

REGULATIONS

Regulation No. 392/2011 Coll.

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Rec acts 392/2011 Coll.

(on Trading with Defence Industry Products and on amendments and supplements to certain acts)

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Valid from: 16 November 2011 Effective from: 1 January 2014

Published in the Collection of Laws No. 124/2011, page 3386

CHANGES MAY BE FOUND IN THE FOLLOWING REGULATIONS:

No. 352/2013 Coll.

REPEALING THE FOLLOWING REGULATIONS:

No. 179/1998 Coll.

No. 496/2002 Coll.

No. 409/2004 Coll.

No. 318/2005 Coll.

No. 421/2010 Coll.

No. 422/2010 Coll.

No. 423/2010 Coll.

No. 283/2011 Coll.

No. 4/2010

Decree of the MoE SR . of 3 November 2010 published with the No. 421/2010 Coll. No. 5/2010

Decree of the MoE SR . of 3 November 2010 published with the No. 422/2010 Coll. No. 6/2010

Decree of the MoE SR . of 3 November 2010 published with the No. 423/2010 Coll.

REPEALING PARTS OF THE FOLLOWING REGULATIONS:

No. 26/2002 Coll. - repealing the Article II No. 215/2004 Coll. - repealing the Article XVIII
No. 350/2004 Coll. - repealing the Article V No. 529/2005 Coll. - repealing the Article I No. 403/2009 Coll. - repealing the Article II

AMENDING PARTS OF THE FOLLOWING REGULATIONS:

No. 455/1991 Coll.

No. 145/1995 Coll.

No. 575/2001 Coll.

SUPPLEMENTING PARTS OF THE FOLLOWING REGULATION:

No. 145/1995 Coll.

AREA: Financial law, commercial law and labour law **NOTE:**

Exemption in efficiency:

Article III, Paragraphs 1 to 4 shall become effective on 1 January 2012 and Article I, Sections 23 to 34 and Article III Paragraph 5 shall become effective on 30 June 2012

No. 392/2011 Coll.

Act

of 19 October 2011

on Trading with Defence Industry Products and on amendments and supplements of certain acts

Amendment: 352/2013 Coll., effective from 1 January 2014 The National Council of the Slovak Republic
has adopted this Act:

Article I

PART I FUNDAMENTAL PROVISIONS

Section 1 Subject of the Act

This Act regulates

- a) conditions of trading with defence industry products;
- b) conditions of intermediary activity in trading with defence industry products;
- c) transfer of defence industry products;
- d) inspection of foreign-trade activity with defence industry products; and
- e) scope of powers of state administration authorities in trading with defence industry products.

Section 2 Fundamental provisions

- (1) The following terms shall have the below-stated definitions for the purposes of this Act
- a) trading with defence industry products shall be understood as a sale or purchase of defence industry products, foreign-trade activity with defence industry products, intermediary activity with defence industry products and pre-contractual¹⁾ or contractual relations related to trading with defence industry products;
 - b) intermediary activity with defence industry products shall be understood as activity of an intermediary with the aim to enable the interested party to conclude a contract with a third person the subject of which is production, acquisition or sale of defence industry products, including any activities and services enabling production, acquisition or sale of defence industry products;
 - c) foreign-trading activity with defence industry products shall be understood as import, export, purchase or sale of defence industry products beyond the territory of the Slovak Republic, without any transit across the territory of the Slovak Republic, performed by a holder of a licence for trading with defence industry products;
 - d) transfer of a defence industry product shall be understood as transport of a defence industry product from a supplier in one EU Member State to a recipient in other EU Member State;
 - e) transfer shall be understood as transit of a defence industry product across the territory of one EU Member State or several EU Member States which the defence industry product does not come from, to a territory which is not a destination of this product;
 - f) transfer license shall be understood as a permission granted by the Ministry of Economy of the Slovak Republic (hereinafter referred to as the "Ministry of Economy") to a supplier whose registered office or permanent address is in the territory of an EU Member State who is responsible for transfer of the defence

industry product to a recipient in other EU Member State responsible for receiving the transfer of the defence industry product;

g) export license shall be understood as permission to export defence industry products for a natural person or a legal entity beyond the territory of EU Member States;

h) import license shall be understood as permission to import defence industry products for a natural person or a legal entity from a territory beyond EU Member States.

(2) The following shall also be understood for the purposes of this Act:

a) supplier shall be understood as a natural person or legal entity whose registered office or permanent address is in the territory of an EU Member State and who is responsible for transfer of a defence industry product;

b) recipient shall be understood as a natural person or legal entity whose registered office or permanent address is in the territory of an EU Member State and who is responsible for receiving the transfer of a defence industry product.

