and technology (UN System, UNDP, CEI, UNCTAD)

Annex to C(81)51
Declaration on Future Policies for Science and Technology

Conclusion: Slovenia accepts this Declaration.

Explanatory Comment/Observation:
Slovenia has always assigned priority to investment in research, development and innovation, already by adopting its fundamental independence acts on 25 June 1991, Slovenia recognized the essential contribution of science and technology to the economic and social development. The traditional approach of integrating science and technology policies with other aspects of government policy has never been discontinued and the principles that constitute the Declaration are followed on a permanent basis. The most recent developments in recognizing the importance of international scientific and technological cooperation are reflected as well in the introduction of the "Ljubljana Process" into the efforts for strengthening the European Research ERA through the instruments of the 7th Framework Programme of the ES and its governance mechanisms.

Conclusion: Slovenia adheres to the Declaration.

Explanatory Comment/Observation:
Slovenia participated in the Bologna Conference and is therefore an adherent to the Declaration. Slovenia fully supports the principles of the Declaration and acknowledges that SMEs are the main drivers of economic growth, job creation, regional and local development and social cohesion, also through the role of women and young entrepreneurs. Slovenia implements SME policy at the national level as well as at the EU level within the framework of the "Modern SME policy for growth and employment" (COM(2005)551 final; COM(2007)592 final).

19. SHIPBUILDING AND MARITIME TRANSPORT

C(87)11
Recommendation of the Council concerning Common Principles of Shipping Policy for Member countries

Conclusion: Slovenia accepts the Recommendation.

Explanatory Comment/Observation:
Slovenia is committed to safeguarding and promoting open trade in its shipping policies and free competition on a fair and commercial basis in international shipping. In the area of Maritime auxiliary services (Principle 14 of the Recommendation), Slovenia maintains a concession-based system for, discharge of waste due to the small size of the market and non-feasibility for open competition. This principle may apply to other maritime auxiliary services.

C(77)117
Recommendation of the Council concerning Substandard Ships

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia has ratified and is implementing all relevant IMO conventions and protocols regarding the safety of ships, prevention of pollution and living and working conditions on-board vessels (SOLAS Convention 74, LL Convention 66, MARPOL 73/78, COLREG Convention 72, STCW Convention 78, etc.) and ILO conventions (Convention No. 147, Convention No. 180, etc.). Slovenia is a member of the Paris MoU and actively participates in actions against substandard ships.

20. TOURISM

C(85)165 Decision-Recommendation of the Council on International Tourism Policy

Conclusion: Slovenia accepts this instrument.

Explanatory Comment/Observation:
Slovenia associates itself with the Decision-Recommendation and general principles regarding international tourism policy. Promotion of tourism is one of the priorities of Slovenia and principles stipulated by the Decision-Recommendation support, facilitate and deepen the main objectives. In Slovenia, the Ministry of the Economy is the responsible body for tourism
in general. However, particular provisions, stipulated by Annexes and the Appendix to the Decision-Recommendation are under the respective competences of the Ministry of Finance (Tax Administration, Customs Administration), Slovenian Insurance Association, Bank of Slovenia, Ministry of Foreign Affairs, Ministry of the Interior and the Office for Money Laundering Prevention. Slovenia, as a member of the EU, Schengen area and euro zone, is also bound to apply the respective acquis regulating the above areas.

Slovenia implements the customs legislation of the European Community. Provisions regulating the temporary importation of the personal effects of non-resident tourists (travellers) are contained in Commission Regulation (EEC) No. 2454/93; importation free of duties and taxes of items by non-resident and returning tourists (travellers) is, however, regulated by Council Regulation (EEC) No. 918/83. These provisions do not deviate from the OECD requirements in ANNEX I, except at points d) 4 and 5. In accordance with Commission Regulation (EEC) No. 2454/93, relief from import duties for temporary importation of foreign transportation vehicles is only granted when they are registered outside the customs territory of the Community in the name of a person established outside that territory.

C(79)162
Recommendation of the Council concerning Information and Protection of Tourists in Connection with Air Package Tours

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Recommendation is regulated by national law, which is in line with the EU legislation. Key national instruments in this regard include the Consumer Protection Act (OG RS, Nos. 98/2004 and 126/2007), the Code of Obligations (OG RS, No. 97/2007) and the Promotion of Tourism Development Act (OG RS, No. 2/2004). These three national instruments stipulate the required standards of consumer information in sales brochures, the required standards of consumer information on accommodation arrangements as well as basic principles of travel contracts. They also adequately address issues of legal responsibility in travel contracts, complaint handling and redress facilities for consumers, and regulation of the profession of tour operator and retail agent of package tours.

C(65)85
Recommendation of the Council on Government Action to Promote Tourism

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Tourism Promotion Act (OG RS, No. 2/04) defines planning and implementation of tourism policy and its organisation at the national level and at the level of tourist destinations. The Act, among others, lays down conditions concerning organising and selling of package travel, package holidays and package tours as well as performing the services of tourist guide and tourist escort. It is based on principles of sustainable development and public-private partnership, and the principle of equal treatment of economic, social and environmental components. Our key strategic document, the "Development Plan and Policies of Slovenian Tourism from 2007 until 2011" is also based on public-private partnership and takes account of new development trends in tourism and the principles of sustainable development. It defines all major orientations and goals, i.e. the destination model, which simplifies the organisation of Slovenian tourism and leads to higher efficiency as well as the goal of implementing an investment cycle based on the quality renovation of existing and the construction of new tourist capacities.
The Slovenian Tourist Board is the national umbrella tourist organisation for planning and implementing the promotion of Slovenia as a tourist destination, for carrying out an integrated tourist information system and for coordination and development of tourist products. With the purpose of realising the goals and orientations of our strategic documents we work closely with other ministries, governmental and non-governmental organisations.

21. TRADE

C(2007)65
Recommendation of the Council on Common Approaches on the Environment and Officially Supported Export Credits ("Common Approaches")

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Slovene Export and Development Bank has been applying the Recommendation. The environmental requirements, set in the Recommendation, are part of SID Bank’s business policy.

C(63)57
Recommendation of the Council on Procedure for Labelling Pharmaceutical Specialities

Conclusion: Slovenia cannot accept this Recommendation.

Explanatory Comment/Observation:
The procedure and requirements for labelling medicinal products is stipulated by the Medicinal Products Act (OG RS, No. 31/06) and the Rules on labelling of medicinal products and patient information leaflets (OG RS, No. 54/06), which are in line with Title V of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (Official Journal L – 311, 28/11/2004, p. 67–128, as amended by the following:


The requirements stipulated by the above national legislation and the acquis communautaire are stricter than those stipulated by the OECD Recommendation. Some additional particulars on the outer packaging other than those mentioned in the OECD document are determined (i.e. the method of administration and, if necessary, the route of administration together with the warning: "Read the package leaflet before use"; space shall be provided for the
prescribed dose to be indicated; a special warning that the medicinal product must be stored out of reach of children; specific precautions relating to the disposal of unused medicinal products or waste derived from medicinal products, where appropriate, as well as reference to any appropriate collection system in place; etc.). There is the provision that the name of the medicinal product should be followed by its strength and pharmaceutical form, and, if appropriate, whether it is intended for babies, children or adults; where the product contains up to three active substances, the international non-proprietary name (INN) shall be included, or, if one does not exist, the common name. Instead of "vendor" the above legislation requests the name and address of the marketing authorisation holder and, where applicable, the name of the representative appointed by the holder to represent him. In the so-called "blue box", which is in accordance with Art. 57 of Directive 2001/83/EC, the Republic of Slovenia requests the legal status for supply to the patient, in accordance with Title VI, and identification and authenticity (EAN 13 code).

C(62)108
Recommendation of the Council on Administrative and Technical Regulations which Hamper the Expansion of Trade

Conclusion: Slovenia associates itself with this Recommendation.

Explanatory Comment/Observation:
Slovenia follows the principle of the Recommendation by implementing the WTO/TBT Agreement on technical barriers to trade. In addition, the OECD Recommendation is also reflected in technical legislation, harmonised with the principle of free movement of goods at the EU level. This also includes implementation of the principle of mutual recognition for goods which are legally marketed in another state. All the above principles are included in the Slovenian Technical Requirements for Products and Conformity Assessment Act (OG RS, No. 99/04) and technical regulations issued on the basis of this Act.

C(61)106
Recommendation of the Council on Procedure for the Registration of Pharmaceutical Specialities

Conclusion: Slovenia cannot accept this Recommendation.

