

# COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

Year 2023

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The content of the document is legally binding.

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## **REGULATION OF THE GOVERNMENT**

**of the Slovak Republic**

of 22 February 2023

### **laying down the critical foreign investments**

Pursuant to §68(1) of Act No. 497/2022 Coll. on the screening of foreign investments and on amendments to certain acts (the ‘Act’), the Government of the Slovak Republic stipulates as follows:

§1

A critical foreign investment under § 3 of the Act is a foreign investment in a target person which

- a) is a manufacturer of a specifically designed product,<sup>1)</sup>
- b) is a manufacturer of a defence industry product<sup>2)</sup> or is engaged in research, development or innovation of a defence industry product,
- c) manufactures dual-use items<sup>3)</sup> or is engaged in research, development or innovation of dual-use items,
- d) is engaged in the production, research, development or innovation of biotechnology<sup>4)</sup> in the health sector,
- e) is an operator of an element of critical infrastructure,<sup>5)</sup>
- f) is an operator of an essential service,<sup>6)</sup>

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<sup>1)</sup> Article 2(1) of Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ EU L 94, 30.3.2012).

§2(1)(a) of Act No. 144/2013 Coll. on trading in specifically designed products the possession of which is restricted for security reasons, and which amends Act No. 145/1995 Coll. of the National Council of the Slovak Republic on administrative fees and charges, as amended.

<sup>2)</sup> §4 of Act No. 392/2011 Coll. on trading in defence industry products and on amendments to certain acts.

<sup>3)</sup> Article 2(1) of Council regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast) (OJ EU L 134, 29.5.2009), as amended. Act No. 39/2011 Coll. on dual-use items and on amendments to Act No. 145/1995 Coll. of the National Council of the Slovak Republic on administrative fees and charges as amended, as amended.

<sup>4)</sup> Article 2 of the Convention on Biological Diversity (notification No. 34/1996 Coll. of the Ministry of Foreign Affairs of the Slovak Republic).

<sup>5)</sup> §2(1) of Act No. 45/2011 Coll. on critical infrastructure.

<sup>6)</sup> §3(m) of Act No. 69/2018 Coll. on cybersecurity and on amendments to certain acts, as amended by Act No. 287/2021 Coll.

- g) is a provider of a digital service<sup>7)</sup> in cloud computing,
- h) is engaged in the production, research, development or innovation of national information encryption devices<sup>8)</sup> or components essential for their security function, where such products are subject to certification by the National Security Authority,<sup>9)</sup> or is a holder of such products,
- i) is a holder of an authorisation under a separate regulation,<sup>10)</sup> if the authorisation has not been granted for local programming broadcast<sup>11)</sup> or for broadcast and operation of a community medium,<sup>12)</sup>
- j) is a provider of a content-sharing platform<sup>13)</sup> with an annual turnover exceeding two million euros,
- k) is a publisher of a periodic publication<sup>14)</sup> which is not a community periodical,<sup>15)</sup> if it communicates news to the general public,
- l) is an operator of a news web portal,<sup>16)</sup> which is not a community periodical; or
- m) is a news agency.<sup>17)</sup>

## §2

This government regulation becomes effective on 1 March 2023.

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<sup>7)</sup> §3(o) of Act No. 69/2018 Coll., as amended by Act No. 287/2021 Coll.

<sup>8)</sup> §2(p) of Act No. 215/2004 Coll. on protection of classified information and on amendments to certain acts.

<sup>9)</sup> §67 of Act No. 215/2004 Coll.

Decree No. 340/2004 Coll. of the National Security Authority laying down the details of the protection of information by encryption, as amended by Decree No. 136/2016 Coll.

<sup>10)</sup> §157 through §189 of Act No. 264/2022 Coll. on media services and on amendments to certain act (Act on Media Services).

<sup>11)</sup> §19(5) of Act No. 264/2022 Coll.

<sup>12)</sup> §107 of Act No. 264/2022 Coll.

<sup>13)</sup> §9(3) of Act No. 264/2022 Coll.

<sup>14)</sup> §2(14) of Act No. 265/2022 Coll. on publishers of publications and on the register in the media and audio-visual domain and on amendments to certain act (Act on Publications).

<sup>15)</sup> §13 of Act No. 265/2022 Coll.

<sup>16)</sup> §2(15) of Act No. 265/2022 Coll.

<sup>17)</sup> §2(16) of Act No. 265/2022 Coll.