Section 3 Defence industry product

Defence industry product shall be understood as

a) products, their functional parts, accessories and spare parts which are, with regard to their typical technical and structural qualities, intended particularly to be used by armed forces, armed security corps, other armed corps, and which are used to perform tasks related to state defence and safety;

b) machines, equipment and investment units produced, modified, equipped with or constructed particularly for military purposes, mainly for development, production, control, de-completion, disposal and testing of other products, their components and spare parts specified in a);

c) services provided or received in relation to defence industry products specified in a) and

b) (hereinafter referred to as "product"), in particular repairs, modifications, storage and transport of products as well as provision of information, dispatching experts for the purposes of research, development, construction, production, modifications, repairs, maintenance, de-completion, disposal, use and control of defence industry products with the exception of those which are subject to a special regime.²⁾

Section 4 Producer of defence industry products

Producer of defence industry products is a natural person or a legal entity that holds a trade certificate ³⁾ for production of defence industry products.

PART II

CONDITIONS OF TRADING WITH DEFENCE INDUSTRY PRODUCTS

Section 5 Trading with defence industry products and intermediary activity

(1) A natural person⁴⁾ or a legal entity that holds permission for trading with defence industry products (hereinafter referred to as "trading permission") and permission to perform intermediary activity with defence industry products

(hereinafter referred to as "permission to perform intermediary activity") may trade with defence industry products and perform intermediary activity under the following conditions:

a) for legal entities:

1. unless the legal entity is a producer of defence industry products, it shall have fixed assets amounting to at least EUR 166,000 of which more than 51% shall be formed by deposits from nationals;

2. the statutory body or members of the statutory body and the responsible representative shall be aged at least 25, have a permanent address⁴⁾ or long-term stay⁵⁾ in the territory of the Slovak Republic and be competent to perform legal acts, be of good repute and reliable; and

b) for natural persons:

1. unless the natural person is a producer of defence industry products, they shall have fixed assets amounting to at least EUR 166,000; and

2. they shall be aged at least 25, have a permanent address⁴) or long-term stay⁵) in the territory of the Slovak Republic and be competent to perform legal acts, be of good repute and reliable.

(2) Permissions for trading and permissions to perform intermediary activity are granted by the Ministry of Economy after a prior approval by the Ministry of Defence of the Slovak Republic (hereinafter referred to as the "Ministry of Defence"), Ministry of Foreign Affairs of the Slovak Republic (hereinafter referred to as the "Ministry of Foreign Affairs"), Ministry of Interior of the Slovak Republic (hereinafter referred to as the "Ministry of Interior"), National Security Authority and Slovak Information Service.⁶)

(3) Any applicant for permission for trading and permission to perform intermediary activity (hereinafter referred to as "applicant") shall prove compliance with the conditions specified in the Paragraph 1 to the Ministry of Economy when submitting their application. Fixed assets shall be proved by presenting an extract from the Company Register; good repute shall be proved by presenting an extract from the criminal records. Applicant shall inform the Ministry of Economy about any changes in the facts specified in the Section 6 (1) (a) to (d) and (f) which were stated in the application and which occur after issuing the permission for trading and the permission to perform intermediary activity not later than 30 days after they occurred. The Ministry of Economy shall correct its decision on granting the permission for trading and the permission to perform intermediary activity pursuant to a special regulation.⁷)

(4) The authorities pursuant to the Paragraph 2 and the Slovak Information Service shall comment on the application in writing not later than 30 days after the delivery of the application to the Ministry of Economy and shall reasonably justify their commentaries. If they have failed to comment in the above-stated period of time or if they fail to justify their disapprovals, it shall be understood that they agree with granting the permission for trading and the permission to perform intermediary activity.

Section 6

Application for granting permission for trading and permission to perform intermediary activity

(1) Written applications for granting permission for trading and permission to perform intermediary activity shall contain

- a) name, registered office, place of business in the case of a legal entity;
- b) name, surname, place of business, permanent address or temporary address in the case of a natural person;
- c) identification number and tax number of the applicant; in the case of natural person a personal identification number;
- d) addresses of business premises if they are not identical with the registered office or with the permanent address of the applicant;
- e) line of business of the applicant;
- f) business name, specification of defence industry products and the form of trading pursuant to the Section 2 (1) (a);
- g) proposed period of validity of the permission for trading and the permission to perform intermediary activity.