Explanatory Comment/Observation:
The field of medicinal products is regulated by common EU legislation (especially Directive 2001/83/EC, as amended), which has been transposed into Slovenian legislation (by the Medicinal Products Act and its implementing regulations). Upon accession to the EU, Slovenia cannot apply any legislation which is not in line with the acquis, including any simplifications or requirements which differ from the acquis.

In the Slovenian and EU legislation the term "marketing authorisation" is applicable instead of "registration". The Slovenian legislation (Medicinal Products Act and its implementing regulations), which is harmonised with Directive 2001/83/EC as amended, clearly defines (among other things):
- the particulars and documents accompanying an application for marketing authorisation;
- the content, presentation and format of the dossier (Common Technical Document (CTD)) for marketing authorisation;
- the procedures, including time frames, for granting marketing authorisation;
- the conditions for approval/refusal/variation of marketing authorisation;
- validity of marketing authorisation.
Marketing authorisation may be granted by the Slovenian national competent authority, the Agency for Medicinal Products and Medical Devices or the European Commission (for centrally authorised medicinal products).

The Recommendation is not in line with the above provisions and cannot be accepted.

**TD/PG(2007)28 (other instruments)**

**Arrangement on Officially Supported Export Credits: 2008 Revision**

**Conclusion:** Slovenia accepts the Arrangement.

**Explanatory Comment/Observation:**

The Slovenian Export and Development Bank applies the provisions of the Arrangement.

**C(80)104 (other instruments)**

**Declaration on Trade Policy**

**Conclusion:** Slovenia associates itself with the Declaration.

**Explanatory Comment/Observation:**

The trade policy of Slovenia, which is a part of EU Common Commercial Policy, is in line with the Declaration on Trade Policy. International trade has always played an important role in the economic development of Slovenia, which has always endeavoured to pursue liberal trade policy.

Taking into account that the opening of markets and low tariff and non-tariff barriers bring the biggest welfare gains, Slovenia primarily supports the successful conclusion of the balanced and global agreement in the Doha Development Agenda (DDA) within the framework of the World Trade Organization (WTO). Successful conclusion of the negotiations within the DDA can deliver a more open world market for goods, services and international investment and can help to unlock economic growth and to reduce poverty in developing countries. Bilateral trade agreements could be complementary to the multilateral trade talks.

Slovenia has complied with its international trade obligations, including obligations on the basis of its membership in the World Trade Organisation (WTO) and has been a subject of a Trade Policy Review in the WTO in 2002. In 2004, Slovenia adopted the Common Commercial Policy of the European Union.

In the context of the EU, Slovenia is fully committed to transparency in trade policies and practices, and is prepared to improve them further.

The legal basis for the EU Common Commercial Policy, which is applicable and binding on all EU Member States and thus on Slovenia, is Article 133 of the Treaty of the EU and the acquis in this field (Chapter 11 – External Relations of the EU Legislation in Force: Subchapter: 11.60 – Commercial Policy).

Slovenia acknowledges the work of the OECD in the various fields of international trade, which is of great added value for Slovenia. With membership in the OECD, Slovenia would like to fully benefit and contribute to the work and expertise of the OECD in the field of trade policy.
INITIAL MEMORANDUM

ANNEX I

THE POSITION OF SLOVENIA ON THE OECD CODE OF LIBERALISATION OF CURRENT INVISIBLE OPERATIONS

LJUBLJANA, 3 JULY 2008
CURRENT INVISIBLE OPERATIONS

C (61)95
Decision of the Council adopting the Code of Liberalisation of Current Invisible Operations

Conclusion:
Slovenia accepts the provisions of Code.

Explanatory Comment/Observation:
Implementation of the provision of the Code would be subject to the following reservations from Annex A obligations in accordance with Article 2(b) of the Code:

A. BUSINESS AND INDUSTRY

A/5. Authors’ Royalties. Patents, designs, trademarks and inventions (the assignment and licensing of patent rights, designs, trademarks and inventions, whether or not legally protected, and transfers arising out of such assignment or licensing)

Remark: The reservation applies in terms of reciprocity if not differently stated in the international agreements on IPR.

Comment: Legal and natural persons that are foreign nationals enjoy the same rights as domestic legal or natural persons, or other domestic nationals, in conformity with the Agreement on Trade-Related Aspects of Intellectual Property Rights or with the application of the principle of reciprocity. Foreign natural and legal persons having neither residence nor real and effective industrial or commercial establishment in Slovenia must assert their rights before the Slovenian Intellectual Property Office through a registered agent, unless otherwise provided by an international treaty or Industrial Property Act (e.g. payment of fees) (OG RS, No. 102/2004).

The Copyright and Related Rights Act (OG RS, No. 16/2007) contains special provisions on assignment of copyright and neighbouring rights. The owner of rights may only assign his economic rights (moral rights are not transferable), and assignment may be limited to the extent, territory or time. There is no registration system for assignments of copyright or neighbouring rights.

Collecting societies manage authors' and neighbouring rights on a contractual basis and on the basis of the Copyright and Related Rights Act in cases of mandatory collective management of rights (e.g. small rights, cable retransmission). A collecting society may not refuse to manage rights in the field of its activity if so requested by the rightful owner who is a citizen of Slovenia or a European Union Member State or European Economic Area Member State, or has his residence or seat in Slovenia. The collecting society distributes collected remunerations according to its rules of distribution and agreements concluded with other, foreign collecting societies.

The Copyright and Related Rights Act (OG RS, No. 16/2007) gives protection to authors and owners of neighbouring rights who are citizens of the Republic of Slovenia or a European Union Member State or a European Economic Area Member States, or have their residence or seat in the Republic of Slovenia. Other foreign natural persons or legal entities (foreigners) enjoy the same protection if an international agreement so provides, or if factual reciprocity exists. However, foreigners enjoy protection with respect to moral rights in any case and with respect to resale rights and the right to remuneration for private and other internal reproduction only if factual reciprocity exists.
C. TRANSPORT

C/3. Road transport: passengers and freights, including chartering

Remark: The reservation applies for passengers to transit, picking up or setting down on an international journey, transport within the country; and for freights to transit, delivery on an international journey, collection on an international journey, return cargo where collection is authorised, return cargo where delivery is authorised and transport within the country.

Comment: Restrictions are contained in the Road Transport Act (OG RS No. 131/06 and 5/07). In order to perform road transport operations in Slovenia, a licence is required. The conditions for obtaining the licence are set out in Article 20 of the Slovenian Road Transport Act. Obtaining the licence is not conditioned by nationality or the registered seat of the company – the sole requirement is that the company must own at least one motor vehicle for individual types of transport which is registered in Slovenia or have the right to use such vehicle on the basis of a contract of hire or lease.

Foreign operators can perform international transport of goods in the Republic of Slovenia if the driver has an appropriate and correctly filled in permit or authorisation for transport of goods, which is issued by the Agency, unless this is otherwise determined by an international agreement. (Paragraph 1, Article 102).

A foreign operator cannot perform transport of goods from the Republic of Slovenia to a third country and vice versa, unless this is specifically laid down in an international agreement (Paragraph 1, Article 104).

International regular transport of passengers between the Republic of Slovenia and the countries which are not members of the EC, transit transport passing through Slovenia with regard to the above mentioned operations and international regular transport of passengers, which is being performed by an EU operator to a non-EU country are all established and performed in line with international agreements subject to the principle of reciprocity and on the basis of a permit to perform operations issued by the Agency and the competent bodies of other countries. These forms of transport are performed in line with the conditions laid down by the Road Transport Act and an international agreement (Paragraph 2 of Article 61).

International special regular service in international road transport can be performed only between the EC Member States (Paragraph 1 of Article 73).

Occasional carriage of passengers from Slovenia to other states signatories of the Interbus agreement and vice versa are performed in line with the provisions of this agreement, while the transports from Slovenia to the countries which have not signed the Interbus agreement are performed according to other international agreements and Road Transport Act (Paragraph 1 of Article 74).

D. INSURANCE
D/6. Conditions for establishment and operation of branches and agencies of foreign insurers

*Remark:* The reservation applies to financial guarantees required for the establishment of a non-EC insurance company branch in Slovenia and to the conditional existence of an equal competition environment in the country of a non-EC undertaking wishing to establish a branch in Slovenia.

