

March 2013

SLOVENIA

1. Which are the procedures for the incorporation of Security Council resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case-law?

Since Slovenia is an EU member state, sanctions or restrictive measures imposed by binding UN Security Council resolutions are as a rule incorporated through EU legislation by EU Decisions or/and Regulations. EU Regulations, which incorporate most of the restrictive measures, are directly applicable and binding, thus no additional implementation on the national level is necessary, except for setting fines for violating EU Regulations and competent licensing authorities. Restrictive measures included in the EU (Common Foreign and Security Policy) Decisions falling within the competences of EU member states, in particular arms embargoes and travel restrictions, are implemented through relevant national legislation. At the statutory level, Slovenia adopted the Restrictive measures introduced or implemented by the republic of Slovenia in accordance with legal acts and decisions adopted within the international organisations Act (OJ RS No. 127/06, the Restrictive Measures Act), which basically delegates to the Government the power to implement restrictive measures by way of regulations. It is in these regulations that fines and competent authorities are provided for, as well as provisions for the implementation of the arms embargoes and travel restrictions.

2. Does the choice depend on the content and the legal nature of the Security Council resolution?

The choice of the appropriate implementing legal instrument depends both on the nature of the measure of the UNSCR and the powers of the EU and its member states respectively.

3. When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?

Article 3 of the Restrictive Measures Act provides that a regulation by means of which Slovenia regulates the implementation of restrictive measures provided for by EU and UN legal acts shall terminate or cease to apply, when relevant EU and UN legal acts, for the implementation of which the regulation was adopted, terminate or cease to apply, such termination or cessation applying to the same extent as is applicable within the context of the mentioned legal acts. A notification of such termination or cessation is published in the Official Gazette.

4. When a Security Council resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority which is competent to authorize export?

Competent licensing and supervisory authorities are generally defined in Articles 8 and 10 of the Restrictive Measures Act, and more specifically in the regulations adopted on its basis and on the basis of the relevant EU regulations.

5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?

Both EU and national legislation have the necessary flexibility to implement decisions by UN

sanctions committees.

6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights?

So far only applications against EU legislation on restrictive measures have been recorded.

7. Are there decisions of national courts or state practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals?

No decisions or state practice are recorded.