(2) The applicant shall attach the following to the application

- a) extract from the Company Register or a similar register, dated not earlier than three months ago;
- b) document proving fulfilment of the conditions specified in the Section 5 (1);
- c) extract from the criminal records concerning an applicant, a member of the statutory body, confidential clerk, members of supervisory authorities and the responsible representative. dated not earlier than three months ago;
- d) certificate of university education of the responsible representative pursuant to the Section 8 (2);
- e) applicant's confirmation that they are not under any arrangement, insolvency or restructuring procedure; ⁸)
- f) declaration that the applicant will enable performance of checks at locations and in the premises which defence industry products are located in, in the extent stipulated by this Act and by international treaties binding for the Slovak Republic; ⁹)
- g) confirmation, dated not earlier than three months ago, proving that the applicant has no tax or customs arrears in the Slovak Republic which are recovered by execution of a decision;
- h) confirmation, dated not earlier than three months ago, that the applicant has been duly paying their social insurance premiums, advance payments for health insurance premiums and contributions to pension savings; ¹⁰)
- i) officially authenticated copy of a confirmation of applicant's industrial safety. ¹¹)

(3) Not later than 15 business days before the deadline for submission of the application for granting permission for trading and permission to perform intermediary activity, the applicant shall file audited financial

statements for the previous accounting period to the public part of register of financial statements, 11a), unless such financial statements have been filed in the financial statements register.

(4) Applications for granting permission for trading and permission to perform intermediary activity shall be submitted in six counterparts.

Section 7 **Person of good repute and reliable**

(1) For the purposes of this Act, a person of good repute shall be understood as a person who has not been lawfully sentenced for an intentional criminal act or for a criminal act which they have been given prison sentence, not suspended.

(2) Good repute shall be proved by an extract from the criminal records dated not earlier than three months ago.

(3) Reliable person shall be understood as a person who has not been sanctioned in the last two years for violation of obligations pursuant to the Section 39 (1) to (3) or Section 40 (1) to (3), or has not been a statutory body or a member of a statutory body, or a responsible representative of a legal entity or of a natural person whose permission for trading and permission to perform intermediary activity has been withdrawn or whose licence has been cancelled pursuant to the Section 21 (1) (a) and (d).

Section 8 **Responsible representative**

(1) For the purposes of this Act, responsible representative of an applicant shall be understood as a natural person who is responsible for proper performance of expert activity related to trading with defence industry products.

(2) In addition to meeting the conditions specified in the Section 5 (1) (a), Point 2, and (b), Point 2, they have to achieve a master's degree.

(3) Any responsible representative may perform the function of a responsible representative only for one applicant.

(4) Responsible representative shall be employed or in a similar relation to the applicant; they cannot be a member of the Supervisory Board of the applicant.

(5) If a responsible representative stops performing his/her function, the entity that permission for trading and permission to perform intermediary activity has been granted shall appoint a new responsible representative within 15 days and ask the Ministry of Economy to make a change in the permission for trading and the permission to perform intermediary activity. If this obligation has not been met, the Ministry of Economy shall cancel the permission for trading and the permission to perform intermediary activity.

(6) The Ministry of Economy shall request an opinion of the Ministry of Interior regarding the responsible representative.

Section 9 **Permission for trading and permission to perform intermediary activity**

(1) The Ministry of Economy shall grant permission for trading and permission to perform intermediary activity if the opinions of the authorities and of the Slovak Information Service pursuant to the Section 5 (2) are affirmative and if the request for granting permission for trading and permission to perform intermediary activity meets the conditions specified in the Section 6 (1) and (2), not later than 60 days after delivery of the application. If an opinion of the authorities pursuant to the Section 5 (2) is negative, the Ministry of Economy shall not grant permission for trading and permission to perform intermediary activity. The Ministry of Economy shall grant permission for trading and permission to perform intermediary activity in one decision.

(2) Any permission for trading and permission to perform intermediary activity shall contain

- a) business name, registered office, identification number and tax number of the applicant for the permission for trading and the permission to perform intermediary activity if it is a legal entity;
- b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
- c) identification number of the supplier, or a personal identification number in the case of a natural person;

- d) line of business;
- e) specification of defence industry products and the form of trading pursuant to the Section 2 (1) (a);
- f) name and address of a responsible representative;
- g) validity of the permission for trading and the permission to perform intermediary activity not longer than five years;
- h) other conditions necessary for trading with defence industry products.

(3) Any holder of permission for trading and permission to perform intermediary activity may import defence industry products for the needs of

- a) defence and safety of the Slovak Republic;
- b) national research, development, production and marketing;
- c) trading with foreign users;
- d) a collector of deactivated defence industry products for the purpose of collecting activity, only if the weapon system is deactivated pursuant to a special Regulation.12)

(4) Any holder of permission for trading and permission to perform intermediary activity shall

- a) refrain from trading with defence industry products if such trading harmed foreign-policy, safety or business interests of the Slovak Republic;

- b) submit to the Ministry of Economy an extract from the Company Register not later than seven days after registering the line of business into the Company Register;

- c) inform the Ministry of Economy about any sale of defence industry products not later than 15 days after the date of sale; this shall not apply to sub-supplies of producers of components and aggregates to other producers;

- d) inform the Ministry of Economy about termination of validity of a confirmation of industrial safety not later than five business days after such termination, and at the same time notify it of the volume of stocks of defence industry products.