Comment: According to Article 97 and 98 of the Insurance Act (OG RS No. 109/06, 9/07, (102/07 corr.), a foreign (non-EC) insurance undertaking may only conduct insurance business in the territory of the Republic of Slovenia through a branch, which is obliged, in the territory of the Republic of Slovenia, to deposit an amount of money or other adequate financial assets as security to meet the obligations arising from insurance contracts concluded in the Republic of Slovenia or covering risks situated in the Republic of Slovenia, amounting to one quarter of the branch’s guarantee fund as defined in Article 112 (Insurance Act). The surplus of own funds over the required minimal capital or guarantee fund must be invested in the countries of the European Economic Area (EEA).

Furthermore, the Insurance Supervision Agency shall refuse to grant authorisation to establish a branch of a foreign insurance undertaking if the insurance undertaking with its head offices in the Republic of Slovenia cannot perform insurance business in that country or if, due to the regulations of that country or the practice usually pursued in implementing the said regulations, they do not have competitive possibilities in conducting insurance business equal to those of domestic insurance undertakings.

Moreover, according to the Slovenian Companies Act (OG RS No. 42/06, (60/06 corr.), 26/07, 33/07, 67/07 (100/07 corr.), 10/08) a foreign undertaking may only establish a branch if the proprietary undertaking has been established for more than two years in its country of incorporation (Article 678).

D/8. Private pensions

*Remark:* The reservation, which includes the activity of promotion, does not apply to supplementary pension scheme providers established in one of the Member States of the EU in accordance with the regulations applicable in that Member State.

Comment: The reservation applies to cross-border activities with regard to occupational and non-occupational pension insurance and to tax relief for contributions paid into pension schemes not established in accordance with Slovenian legislation, i.e. Pension and Disability Insurance Act (OG RS, no. 109/2006, Officially consolidated text – 4, 112/2006 Odl.US: U-I-358/04-13, 114/2006-ZUTPG, 91/2007 Skl.US: U-I-325/05-5, 10/2008-ZVarDod; hereafter: PDIA). Supplementary pension insurance in Slovenia is established on a voluntary basis and is as such for the benefit of insured persons (workers) closely monitored by the supervisory authorities. Establishment of an occupational pension scheme is regulated by labour and social law, thus providing the social partners the right to participate in the design of the scheme when deciding upon workers' rights arising from collective supplementary pension insurance. Although the decision to set up a
pension scheme remains partly on the employer, conditions for entering an established pension scheme must be set through a collective agreement, giving the social partners the possibility to protect the rights and interests of the workers. Legislation providing a framework for supplementary pension insurance is designed in such a way as to ensure the protection of the insured persons and to provide them with relevant and accurate information.

Liberalisation in item D/8 in no way guarantees that the same level of protection and participation of social partners will be ensured in a cross-border provision. Moreover, there are no special provisions by which at least minimum requirements with regard to investment policy, capital adequacy, technical reserves, reporting and information to be given to the insured persons would be guaranteed. Furthermore, there are no provisions on cooperation between the supervisory authorities of the home and the host Member country of the OECD.

Slovenian legislation implements certain requirements with a view to guaranteeing the safety of the beneficiaries’ funds and to assure the legal protection of the insured persons. Liberalisation in Item D/8 does not stipulate any special provisions on how the rights of the beneficiaries should be calculated, how the transfers between scheme providers established in different Members would be executed and who is responsible for the monitoring of compliance with social and labour law requirements.

The reservation on Item D/8 does not apply to providers of occupational pension insurance established in one of the Member States of the EU in accordance with Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision, which was transposed in Slovenian legislation by PDIA.

E. BANKING AND FINANCIAL SERVICES

E/1. Payment services

Remark: The reservation applies to the provision of payment services through a branch of a non-EC bank and to the provision of money remittance services.

Comment: A non-EC bank may provide payment services through a branch in Slovenia only if it obtains authorisation from the Bank of Slovenia.

In the Republic of Slovenia, only payment services that are concerned with receiving deposits are regulated. Money remittance services (such as Western Union, for example) are dealt with as payment services and can therefore be operated only by banks or payment services operators in accordance with the Banking Act (OG RS No. 131/06 and 1/08). Other institutions that are not banks can therefore not operate money remittance services.

E/2. Banking and investment services
Remark: The reservation applies to the direct provision of banking and investment services (for securities and collective investment securities).

Comment: In the territory of the Republic of Slovenia, banking services may be provided by (i) a bank which has obtained authorisation to provide those services granted by the Bank of Slovenia, (ii) any bank or special financial institution of an EC Member State which, in accordance with the present Banking Act (OG RS No. 131/06 and 1/08), establishes a branch in the territory of the Republic of Slovenia or is authorised to provide banking services directly in the territory of the Republic of Slovenia in accordance with this Act, or (iii) any branch of a bank established in a third country that obtains authorisation from the Bank of Slovenia for its establishment. Consequently, in the Republic of Slovenia non-EC banks cannot provide services directly.

In the Republic of Slovenia, investment services and activities may be provided by: (i) non-EC-resident investment firms only through establishing a branch, while EC countries can provide investment services and activities directly or through establishing a branch – Article 32(1) of the Market in Financial Instruments Act (OG RS No. 67/07, 100/07); and (ii) non-EC-resident banks which have obtained authorisation from the Bank of Slovenia, only through establishing a branch, while a bank or special financial institution of EC countries can provide investment services directly or through establishing a branch – Article 32(2) of the Market in Financial Instruments Act.

A non-EC-resident investment firm can establish a branch in the Republic of Slovenia only if it obtains authorisation from the Securities Market Agency, while an EC investment firm can provide investment services and activities in Slovenia if it already provides investment services and activities in the Member State of its registered office (An EC investment firm does not need special authorisation from the Securities Market Agency) – Articles 178(1) and 183(1) of the Market in Financial Instruments Act.

Regarding Article 87(1) of the Market in Financial Instruments Act, a third country (non-EC) issuer (or an offeror intending to offer issuer’s securities in Slovenia or an applicant for the admission of such issuer’s securities to trading on the stock exchange market) must authorise an authorised investment firm for all the activities related to the public offer or admission to trading on the stock exchange market.

Regarding Article 139(3) of the Market in Financial Instruments Act, a non-EC-resident public company must submit and publish all information published in the non-EC-resident country, even if it is not considered as regulated information.

In the Republic of Slovenia, non-EC-resident management companies can provide services only through establishing a branch, while EC management companies can provide services directly or through establishing a branch – Articles 5(4) and 50(1) of the Investment Funds and Management Companies Act (OG RS No. 26/05, 68/05, Decision of the Constitutional Court: U-I-127/03-44, 92/07 (19/07 corr).

In the Republic of Slovenia, investment coupons of a non-EC-resident mutual fund can only be sold if the management company which manages this mutual fund obtains authorisation from the Securities Market Agency for establishing a branch – Article 9(4) of the Investment Funds and Management Companies Act.
A non-EC-resident management company can establish a branch in the Republic of Slovenia only if it obtains an authorisation from the Securities Market Agency. On the other hand, if an EC management company can manage UCITS funds in compliance with the UCITS Directive in the member state of the management company’s registered office, this EC management company can also provide this service in Slovenia – directly or through a branch – Articles 46(1) and 51(1) of Investment Funds and Management Companies Act.

A non-resident management company which wants to sell or market new (extra) investment funds in the Republic of Slovenia must obtain authorisation from the Securities Market Agency for these new investment funds, while an EC management company which wants to advertise, market or sell units of new investment funds (directly or through branch) in Slovenia must inform and submit all relevant documentation to the Securities Market Agency – Articles 47(9), 46.a(7) and 51.a(1) of the Investment Funds and Management Companies Act.

A brokerage company may authorise a tied agent to perform activities (present its services, conclude transactions, accept and forward the orders of clients, sell financial instruments and provide advice to clients in relation to financial instruments or services offered by the brokerage company) on its behalf. But the brokerage company may only authorise a tied agent entered in the register of agents, which is kept by the Securities Market Agency and in which only tied agents with a registered office in the Republic of Slovenia and tied agents with a registered office in another Member State can be entered – so there are no tied agents from non-EC countries – Articles 237, 238 and 239 of the Market in Financial Instruments Act.

Consumer credit and loans are regulated by the Consumer Credit Act (OG RS, No. 77/2004 and 111/2007) which is in compliance with EU legislation. The Consumer Credit Act addresses the main principles of credit agreements, such as consumer information, right of withdrawal, right of early repayment, annual percentage rate, protection of consumer economic interests, means of redress and sanctions. The issue of reservations as to whom credits and loans may be granted are not the subject of this legal instrument.

