

DUAL USE REGULATION AFTER THE ACCESSION OF THE REPUBLIC OF SLOVENIA TO THE EUROPEAN UNION

After the accession of the Republic of Slovenia to the European Union (EU) on May 1st, 2004, control on export of dual use fell under the competence of the EU. **The European legislation is applied directly, whereas national legislation only supplements it.**

European legislation regulating the control measures for exports of dual use goods is Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual use items and technology and the Council joint Action of 22 June 2000 concerning control of technical assistance related to certain military end-uses, both with their amendments.

In accordance to the national competences Slovenia adopted Act regulating the control of exports of dual use goods on March 26, 2004; it entered into force on May 1, 2004. The law regulates the control measures for export of dual use goods in the part not governed by the EU's regulations in this field, or where these regulations authorize member states to further regulate the field in their national regulations.

On the basis of this act government decree was adopted. The Decree on implementation of the control of exports of dual use goods was adopted on April 29, 2004; it entered into force on May 1, 2004. The decree defines contents of the application for issuing individual license for export of dual use goods or transmission of dual use goods within the European Community, composition and tasks of the Commission for the control of exports of dual use goods and list of dual use goods.

BASIC CHANGES:

- List of dual use goods is applied directly from the Council Regulation (EC) 1334/2000 – Slovenian legislation only copies it into Annex of its decree.
To be precise, there are **two lists**:
 - 1- list of dual use goods, which have to be controlled when exported out of the EU and
 - 2- list of dual use goods, which have to be controlled when transmitted within the EU.Both lists are updated yearly;
- The Member States are allowed to form a “**national control list**” and propose additional list of dual use goods that have to be controlled when exported from their country. Slovenia is not planning to prepare any such list in this moment;
- Ministry of the Economy issues export licenses on the basis of the preliminary opinion of the **Commission**, which now is a governmental body. It is composed by the representatives of the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Defense, Ministry of Health, Ministry of Environment, Spatial Planning and Energy, Customs Administration and the Intelligence and Security Agency;
- Licenses are issued in a **form** as defined in Annex III A of the Council Regulation (EC) 1334/2000;
- There is a possibility of issuing **not only individual but also global and general licenses**.