(5) Any holder of permission for trading and permission to perform intermediary activity may trade with defence industry products in the extent of the granted permission for trading since registration of the line of this activity into the Company Register.

(6) Any holder of permission for trading and permission to perform intermediary activity may export defence industry products obtained

- a) from surpluses of defence industry products of armed forces, armed security corps and other armed corps of the Slovak Republic;

- b) from national producer of defence industry products;

- c) from holder of permission for trading and permission to perform intermediary activity pursuant to the Paragraph 3 or from collector of deactivated defence industry products.

(7) Permission for trading and permission to perform intermediary activity shall be untransferrable, unassignable and shall not be subject to any enforcement, bankruptcy and inheritance proceedings.

Section 10

Obligations of permission holder to perform intermediary activity

Holder of permission to perform intermediary activity shall

- a) keep records containing data about types of defence industry products, country of origin, country of end-use, seller and purchaser, for at least five years after the end of the calendar year in which a business with defence industry products was intermediated;

- b) enable inspection pursuant to the Section 37;

- c) inform the Ministry of Economy on the dates and in the extent specified in the permission to perform intermediary activity about the number and extent of intermediary activities in the particular period;

- d) inform the Ministry of Economy about any changes in the data specified in the Section 5

(1) and Section 9 (2) not later than 15 days after their occurrence; in the event of dissolution of a holder of permission to perform intermediary activity, the holder shall return the permission to perform intermediary activity not later than 30 days after the dissolution date;

- e) refrain from any intermediary activity with defence industry products if it harmed foreign- policy, safety or business interests of the Slovak Republic, international obligations of the Slovak Republic or interests of international organizations and institutions which the Slovak Republic is a member of or which the Slovak Republic has acknowledged based on multilateral and bilateral agreements.

Section 11

Rejection of an application for granting permission for trading and permission to perform intermediary activity

The Ministry of Economy shall reject an application for granting permission for trading and permission to perform intermediary activity, if

- a) conditions for granting permission for trading and permission to perform intermediary activity pursuant to the Sections 5 to 8 have not been met;
- b) less than one year elapsed from issuing a decision on not granting permission for trading and permission to perform intermediary activity or from cancelling permission for trading and permission to perform intermediary activity; or
- c) it is required by foreign-policy or safety interests of the Slovak Republic.

Section 12

Termination and cancellation of permission for trading and permission to perform intermediary activity

- (1) Any permission for trading and permission to perform intermediary activity shall terminate by
 - a) expiry of its validity;
 - b) dissolution of a holder of permission for trading and permission to perform intermediary activity on the date of filing an application for erasure from the Company Register;
 - c) date of death or date of being declared dead;
 - d) effective date of a court decision on declaration of insolvency;
 - e) effective date of a decision on rejecting a filing for insolvency due to insufficient property, on suspension or cancellation of bankruptcy due to insufficient property;
 - f) announcement on termination of trading with defence industry products;
 - g) date of registration of new permission for trading and permission to perform intermediary activity granted to the same person in the Company Register.
- (2) The Ministry of Economy shall cancel permission for trading and permission to perform intermediary activity, if
 - a) the holder of the permission for trading and of the permission to perform intermediary activity has harmed foreign-policy or safety interests of the Slovak Republic;
 - b) it has been granted based on false or incomplete data;
 - c) the holder of the permission for trading and of the permission to perform intermediary activity is not meeting the conditions for granting permission for trading and permission to perform intermediary activity any longer;
 - d) it is required by foreign-policy or safety interests of the Slovak Republic;
 - e) the holder of the permission for trading and the permission to perform intermediary activity has been declared insolvent, compensation or forced compensation has been allowed or a court decision has been issued on rejecting a filing for insolvency due to insufficient property;
 - f) the holder of the permission for trading and of the permission to perform intermediary activity is violating the conditions specified in the permission for trading and in the permission to perform intermediary activity or conditions pursuant to this Act;
 - g) confirmation of industrial safety of the holder of the permission for trading and of the permission to perform intermediary activity has been cancelled or expired;
 - h) the holder requested the Ministry to do so.
- (3) In the decision on cancelling permission for trading and permission to perform intermediary activity the Ministry of Economy shall specify the form and time period for selling, donating or disposing of the defence industry products at the expense of the holder of the permission for trading and of the permission to perform intermediary activity under the supervision of the entities specified in the Section 37.
- (4) The holder of permission for trading and of permission to perform intermediary activity may sell or donate defence industry products only to a person holding permission for trading and permission to perform intermediary activity or to a producer of defence industry products pursuant to the Section 4.
- (5) Filing an appeal against a decision on cancelling permission for trading and permission to perform intermediary activity shall have no suspensive effect.
- (6) The Slovak Republic shall not be liable for any potential damage which might occur by cancelling the decision pursuant to the Paragraph 2 (a) to (c) and (e) to (g).