**E/3. Settlement, clearing and custodial and depository services, Settlement and clearing systems, custodial and depository services**

*Remark: The reservation applies to the provision of settlement services and the settlement system in the Republic of Slovenia by non-EC-residents.*

Comment: Regarding Article 402(1) of the Market in Financial Instruments Act (OG RS No. 67/07, 100/07), the settlement of stock exchange transactions must be performed through:

- the settlement system managed by a central clearing and depository house, which must be organised in the legal form of a public limited company or European public limited company, or
- another settlement system operator with whom the stock exchange has an adequate agreement. But this settlement system operator can only be a brokerage company, a bank or other legal entity with a registered office in Slovenia which obtains the authorisation of the Securities Market Agency to operate such settlement system or investment firm, bank or other legal entity of another EC Member State which is authorised to operate such settlement system on the basis of the authorisation of the supervisory authority of this EC Member State – so a non-EC-resident investment firm
cannot be a settlement system operator in Slovenia – Article 459(1) of the Market in Financial Instruments Act.

Members of a clearing and depository house in the Republic of Slovenia can be register and settlement members. Register members with limited access can also be the Bank of Slovenia, the central bank of another EC Member State or the European Central Bank in terms of keeping the accounts of banks and special financial institutions in relation to central bank operations – the central bank of a non-EC-resident in view of Article 447(2) of the Market in Financial Instruments Act cannot be a register member with limited access.

E/4. Asset management, Cash management, Portfolio management, Pension fund management, Safekeeping of assets, Trust services

Remark: The reservation applies to the provision of asset, cash, portfolio, pension fund management and safekeeping of assets in Slovenia by non-EC-residents.

Comment: Cash management falls under mutually recognised financial services, which may be provided by credit or financial institutions. A non-EC credit institution can only provide cash management if its branch obtains authorisation from the Bank of Slovenia and is thus precluded from the direct provision of services. When cash management is to be provided by other non-EC supervised financial institutions (i.e. insurance companies or investment firms) they have to obtain authorisation from the respective Slovenian supervisor.

In the Republic of Slovenia non-EC-resident management companies can provide asset management and pension fund management services only through establishing a branch, while EC management companies can provide asset management services directly or through establishing a branch – Articles 5(1) and 5(4) of the Investment Funds and Management Companies Act (OG RS No. 26/05, 68/05, Decision of the Constitutional Court: U-I-127/03-44, 92/07 (19/07 corr).

In the Republic of Slovenia non-EC-resident investment firms can provide portfolio management services and safekeeping of assets only through establishing a branch, while EC investment firms can provide portfolio management services and safekeeping of assets directly or through establishing a branch – Chapter 7.2.4 and Articles 267, 268, 269 in connection with Article 184(2) of the Market in Financial Instruments Act (OG RS No. 67/07, 100/07).

E/5. Advisory and agency services

Remark: The reservation applies to the provision of advisory and agency services and investment research and advice.

Comment: In the Republic of Slovenia investment services and activities may be provided with a permit for establishment from the Securities Market Agency by: a brokerage company, an investment firm of an EC Member State (hereinafter: MS) that is not a bank or special financial institution, or a branch of a third-country investment firm that is not a bank. Besides this, investment services and activities may also be provided with authorisation from the Bank of Slovenia by: a bank, a bank or special financial institution of a MS, or a branch of a
third-country bank – Article 32 of the Market in Financial Instruments Act (OG RS No. 67/07, 100/07).

Article 178 of the Market in Financial Instruments Act states that a MS investment firm may provide the investment services and activities it is authorised to provide in the MS of its registered office, and related ancillary investment services and activities, also in the Republic of Slovenia, either through a branch or directly under the conditions specified. A third-country investment firm shall only be allowed to establish a branch within the territory of Slovenia if it obtains authorisation from the Securities Market Agency. The above provisions are also regulated by Articles 4, 5, 46, 47, 50 of the Investment Funds and Management Companies Act (OG RS No. 26/05, 68/05, Decision of the Constitutional Court: U-I-127/03-44, 92/07 (19/07 corr).

The above provisions also regulate "investment advice" relating to investment services and activities – Article 8 of the Market in Financial Instruments Act. In connection with investment advice, an "investment recommendation" may be produced by: an independent analyst, an investment firm, a credit institution, any other person whose main business is to produce recommendations or a natural person working for them under a contract of employment or otherwise – Article 378(2) of the Market in Financial Instruments Act.

Investment advice may also be produced by a small "brokerage company" (Article 11 of the Market in Financial Instruments Act), which must be organised in the legal form of a public limited company, European public limited company or limited liability company (Article 149 of the Market in Financial Instruments Act). Conditions for establishing a brokerage company in Slovenia (from a MS or third country) are the same as for investment firms (Articles 170, 176, 178, 183, 184 of the Market in Financial Instruments Act).

E/7. Conditions for establishment and operation of branches, agencies, etc. of non-resident investors in the banking and financial services sector

Remark: The reservation applies to the establishment of a non-EC branch and to the establishment of a representative office of a third-country (non-EC) bank or investment firm.

Comment: A non-EC-resident bank, insurance company, investment firm or management company can establish a branch in Slovenia only if it obtains authorisation from the relevant supervisor. The documents and information that a non-EC-resident bank, insurance company, investment firm or management company must supply for the purpose of obtaining authorisation are defined in the Banking Act (OG RS No. 131/06 and 1/08), Insurance Act (OG RS No. 109/06, 9/07, (102/07 corr.), Market in Financial Instruments Act (OG RS No. 67/07, 100/07) and Investment Funds and Management Companies Act (OG RS No. 26/05, 68/05, Decision of the Constitutional Court: U-I-127/03-44, 92/07 (19/07 corr).

Article 131 of the Banking Act also foresees that the establishment of a representative office of a third-country (non-EC) bank shall require authorisation from the Bank of Slovenia. This is also relevant for investment firms (Article 193 of the Market in Financial Instruments Act in connection with Article 131 of the Banking Act), while no such restriction is foreseen by the Insurance Act.
Furthermore, according to the Slovenian Companies Act (OG RS No. 42/06, (60/06 corr.), 26/07, 33/07, 67/07 (100/07 corr.), 10/08) a foreign undertaking may only establish a branch if the proprietary undertaking has been established for more than two years in its country of incorporation – Article 678.

H. FILMS

*Remark:* The reservation applies to aid to production and co-production of films. The restriction does not however significantly distort competition in export markets.

Comment: The Film Fund of the Republic of Slovenia Act in force since 1994 transferred to the named Fund the task of implementation of state support to the national cinematography. On the basis of general conditions governing the activities, the Film Fund organises annual contests (public calls or public tenders) with the aim of financial support to or co-financing of cinematographic projects (films) within public interest (e.g. importance for the national culture and language). These may be entered to the Fund contests by legal persons registered in the Republic of Slovenia for performing activities from the fields of film and video (producers). The Film Fund of the Republic of Slovenia Act contains another restriction laid down in Article 20. Under this restriction a film producer not registered to perform this activity in the Republic of Slovenia may work in the Republic of Slovenia only in cooperation with a Slovenian producer. This practically means that international co-productions are entered to the Film Fund contests by a Slovenian co-producer, while the resources are allocated to the project as such.

Pursuant to the Media Act, the Republic of Slovenia shall, within the Ministry of Culture, provide funds for the development of audiovisual media production. Under the Act, the term audiovisual works covers TV feature films and dramas, arts and culture series, entertainment series, serials, documentaries, educational and other audiovisual works. Within the framework of these budgetary funds for audiovisual media production, the Republic of Slovenia shall thus provide funds for Slovenian audiovisual projects contributing to the development of audiovisual media production and intended to be broadcast on television. The restriction therefore refers to the so-called Slovenian project.

L. GENERAL

L/3. Damages

*Remark:* The reservation applies to compensation of damages for victims of criminal acts for non-EC citizens.

Comment: Article 5 of the Crime Victims Compensation Act (OG RS, No. 101/05) determines, among other formal conditions for granting damages, that the applicant for damages shall be a citizen of the Republic of Slovenia or other EU Member State.

L/6. Professional services (including services of accountants, artists, consultants, doctors, engineers, experts, lawyers, etc.)

*Remark:* The reservation in terms of reciprocity applies to the professions of attorney, responsible project planner, responsible reviser, responsible works manager and responsible manager of individual works, responsible supervisor and responsible supervisor of individual works, responsible project planner for architecture, authorised spatial planner and real estate...
agent. Certain limitations exist also for tour operators, tourist guides, mountain guides and vocational professions.

Comment: The Republic of Slovenia expresses a reservation on the basis of Article 34.f of the Attorneys Act (OG RS No. 18/1993, 24/1996 Decision of Supreme Court: U-I-201/93-19, 24/2001, 48/2001; Decision of the Supreme Court: U-I-371/98-34, 111/2005, Decision of the Supreme Court U-I-212-03-14). Article 34.f of the Attorneys Act determines that attorneys from a European Union non-member state have the right to perform attorney’s services or the right to practice law if, in addition to the conditions determined by Article 34.a of the Act for attorneys from another country that is an EU Member State, they also comply with the condition of effective reciprocity. In relation to membership in the BAS, the third paragraph of Article 34.c of the Attorneys Act determines that an attorney from another country which is a EU Member State cannot be elected to bodies of the BAS, from which it also follows that an attorney from a European Union non-member state cannot become a member of any BAS body.

Besides other conditions reciprocity is requested for foreign natural persons to perform the following professions: responsible project planner, responsible reviser, responsible works manager and responsible manager of individual works, responsible supervisor and responsible supervisor of individual works, responsible project planner for architecture according to the Building Construction And Civil Engineering Act (OG No. 110/2002), authorised spatial planner according to the Spatial Planning Act (OG No. 110/2002) and real estate agent according to the Real Estate Agencies Act (OG No.72/2006).

Other conditions include that foreign natural persons shall comply with the conditions for the profession in their country of citizenship, that they shall prove in their country of citizenship they have not been finally convicted of a criminal offence against property or a financial criminal offence and sentenced to more than three months in jail, and that in such country a security measure of a ban on the performance of the profession has not been introduced against them, unless such a measure has already expired. In some cases they must be registered in the appropriate register at the relevant professional chamber, while the real estate agents shall be listed in the Real Estate Agents’ Register at the competent ministry.

“Tour operators” – In Slovenia they may organise and sell tour packages subject to a licence on the basis of the Law on the Promotion and Development of Tourism (OG RS, No. 2/2004);

“Tourist guides” based in the Republic of Slovenia are required to obtain a licence on the basis of an examination. Conditions and procedures are prescribed by the Law on the Promotion and Development of Tourism. This requirement does apply to guides that are continuing a tour into Slovenia from abroad.

“Mountain guides” – Slovenia requires registration in the Register of Mountain Guides under conditions and qualifications prescribed by the Law on Mountain Guides.

“Vocational professions” – for non-EU and non EEA member states a catalogue of vocational professions applies which contains vocational standards, required education and procedures for employment in the territory of Slovenia. Within Slovenia a general system of vocational training applies in order to obtain a certificate of national vocational qualification.

L/8. Registration of patents and trademarks

Remark: The reservation applies in terms of reciprocity if not differently stated in the international agreements on IPR.
Comment: Legal and natural persons that are foreign nationals enjoy the same rights as domestic legal or natural persons, or other domestic nationals, in conformity with the Agreement on Trade-Related Aspects of Intellectual Property Rights or with the application of the principle of reciprocity. Foreign natural and legal persons having neither residence nor real and effective industrial or commercial establishment in Slovenia must assert their rights before the Slovenian Intellectual Property Office through a registered agent, unless otherwise provided by an international treaty or the Industrial Property Act (e.g. payment of fees) (OG RS, No. 102/2004).

Persons (domestic or foreign) seeking patent protection in Slovenia may file a national application with the Slovenian Intellectual Property Office in accordance with the Industrial Property Act, a European patent application in accordance with the European Patent Convention or an international patent application in accordance with the Patent Cooperation Treaty. Inventions which are important for the defence or security of Slovenia (secret inventions) are filed with the Ministry of Defence. Patents are granted for any inventions in all fields of technology which are new, involve an inventive step and are susceptible to industrial applicability. However, the Slovenian Intellectual Property Office does not examine applications as to novelty and inventive step ("non-examining office").
INITIAL MEMORANDUM

ANNEX II

THE POSITION OF SLOVENIA ON THE
OECD CODES OF LIBERALISATION OF CAPITAL MOVEMENTS

LJUBLJANA, 3 JULY 2008
CAPITAL MOVEMENTS

OECD/C(61)96
Decision of the Council adopting the Codes of Liberalisation of Capital Movements

Conclusion: Slovenia accepts adherence to the Code.

Explanatory Comment/Observation:
Implementation of the provision of the Code would be subject to the following reservations:

List A
I/A, Direct Investment
- in the country concerned by non-residents

Remark: The reservation applies to the conduct of business of a branch of a foreign insurance company, investment firm, bank or management company in the Republic of Slovenia.

Comment: A third-country (non-EC) investment firm may only provide investment services and activities in the Republic of Slovenia through a branch (Article 182 of the Market in Financial Instruments Act). A third- country investment firm shall be allowed to establish a branch within the territory of the Republic of Slovenia if it obtains an authorisation from the Securities Market Agency (Article 183).

An EC Member State investment firm may provide investment services and activities it is authorised to provide in the EC Member State of its registered office, and the related ancillary investment services and activities, also in the Republic of Slovenia, either through a branch or directly. (Article 178).

A foreign management company may provide services with regard to managing investment funds within the territory of the Republic of Slovenia only through a branch. (Article 50 of the Investment Trusts and Management Companies Act) A non-EC-resident management company can establish a branch in Slovenia only if it obtains an authorisation from the Securities Market Agency. (Article 51)

A management company entitled to manage individual investment funds in an EC Member State so that their operation is in accordance with the Directive on Investment Funds shall be also allowed to provide services in the territory of the Republic of Slovenia either through a branch or directly, but only for such funds. (Article 46)

A non-EC-resident bank or insurance company can establish a branch in Slovenia only if it obtains an authorisation from the relevant supervisor. The documents and information that non-EC-resident banks, insurance companies, investment firms and management companies must supply for the purpose of obtaining an authorisation are defined in the Banking Act, Insurance Act, Market in Financial Instruments Act and Investment Funds and Management Companies Act.

The Insurance Supervision Agency shall refuse to grant an authorisation to establish a branch of a foreign insurance undertaking if insurance undertakings with head offices in the Republic of Slovenia cannot perform insurance business in that country or if, due to the
regulations of that country or the practice usually pursued in implementing the said regulations, they do not have competitive possibilities in performing insurance business equal to those of domestic insurance undertakings.

Furthermore, according to the Slovenian Companies Act a foreign undertaking may only establish a branch if the proprietary undertaking has been established for more than two years in its country of incorporation – Article 678.

**Remark: The reservation applies to operation of games of chance.**

Comment: Operators of lotteries, sports betting and concessionaires for operating games of chance in casinos and gaming halls must be established in the Republic of Slovenia.

**Remark: The reservation applies to investment in an operator of games of chance. This reservation does not apply to EC residents.**

Comment: Ownership of operators and concessionaires of games of chance is limited to persons with citizenship of the Republic of Slovenia or a member state of the European Economic Area, or established in the Republic of Slovenia or in a member state of the European Economic Area.


"The activity of operating games of chance shall be performed by operators, concessionaires and gaming hall concessionaire stakes which may only be held by persons with citizenship of the Republic of Slovenia or a member state of the European Economic Area, or established in the Republic of Slovenia or in a member state of the European Economic Area."

**Remark: The reservation applies to ownership of Slovenian flag vessels.**

The reservation holds, except if the vessel:

- is more than half owned by Slovenian or other EU nationals;
- is more than half owned by legal entities which have their registered seats in Slovenia or another EU Member State;
- is more than half owned by foreign citizens, if the operator is a
  - Slovenian/other EU national or a company having its registered seat in Slovenia/another EU Member State, and if the owner agrees on entering the ship in the register.

Comment: Article 210 of the Maritime Code of the Republic of Slovenia quotes that the following ships can be entered in the register:

- A ship which is more than half owned by a citizen of the Republic of Slovenia or a Member State of the EU or by a legal entity with a registered office in the Republic of Slovenia or in a Member State of the European Union;
- A ship which is more than half-owned by a foreign citizen, the operator being a person from the previous point, if the owner agrees on entry in the register.
- A nuclear-powered ship cannot be entered in the register.
Remark: The reservation applies to ownership of aircraft registered in Slovenia, to ownership of an operating licence and to other forms of aircraft operations.

Aircraft may be registered in the Republic of Slovenia if they meet the following conditions:

• the owner of the aircraft is a citizen of the Republic of Slovenia;
• the aircraft has a certificate of airworthiness issued by the Administration or a certificate of airworthiness issued by another state and its validity is recognised by the Administration;
• the aircraft is not registered in any other state; and
• the aircraft meets prescribed conditions in relation to restrictions on noise and other emissions, which the Administration shall ascertain.