Section 13
Returning permission for trading and permission to perform intermediary activity

If a holder of permission for trading and of permission to perform intermediary activity who was performing business activities based on the permission for trading and the permission to perform intermediary activity has been dissolved, they shall return the permission for trading and the permission to perform intermediary activity to the Ministry of Economy not later than 30 days after the dissolution date.

Section 14
Notification obligation

Armed forces, armed security corps and other armed corps are obliged to notify the Ministry of Economy of any sale of defence industry products not later than 15 days after the sale date; this shall not apply to sub-supplies of producers of components and aggregates to other producers.

PART III

**CONDITIONS OF PERFORMANCE OF FOREIGN-TRADE ACTIVITY WITH
DEFENCE INDUSTRY PRODUCTS**

Section 15
Licences

(1) Any holder of permission for trading and permission to perform intermediary activity may perform foreign-trade activity with defence industry products only on the basis, in the extent and under conditions stipulated in this Act and in a decision of the Ministry of Economy which might be issued as a licence for import of defence industry products (hereinafter referred to as "import licence") or a licence for export of defence industry products (hereinafter referred to as "export licence").

(2) Import licence and export licence shall be granted by the Ministry of Economy for any supplier whose registered office or permanent address is in the territory of an EU Member State performing the foreign-trade activity beyond the territory of the EU Member States.

(3) Import licence and export licence shall be granted for each case of foreign-trade activity with defence industry products.

(4) Any holder of an import licence who has imported defence industry products to the territory of the Slovak Republic and has not exported them beyond the territory of EU Member States based on a granted export licence as a result of its expiry shall inform the Ministry of Economy thereof and of the storage location as well as of the volume of defence industry products not later than 15 days after the expiry of the granted licence.

Section 16
Application for granting a licence

(1) A written application for granting an import licence or an export licence (hereinafter referred to as "application for licence") shall be submitted to the Ministry of Economy by an applicant whom permission for trading and permission to perform intermediary activity has been granted (hereinafter referred to "applicant for licence").

(2) Any applicant for licence shall submit a written application for licence granting

- a) based on a contract or confirmed order for trading with a particular category and volume of defence industry products;
- b) as a participant in an international public tender for export, import and other trading with defence industry products beyond the territory of the Slovak Republic after they have been invited to submit a bid in the public tender.

(3) Any application for licence shall contain

- a) business name and registered office of the applicant;
- b) applicant's identification number;
- c) business name and registered office or name and place of business of a foreign contractual partner;
- d) number of the permission for trading with defence industry products;

- e) sub-item of combined nomenclature of the Customs Tariff; 13)
- f) name of the defence industry product and classification according to the list of defence industry products and its volume;
- g) proposed validity of the import licence or of the export licence; however, for no longer than one year with the possibility of extension based on the request of the applicant;
- h) name of the country which import of defence industry products is to be made from or which export of defence industry products is to be made to, or names of countries in which purchase and sale of defence industry products is carried out, even without any transit across the territory of the Slovak Republic;
- i) purpose of import or export, or of purchase and sale of defence industry products abroad without any transit across the territory of the Slovak Republic;
- j) agreed price¹⁴⁾ for defence industry products in EUR, or in the currency specified in the deal and recalculated into EUR;
- k) name and registered office of the end-user and the name, surname and address of members of their statutory body;
- l) form of transport and specification of transport routes for export of defence industry products;
- m) approval of the producer or owner of the defence industry product.

- (4) The following shall be attached to any application for licence granting
- a) documents specified in the Paragraph 2 (a) or (b);
 - b) in the event of any export of defence industry products, a copy of a document about the end-user of the defence industry products confirmed by a relevant authority of the end-user's country, the validity of which shall not exceed six months after the date of issuing the document containing
 - 1. name of the authority of the country of the recipient of defence industry products;
 - 2. business name of the Slovak exporter whose central authority entrusts the recipient with supplies of defence industry products;
 - 3. business name of the importer importing defence industry products to the recipient's country who supplies defence industry products to the recipient;
 - 4. exact specification of defence industry products;
 - 5. anti-re-export clause;
 - 6. legible name and surname of a representative of the central authority of the recipient's country and a stamp of the authority of the recipient's country;
 - c) in the event of re-export of defence industry products, an application for import licence along with an application for export licence;
 - d) other documents enabling to assess the particular case in detail, if the Ministry of Economy requires doing so;
 - e) declaration of the applicant for import licence or export licence that they will enable performance of checks at locations and in the premises in which defence industry products are located in the extent stipulated by this Act and by international treaties binding for the Slovak Republic; 10)
 - f) approval of the Ministry of Defence or of the Ministry of Interior with export of defence industry products de-listed from their records and approval of the Ministry of Defence or of the Ministry of Interior with import of defence industry products for the needs of defence and safety;
 - g) contract pursuant to the Paragraph (2) (a);
 - i) officially authenticated copy of a confirmation of industrial safety¹²⁾ of the application for licence.

(5) When filing an application for licence, the holder of an import licence or an export licence for defence industry products received from a other EU Member State based on a licence which included also export limitations shall declare in writing that they have respected conditions of these limitations, including the fact that they have obtained the required agreement of the member state of the origin, if this agreement is required.

(6) For the purposes of this Act, the copy of the document pursuant to the Paragraph (4) (b) might also be its copy verified by an embassy of the Slovak Republic.

Section 17

Granting an export licence and an import licence

(1) The Ministry of Economy shall decide on any application for licence not later than 60 days after delivery of the application for licence; the Ministry of Economy shall ask the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Defence, Slovak Information Service and National Safety Board for their opinions regarding the application.

(2) The authorities specified in the Paragraph 1 and Slovak Information Service are obliged to state their opinions about the application of the Ministry of Economy not later than 30 days after its delivery.

(3) Opinions of the authorities specified in the Paragraph 1 shall have the nature of recommendation for the Ministry of Economy when deciding on granting an import licence and an export licence, with the exception of a disapproval of the Ministry of Foreign Affairs regarding the application for granting an export licence which shall be binding for the Ministry of Economy.

(4) Based on a written application of a holder of an import licence or an export licence, the Ministry of Economy may issue a decision on extension of validity of the import licence or of the export licence by no more than two years or issue a decision on changing the value of the defence industry product. When deciding on extension of validity of an import licence or an export licence, the Ministry shall act pursuant to the Paragraphs 1 to 3.

(5) Any granted import licence or export licence shall contain

- a) business name, registered office and identification number of the applicant;
- b) number of the permission for trading with defence industry products;
- c) numbering of the item or sub-item of combined nomenclature of the Customs Tariff; 13)
- d) name and specification of defence industry products and their number, including a list of spare parts;
- e) country of origin and country of trading for import, country of destination and country of trading for export, business name and registered office or name and place of business of a foreign partner and end-user of defence industry products;
- f) other particulars for trading with defence industry products pursuant to requirements of the Ministry of Economy.

(6) The Ministry of Economy shall designate a space in any import licence or export licence for records of customs authorities¹⁵⁾ about utilization of the import licence or of the export licence in units of measurement.

Section 18 **Obligations of holders of import licences and export licences**

(1) Any holder of an import licence or of an export licence shall inform the Ministry of Economy in writing about utilization of the volume of defence industry products from the granted import licence or export licence in units of measurement always until the 25th day following after the calendar quarter and, on request of the Ministry of Economy, they shall submit a certificate of verification of supplies issued by a relevant authority of the country of origin.

(2) Any holder of an import licence or of an export licence shall submit a copy of the licence to a relevant customs authority; otherwise the defence industry products shall not be released for import or export.

(3) Any holder of an import licence or of an export licence shall submit a copy of the granted import licence or export licence to the Ministry of Economy not later than 15 days after

- a) meeting the objective it has been issued for; or
- b) termination of its validity.

Section 19 **Declaration of the end-user of defence industry products**

(1) The Ministry of Economy shall issue a declaration of the end-user of defence industry products imported to the territory of the Slovak Republic after granting the import licence, if the applicant for licence has requested it.

(2) Before issuing a decision on an import licence, the Ministry of Economy shall issue an international import certificate to the applicant for licence if the applicant for licence has applied for it.

Section 20 **Rejection of application for granting a licence**

The Ministry of Economy shall reject any application for licence, if

- a) the applicant has not met the conditions pursuant to the Section 16;
- b) it is justified by foreign-policy or safety interests of the Slovak Republic or it is in contradiction to international obligations which the Slovak Republic is bound by; or
- c) three years have not elapsed after issuing a decision on not granting an import licence or an export licence and the facts that lead to rejection of the application have not changed.

Section 21 **Cancellation of export licence and import licence**

(1) In its decision, the Ministry of Economy shall cancel any granted import licence or export licence, if

a) the import licence or the export licence has been granted based on false or incomplete data;
b) it is required by foreign-policy interests of the Slovak Republic;
c) it is required by safety interests of the Slovak Republic;
d) conditions specified in the granted import licence or export licence have not been met;
e) the permission for trading and the permission to perform intermediary activity has been cancelled; or
f) when trading with defence industry products or in relation to this activity, the holder of the permission for trading and of the permission to perform intermediary activity has violated legal regulations of the Slovak Republic or international treaties and other international documents by which the Slovak Republic is bound.