The following are equated with citizens of the Republic of Slovenia:

• commercial companies which are majority owned and under actual control of Slovenian citizens;
• societies, associations and flying schools which are domestic legal persons and are majority owned and under actual control of Slovenian citizens;
• local communities and the Republic of Slovenia;
• citizens and legal persons of the European Union

According to the regulation EEC No. 2407/92 (official Journal L240, 24/08/1992 P. 0001-0007) which is directly applicable in Slovenia no undertaking shall be granted an operating license by the EU Member State unless: (a) its principal place of business and, if any, its registered office are located in that EU Member State; and (b) its main occupation is air transport in isolation or combined with any other commercial operation of aircraft or repair and maintenance of aircraft.

Without prejudice to agreements and conventions to which the Community is a contracting party, the undertaking shall be owned and continue to be owned directly or through majority ownership by EU Member States and/or nationals of EU Member States. It shall at all times be effectively controlled by such States or such nationals.

For issuing special permissions for regular and exceptional air transport for a foreign airline, Slovenia asserts the right of reciprocity.

Remark: The reservation applies to other forms of aircraft operations.

For issuing special permissions for regular and exceptional air transport for a foreign airline, Slovenia asserts the right of reciprocity.

List A, I/B, Direct Investment
- abroad by residents

Remark: The reservation applies to the conduct of business of a branch of a Slovenian insurance company, investment firm, bank or management company abroad.

Comment: If a Slovenian bank or insurance company wishes to establish a branch in a third country it must obtain an authorisation from the Bank of Slovenia (Article 96 Banking Act, Art
92 Insurance Act). This requirement is of a prudential nature since its rationale is to ensure the possibility of the conduct of supervision.

A brokerage company may provide investment services and ancillary investment services and activities in a third country only through a branch. Prior to establishing a branch in a third country, a brokerage company must acquire the Securities Market Agency’s authorisation to establish such branch. (Article 176 of the Market in Financial Instruments Act)

A brokerage company planning to establish a branch in a Member State shall be obliged to notify the Securities Market Agency accordingly and to indicate the Member State in which it plans to establish it.

A management company shall only be allowed to provide services of managing investment funds in a foreign country through a branch. The setting up of a branch by the management company in a foreign state shall be subject to authorisation granted by the Securities Market Agency. (Article 45 of the Investment Funds and Management Companies Act)

A management company may provide services with regard to managing investment funds in the territory of a Member State either through a branch or directly, if it meets the conditions stipulated in the regulations of that Member State. (Article 41 of the Investment Funds and Management Companies Act)

*Remark: The reservation applies to investment abroad by the operators and concessionaires of games of chance.*

Comment: Operators of classic games (lotteries and sports bets) may not have equity investments in other legal persons and sole proprietors (at home or abroad), while investment of concessionaires of special games of chance in casinos in certain cases needs the approval of the minister responsible for finance.


Article 57 of the Gaming Act regulating concessionaires of special games of chance states: A concessionaire may have investments in the equity of legal persons the activities and income of which are predominantly in/from the field of catering and tourism, and the field of the development and production of gaming technologies. For investments in the equity of any other legal person and for all investments in the equity of foreign legal persons, the concessionaire must obtain a preliminary approval of the minister responsible for finance if the investments exceed 5% of the concessionaire's share capital. Notwithstanding the previous paragraph, the concessionaire must obtain the preliminary approval of the minister responsible for finance for any investment in the equity of other and foreign legal persons referred to in the previous paragraph if the total value of all investments in other and foreign legal persons exceeds 20% of the concessionaire's equity.”

**List B,**
**III/A1, Operations in real estate**
- in the country concerned by non-residents: building or purchase
Comment: The reservation is based on Article 68 of the Constitution of the Republic of Slovenia.

List B,
III/B1, Operations in real estate
- abroad by residents: building or purchase

Remark: The reservation applies to investments of insurance undertakings abroad.

Comment: Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

Assets covering technical provisions may only be in the form of immovable property and other real rights to immovable property (for instance, the right to erect a building) if they are entered in a land register or other public register in the Republic of Slovenia or an EC Member State (Insurance Act, Article 121).

List A,
IV/A2, Operations in securities on capital markets
- Introduction on a recognised domestic security market of shares or other securities of a participating nature

Comment: A third country (non-EC) issuer, an offeror intending to offer such issuer’s securities in the Republic of Slovenia or an applicant for the admission of such issuer’s securities to trading on the stock exchange market must authorise, for all activities related to the public offer or admission to trading on the stock exchange market, a person authorised hereby to perform investment services in the Republic of Slovenia. This authorised investment firm shall be jointly and severally liable for the fulfilment of obligations for any damages arising from the violation of these obligations together with the person that authorised it (Article 87 of the Market in Financial Instruments Act).

List A,
IV/B1, Operations in securities on capital markets
- Admission of foreign securities on the domestic capital market – issue through placing or public sale of shares or other securities of a participating nature

Comment: A third country (non-EC) issuer, an offeror intending to offer such issuer’s securities in the Republic of Slovenia or an applicant for the admission of such issuer’s securities to trading on the stock exchange market must authorise, for all activities related to the public offer or admission to trading on the stock exchange market, a person authorised hereby to perform investment services in the Republic of Slovenia (Article 87 of the Market in Financial Instruments Act).
The Securities Market Agency may also approve a prospectus relating to securities of a third country issuer drawn up in accordance with the laws of the third country, if certain conditions are met. (Article 88 of the Market in Financial Instruments Act).

A foreign management company shall be allowed to market and sell solely investment coupons or shares of those investment funds which are stated in the Securities Market Agency’s authorisation. (Article 41 of the Investment Funds and Management Companies Act).

A non-resident management company which wants to sell or market new (extra) investment funds in Slovenia must obtain an authorisation from the Securities Market Agency for these new investment funds, while an EC management company which wants to advertise, market or sell units of new investment funds (directly or through branch) in Slovenia must inform and submit all relevant documentation to the Securities Market Agency (Article 47, 46.a and 51 of the Investment Funds and Management Companies Act).

List A,
IV/B2, Operations in securities on capital markets
- Admission of foreign securities on the domestic capital market – introduction on a recognised domestic security market of shares or other securities of a participating nature

Comment: A third country (non-EC) issuer, an offeror intending to offer such issuer’s securities in the Republic of Slovenia or an applicant for the admission of such issuer’s securities to trading on the stock exchange market must authorise, for all activities related to the public offer or admission to trading on the stock exchange market, a person authorised hereby to perform investment services in the Republic of Slovenia (Article 87 of the Market in Financial Instruments Act).

The Securities Market Agency may also approve a prospectus relating to securities of a third country issuer drawn up in accordance with the laws of the third country, if certain conditions are met (Article 88 of the Market in Financial Instruments Act).

A foreign management company shall be allowed to market and sell solely investment coupons or shares of those investment funds which are stated in the Securities Market Agency’s authorisation (Article 41 of the Investment Funds and Management Companies Act).

A non-EC-resident management company which wants to sell or market new (extra) investment funds in Slovenia must obtain an authorisation from the Securities Market Agency for this new investment funds, while an EC management company which wants to advertise, market or sell units of new investment funds (directly or through branch) in Slovenia must inform and submit all relevant documentation to the Securities Market Agency (Article 47, 46.a and 51 of the Investment Funds and Management Companies Act).

List A,
IV/D1, Operations in securities on capital markets
- abroad by residents: Purchase of shares or other securities of a participating nature

Remark: The reservation applies to the individual types of insurance undertakings’ investment of assets covering technical provisions.
Comment: The value of individual types of investment of assets covering technical provisions must not exceed the following portions of the total technical provisions, including technical provisions with regard to those classes of insurance covered by reinsurance which are planned to be covered by assets covering technical provisions (Insurance Act, Article 122):

- investments in securities from a single issuer from clause 2 of the first paragraph of Article 121 of this Act may reach 40% of the technical provisions if such securities meet the following conditions:
  - in accordance with a special law, they are subject to special public supervision with the intention of protecting the rights of holders of such securities;
  - they were issued by a bank or other credit institutions as defined under the law governing financial conglomerates with registered office in the Republic of Slovenia or in a Member State.

Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

Assets covering technical provisions may only be in the form of the following investments (Insurance Act, Article 121):

- securities issued by the Republic of Slovenia, the Bank of Slovenia, a signatory state of the European Economic Area Agreement, an OECD Member country, an international financial organisation or an entity for which one of the former acts as guarantor;
- bonds or other debt securities traded on an organised securities exchange in the Republic of Slovenia, a signatory state of the European Economic Area Agreement or an OECD Member country;
- bonds or other debt securities not traded on an organised securities exchange, if they are issued by a legal entity whose head office is in the Republic of Slovenia, a signatory state of the European Economic Area Agreement or an OECD Member country;
- shares and other variable yield equity securities traded on an organised securities exchange in the Republic of Slovenia, signatory state of the European Economic Area Agreement or an OECD Member country;
- shares and other variable yield equity securities not traded on an organised securities exchange, if they are issued by a legal entity whose head office is in the Republic of Slovenia, a signatory state of the European Economic Area Agreement or an OECD Member country, and if they are issued as securities;
- investment coupons of mutual funds or shares of investment companies which only place their assets in securities and other liquid financial investments.

List B,
V/D1, Operations on money markets
- abroad by residents – purchase of money market securities

Reminder: The reservation applies to insurance undertakings’ investments.
Comment: Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

List B,
VI/D1, Other operations in negotiable instruments and non-securitised claims
- Operations abroad by residents: Purchase

Remark: The reservation applies to insurance undertakings’ investments.

List A,
VII/B1, Operations in collective investment securities
- Admission of foreign collective investment securities on the domestic securities market – Issue through placing or public sale

Comment: A foreign management company shall be allowed to market and sell solely investment coupons or shares of those investment funds which are stated in the Securities Market Agency’s authorisation (Article 41 of the Investment Funds and Management Companies Act).

A non-EC-resident management company which wants to sell or market new (extra) investment funds in Slovenia must obtain an authorisation from the Securities Market Agency for this new investment funds, while an EC management company which wants to advertise, market or sell units of new investment funds (directly or through branch) in Slovenia must inform and submit all relevant documentation to the Securities Market Agency (Article 47, 46.a and 51 of the Investment Funds and Management Companies Act)

List A,
VII/D1, Operations in collective investment securities
- Operations abroad by residents – Purchase

Remark: The reservation applies to insurance companies’ purchases.

Comment: Assets covering technical provisions may only be in the form of investment coupons of mutual funds or shares of investment companies which only place their assets in securities and other liquid financial investments (Insurance Act, Article 121).

Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in
connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

List B,
IX/B, Financial credits and loans
- Credits and loans granted by residents to non-residents

Comment: Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

Assets covering technical provisions may only be in the form of the following investments (Insurance Act, Article 121):

- claims arising from loans collateralised by a mortgage on real estate, if the lien is entered in a land register or other public register in the Republic of Slovenia or a signatory state of the European Economic Area Agreement, and if the claim does not exceed 60% of the value of real estate as appraised by an expert appraiser or in any other appropriate manner; if one or more liens have already been registered on the real estate, the amount of the claim may not be higher than 60% of the value of the real estate reduced by the value of the lien or liens already registered;
- claims arising from loans given to banks whose head offices are in the Republic of Slovenia, a signatory state of the European Economic Area Agreement or an OECD Member country and whose payment, including interest, is guaranteed by a bank whose head office is in the Republic of Slovenia, a signatory state of the European Economic Area Agreement or an OECD Member country;
- claims arising from loans collateralised by a lien on securities referred to in items 1, 2 and 4 hereunder;
- claims arising from other loans collateralised appropriately.

List B,
XI/B1, Operation of deposit accounts
- Operation by residents of accounts with non-resident institutions – in domestic currency

Remark: The reservation applies to insurance companies’ accounts.

Comment: Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

Assets covering technical provisions may only be in the form of investments in deposits or certificates of deposits held in a bank whose registered office is in the Republic of Slovenia, a
signatory state of the European Economic Area Agreement or an OECD Member country (Insurance Act, Article 121).

List B,
XI/B2, Operation of deposit accounts
- Operation by residents of accounts with non-resident institutions – in foreign currency

Remark: The reservation applies to insurance companies’ accounts.

Comment: Insurance undertakings may invest cover assets in the whole territory of signatory states of the European Economic Area Agreement and in the territory of OECD Member countries. Notwithstanding the provisions of the previous sentence, insurance undertakings may in connection with insurance concluded to cover risks in the territory of a state that is not a signatory of the European Economic Area Agreement invest cover assets in the territory of such state (Insurance Act, Article 123).

Assets covering technical provisions may only be in the form of investments in deposits or certificates of deposits held in a bank whose registered office is in the Republic of Slovenia, a signatory state of the European Economic Area Agreement or an OECD Member country (Insurance Act, Article 123).

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Legislative references:
- Banking Act, Official Gazette of the Republic of Slovenia, No. 131/06, 1/08
- Companies Act, Official Gazette of the Republic of Slovenia, No. 42/06 (60/06 corr.), 26/07-ZSDU-B, 33/07-ZSReg-B, 67/07-ZTFI (100/07-corr.), 10/08
- Insurance Act, Official Gazette of the Republic of Slovenia, No. 109/06 – official consolidated version, 9/07, 102/07
- Maritime Code of the Republic of Slovenia, Official Gazette of the Republic of Slovenia, No. 120/06 – official consolidated version
- Market in Financial Instruments Act, Official Gazette of the Republic of Slovenia, No. 67/07 (100/07 corr.).
INITIAL MEMORANDUM

ANNEX III

THE POSITION OF SLOVENIA ON
OECD DECISIONS, RECOMMENDATIONS AND OTHER
INSTRUMENTS IN FORCE

OECD OPTIONAL PROGRAMMES

LJUBLJANA, 3 JULY 2008
Decision of the Council establishing the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade

Conclusion: Slovenia associates itself with the Decision.

Explanatory Comment/Observation:
Conditions for the production and marketing of forest reproductive material in Slovenia regulates the Forest Reproductive Material Act (OG RS, No. 58/02) and eight subordinated rules (Rules on the conditions for entry in the register of suppliers and other obligations of suppliers and on the requirements for marketing forest reproductive material, Rules on attestations and master certificates for forest reproductive material, Rules on the list of tree species and artificial hybrids, Rules on the conditions and procedure for approving forest seed stock intended for the production of forest reproductive material in the categories “qualified” and “tested”, Rules on the conditions for approving forest seed stocks in the categories “source – identified” and “selected”, and on the list of forest seed stocks, Rules on determining data for forest seed, Rules on determining regions of provenance, Rules concerning the uniform application form for plant consignments, plant products and regulated articles, forest reproductive material and/or and propagating material for import inspection). The legislation is harmonised with Council Directive 1999/105/EC, which corresponds for the most part to the OECD Scheme.

Decision of the Council revising the OECD "Scheme" for the Application of International Standards for Fruit and Vegetables

Conclusion: Slovenia associates itself with the Decision.

Explanatory Comment/Observation:
Slovenia has been participating in training in the OECD Scheme for the application of international quality standards for fresh fruit and vegetables in the Member countries (since 2002). In this connection, inspectors from the Inspectorate of the Republic of Slovenia for Agriculture, Forestry and Food were trained and tested to this end by inspectors from the Horticultural Marketing Inspectorate of DEFRA, the UK Department for Environment, Food and Rural Affairs. Inspectors also participated in the international training course on harmonisation of fruit and vegetable quality assessment) under the OECD's patronage, which was organised by inspectors from the State Veterinary and Food Administration of the Slovak Republic.

Inspectors from the Inspectorate of the Republic of Slovenia for Agriculture, Forestry and Food use the OECD brochure as recommendations for official control.

Slovenia took on the Twining Light project for quality control of fresh fruit and vegetables from November 2006 till July 2007.

Decision of the Council Revising the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
Slovenia is taking part in the programme on the basis of the OECD Council decision as a non-member country. Slovenia participates in 4 OECD seed schemes, namely for Maize and Sorghum seed (from 1995), for Crucifer seed and other Oil or Fibre species (from 1995), Grass and Legume seed (from 1995) and for Cereal Seed (from 1996). The Slovenian national legal system for seed certification is compatible and harmonised with EU directives for the marketing of seed and thus with the OECD seed schemes. Seed certification is established in the Agricultural Seeds and Propagating Material Act and relevant implementing sub-law regulations. Seed certification is performed by the Agricultural Institute of Slovenia.

C(76)124
Recommendation of the Council on the Standardization of Packaging for the International Transport of Fresh or Refrigerated Fruit and Vegetables, under the OECD Scheme for the Application of International Standards for Fruit and Vegetables

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Slovenian authorities have applied the Recommendation since Slovenia joined the Scheme right after becoming EU member in 2004.

C(72)100
Recommendation of the Council concerning General Provisions for the Labelling and Identification of Fresh Fruit and Vegetables under the OECD Scheme for the Application of International Standards for Fruit and Vegetables

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
The Slovenian authorities have applied the Recommendation since Slovenia joined the Scheme right after becoming EU member in 2004.

DEVELOPMENT ASSISTANCE

DCD/DAC(2001)12
DAC Recommendation on Untying Official Development Assistance to the Least Developed Countries

Conclusion: Slovenia accepts the DAC Recommendations.

Explanatory Comment/Observation:
Combatting poverty in developing countries by sustaining their economic and social development is one of the main objectives of Slovenian law on international development cooperation. The Resolution on International Development Cooperation (to be adopted) will set objectives coherent with the goals of the international community in the field of development cooperation including with OECD standards. Slovenia will untie its development assistance to the least developed countries to the greatest extent possible and in accordance with the criteria and procedures set in the DAC Recommendations.
ENERGY

C(74)203
Decision of the Council establishing an International Energy Agency of the Organisation

Conclusion: Slovenia associates itself with the Decision.

Observation:

According to the ECT, on 31 December 2005 Slovenia established a compulsory 90-day oil stock, endorsed by the European Commission. Details on stockholding obligations are spelled out in the Directive 2006/67/ES. The oil reserves are calculated on the basis of oil consumption for the previous calendar year. We are aware that the International Energy Agency’s (IEA) criteria for the calculation of oil reserves are based on the respective oil imports in the previous calendar year, which in case of Slovenia is the same amount. Slovenia imports 100% of its oil consumption.

All Slovenian oil reserves are in oil products. Out of all compulsory oil stocks, 29% are kept abroad and 71% are stored in Slovenia. It is a long-term objective that Slovenia will ensure all stocks within its territory. Stored stocks are insured against the usual risks of fire, earthquake, theft, leakage and destruction.


In Slovenia, the Energy Act is in force, with the latest revision from 2007 (OG RS, No. 27/07) on renewable energy sources for electricity generation.

NUCLEAR ENERGY

C(62)187
Decision of the Council on the Adoption of Radiation Protection Norms

Conclusion: Slovenia accepts this Decision.

Explanatory Comment/Observation:
In Slovenia, the Act on Ionising Radiation Protection and Nuclear Safety (from 2002) and associated Decrees and Regulations cover all the measures specified in paragraph 1 of this Decision. The radiation protection norms used for this purpose are those from the Basic Safety Standards, jointly sponsored by OECD/NEA, IAEA, FAO, ILO, PAHO and WHO (from 1996) and those from EU Council Directive 29/96/Euratom.

C(92)166
Recommendation of the Council on the application of the Brussels Supplementary Convention in the field of Nuclear Liability

Conclusion: Slovenia accepts this Recommendation.
C(83)6
Recommendation of the Council concerning the Operation of a Nuclear Power Plant Incident Reporting System

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Slovenia, as a Contracting Party to the Paris Convention on Third Party Liability in the Field of Nuclear Energy and the Brussels Supplementary Convention, agrees with the interpretation of provisions referring to the units of accounts in both Conventions as Special Drawings Rights. In 2001 Slovenia adopted a new Decree on Establishment of the Amount of Limited Operator’s Liability for Nuclear Damage and on Establishment of the Amount of Insurance for Liability for Nuclear Damage (OG RS, No. 110/2001) where all amounts are expressed in SDRs – in tolar equivalents. Since the last Protocols to amend the Paris Convention and Brussels Supplementary Convention introduce the euro as the unit of account, the present recommendation would not be relevant when both Protocols enter into force. For Slovenia, as a member of the Economic and Monetary Union (from 1 January 2007), such an outcome is very practical.

C(82)182
Recommendation of the Council with Respect to the Paris Convention of 29th July 1960 on Third Party Liability in the Field of Nuclear Energy, as Amended by the Additional Protocol of 28th January 1964 and the Brussels Convention of 31st January 1963 Supplementary to the Paris Convention as Amended by the Additional Protocol of 28th January 1964

Conclusion: Slovenia accepts this Recommendation.

Explanatory Comment/Observation:
Although the present Slovenian legislation in the area of third-party liability is based on another international instrument, i.e. the Vienna Convention on Civil Liability for Nuclear Damage (to which Slovenia was a Contracting Party until November 2002), the respective Recommendation is substantively covered in our legislation since comparable provisions can also be found in the Vienna Convention (Article VII/1). The public funds (to satisfy the claims
for compensation in excess of the lower amount, established by virtue of Article 7 b) ii) of the Paris Convention) are made available in our legislation up to a total of the amount established for nuclear operators generally by the provision of Article 4 of the above Decree (Official Gazette of the RS, No. 110/2001).

**Convention of 31st January 1963 supplementary to the Paris Convention of 29th July 1960 (Brussels Supplementary Convention)**

Conclusion: Slovenia accepts this Convention.

Explanatory Comment/Observation:
Slovenia became a Contracting Party to the Brussels Supplementary Convention by acceding to it in March 2003, and the Convention became effective for Slovenia in June 2003. In this regard Slovenia is a Contracting Party to the Convention of 31st January 1963 Supplementary to the Paris Convention of 29th July 1960, as amended by the Additional Protocol of 28th January 1964 and by the Protocol of 16th November 1982.

**Convention on the Establishment of a Security Control in the Field of Nuclear Energy**

Conclusion: Slovenia accepts this Convention.

Explanatory Comment/Observation:
The Convention on the Establishment of a Security Control in the Field of Nuclear Energy was adopted under the auspices of the OECD in December 1957 and entered into force on 22 July 1959. In 1976 the NEA Steering Committee decided to suspend until further notice the application of the NEA Security Control Regulations established under Articles 8 and 10 of the Convention, thereby effectively freezing the security control mechanism which the Convention originally was designed to implement. Nevertheless, the Convention remains in full force and effect, including the provisions relating to the European Nuclear Energy Tribunal.

The Contracting Parties to the Paris Convention (PC) and Brussels Supplementary Convention (BSC) have taken advantage of the existence of Article 14 of the Security Control Convention to provide that disputes concerning the interpretation or application of either of these two instruments may be submitted to the Tribunal if such disputes are not resolved on a "friendly settlement" basis (Article 17 of both the PC and the BSC).

When acceding to the PC and BSC, Slovenia understood that, as a Contracting Party to these two Conventions, Slovenia tacitly agreed to be obliged to accept the Tribunal of the Security Control Convention as competent for settlement of any dispute between Slovenia and any other Contracting Party concerning the interpretation or application of the PC and/or the BSC regardless of the provision of Article 14 of the Security Control Convention. If it turns out that our understanding is false with respect to the interpretation of Article 17 of the PC and BSC in conjunction with Article 14 of the Security Control Convention, Slovenia is prepared to accede to the 1957 Security Control Convention.

**View (other instruments)**

**Convention on Third Party Liability in the Field of Nuclear Energy (Paris Convention)**

Conclusion: Slovenia accepts this Convention.

Explanatory Comment/Observation:
The last Protocol to amend the Paris Convention was signed at a “mini” Diplomatic Conference on 12 February 2004 at OECD Headquarters in Paris. The Final Act (of the Conference) was also signed by the Slovenian Ambassador in Paris, Magdalena Tovornik. The 2004 Protocol to amend the Paris Convention has not yet been ratified, neither by Slovenia nor by most of the other signatories to the Convention.

Slovenia might choose to take advantage of the Joint Declaration, as agreed by the Signatories to the 2004 Protocol to the Paris Convention and which represents a reservation in relation to the application of Article 7 of the Protocol to States Party to the Vienna Convention and the Joint Protocol. A decision as to whether to use this reservation has not yet been taken.

STEEL

C(78)171
Multilateral Guidelines (Extract from the Annex to the Decision establishing a Steel Committee)

Conclusion: Slovenia accepts the Guidelines.

Explanatory Comment/Observation:
Slovenia is a full member of the Steel Committee since 27 November 2007 and as a member it complies with the provisions set out in the document C(78)171. All internal legal procedures required for entry into force of an Agreement between the OECD and the Government of Slovenia on participation of Slovenia in the Steel Committee were fulfilled on 11 October 2007. In 2007 Slovenia participated in the Steel Committee Sessions as an observer.