(2) Filing an appeal against the decision on cancelling an import licence or an export licence shall not have a suspensory effect.

(3) In the cases specified in the Paragraph 1 (a) and (c) to (f), the Slovak Republic shall not be liable for any potential damage which might have incurred by cancellation of an import licence or an export licence.

Section 22

Special provisions related to import licences and export licences

Import licence or export licence shall not be required for

a) export of defence industry products and use of defence industry products in relation to actions of the armed forces of the Slovak Republic and the Police Corps of the Slovak Republic performed beyond the territory of the Slovak Republic pursuant to international treaties and agreements by which the Slovak Republic is bound;

b) import of defence industry products and use of defence industry products in relation to actions of armed forces and armed corps of other states, United Nations Organisation and other international organizations in the territory of the Slovak Republic pursuant to international treaties and agreements by which the Slovak Republic is bound;

c) transport of defence industry products across the territory of the Slovak Republic transported in the EU transit mode, if the transport is performed in the time period of not more than seven days;

d) import and re-export of defence industry products, if they are defence industry products proposed for the temporary use mode and the recipient of these defence industry products is the Ministry of Defence or the Ministry of Interior;

e) claimed defence industry products; 16)

f) transfer of defence industry products, if they are defence industry products proposed for the temporary use mode and the recipient of these defence industry products is the Ministry of Defence.

PART IV

TRANSFER LICENCES

Section 23

General conditions for issuing a general transfer licence, global transfer licence or individual transfer licence

(1) The Ministry of Economy shall issue a general transfer licence, global transfer licence or individual transfer licence depending on the nature of the transfer of the particular defence industry product or on the particular category of defence industry products.

(2) The Ministry of Economy shall assess any components of a defence industry product from the point of view of transfer depending on the nature of the product they are a part of, with respect to

a) any end-use of a ready-made product which might give rise to concerns about its misuse;

b) defence industry products which they are a part of.

(3) If the nature of the transfer pursuant to the Paragraph 2 does not justify the need for export limitations, no export limitations shall form a part of a general transfer licence, global transfer licence or individual transfer licence, if the recipient of components of the defence

industry product has provided a declaration on their use to the Ministry of Economy in which the recipient shall state if the components which are the subject of any of the licences specified in the Paragraph 1 are or will be included in their own products. If components of a defence industry product are not intended for maintenance or repair, they shall not be a subject of transfer or export.

Section 24 General transfer licence

(1) General transfer licence enables to the supplier whose registered office are in the territory of the Slovak Republic and who meet the conditions pursuant to the Paragraph 2 to directly perform transfers of defence industry products for a specified category or categories of recipients whose registered offices are in other EU Member States.

(2) The Ministry of Economy shall issue a general transfer licence if

- a) the recipient is a part of armed forces of an EU Member State or defence procurer purchasing defence industry products for an exclusive use of armed forces of the EU Member State;
- b) the recipient, who might only be a legal entity; is a holder of a certificate in other EU Member State;
- c) transfer is made for the purposes of demonstration, assessment or exhibitions; or
- d) transfer is made for the purposes of maintenance and repair and the recipient is the original supplier of defence industry products.

(3) A written request for issuing a general transfer licence shall contain

- a) name, registered office, place of business and identification number in the case of a legal entity;
- b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
- c) identification number of the supplier, or a personal identification number in the case of a natural person;
- d) identification data of the recipient or designation of categories of recipients;
- e) specification of a defence industry product or categories of defence industry products which are the subject of the application;
- f) proposed period of validity of the licence;
- g) name of the country which import of defence industry products is to be made from or export of defence industry products is to be made to, or names of countries in which purchase and sale of defence industry products is carried out, even without any transit across the territory of the Slovak Republic;
- h) purpose of import or export, or of purchase and sale of defence industry products abroad without any transit across the territory of the Slovak Republic;
- i) agreed price¹⁷⁾ in EUR;
- k) name and registered office of the end-user and the name, surname and address of its statutory body;
- k) form of transport and specification of transport routes for export of the defence industry products; and
- l) approval of the producer or owner of the defence industry product.

(4) The following shall be attached to an application for issuing a general transfer licence:

- a) in the event of export of defence industry products a copy of a document on the end-user of the defence industry products confirmed by a relevant authority of the end-user's country, the validity of which shall not exceed six months after the date of issuing the document, containing
 1. authority name in the country of the recipient of defence industry products;
 2. business name of the Slovak exporter whose central authority entrusts the recipient with transfers of defence industry products;
 3. business name of the importer importing defence industry products to the recipient's country who supplies defence industry products to the recipient;
 4. exact specification of defence industry products;
 5. anti-re-export clause;
 6. legible name and surname of a representative of the central authority of the recipient's country and a stamp of the authority of the recipient's country;
- b) in the event of re-export of defence industry products, an application for import licence along with an application for export licence;
- c) declaration of the application for general transfer licence that the applicant will enable performance of checks at locations and in the premises in which defence industry products are located in the extent stipulated by this Act and by international treaties binding for the Slovak Republic; 9)
- d) approval of the Ministry of Defence or of the Ministry of Interior with export of defence industry products de-listed from their records and approval of the Ministry of Defence or of the Ministry of Interior with import of defence industry products for the needs of defence and safety;
- e) valid contract concluded between the applicant and a national producer, unless the applicant is a producer himself/herself; and
- f) declaration that the defence industry products which will be the subject of the issued general transfer licence will not be a subject of other export with the exception of defence industry products intended for maintenance or repair;
- g) other documents enabling to assess the particular case in detail, if the Ministry of Economy requires doing so.

(5) The Ministry of Economy shall act pursuant to the Section 17 (1) to (3) in the process of issuing a general transfer licence.

(6) The holder of a general transfer licence shall send a notification of its first use to the Ministry of Economy not later than on the date of its first use. Based on the sent notification, the Ministry of Economy shall register the use of the general transfer licence.

Section 25

Global transfer licence

(1) The Ministry of Economy shall issue a global transfer licence to any supplier who has met the conditions pursuant to the Paragraph 2 to perform transfers of defence industry products for recipients in one EU Member State or in several EU Member States.

(2) Applications for issuing a global transfer licence shall contain

- a) name, registered office, place of business and identification number in the case of a legal entity;
- b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
- c) identification number of the supplier, or a personal identification number in the case of a natural person;
- d) identification data of the recipient or designation of recipient category;
- e) specification of a defence industry product or categories of defence industry products which are the subject of the application;
- f) proposed period of validity of the licence;
- g) name of the country which import of defence industry products is to be made from or export of defence industry products is to be made to, or names of countries in which purchase and sale of defence industry products is carried out, even without any transit across the territory of the Slovak Republic;
- h) purpose of import or export, or of purchase and sale of defence industry products abroad without any transit across the territory of the Slovak Republic;
- i) agreed price¹⁷ in EUR;
- k) name and registered office of the end-user and the name, surname and address of its statutory body;
- k) form of transport and specification of transport routes for export of the defence industry products; and
- l) approval of the producer or owner of the defence industry product.

(3) The following shall be attached to an application for issuing a global transfer licence:

- a) in the event of export of defence industry products a copy of a document on the end-user of the defence industry products confirmed by a relevant authority of the end-user's country, the validity of which shall not exceed six months after the date of issuing the document, containing
 1. the authority name in the country of the recipient of defence industry products;
 2. business name of the Slovak exporter whose central authority entrusts the recipient with transfers of defence industry products;
 3. business name of the importer importing defence industry products to the recipient's country who supplies defence industry products to the recipient;
 4. exact specification of defence industry products;
 5. anti-re-export clause;
 6. legible name and surname of a representative of the central authority of the recipient's country and a stamp of the authority of the recipient's country;
- b) in the event of re-export of defence industry products, an application for import licence along with an application for export licence;
- c) declaration of the application for global transfer licence that the applicant will enable performance of checks at locations and in the premises in which defence industry products are located in the extent stipulated by this Act and by international treaties binding for the Slovak Republic; 9)
- d) approval of the Ministry of Defence or of the Ministry of Interior with export of defence industry products de-listed from their records and approval of the Ministry of Defence or of the Ministry of Interior with import of defence industry products for the needs of defence and safety;
- e) valid contract concluded between the applicant and a national producer, unless the applicant is a producer himself/herself; and
- f) declaration that the defence industry products which will be the subject of the issued global transfer licence will not be a subject of other export with the exception of defence industry products intended for maintenance or repair;
- g) other documents enabling to assess the particular case in detail, if the Ministry of Economy requires doing so.

(4) The Ministry of Economy shall act pursuant to the Section 17 (1) to (3) in the process of issuing a global transfer licence.

- (5) Any global transfer licence shall contain
- a) name, registered office, place of business and identification number in the case of a legal entity;
 - b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
 - c) identification number of the supplier, or a personal identification number in the case of a natural person;
 - d) identification data of the recipients or designation of the recipient category;
 - e) specification of defence industry products and their parts or categories of defence industry products and their components; and
 - f) period of validity of the licence.

(6) If the applicant has not met the conditions specified in the Paragraphs 2 and 3 or if it is justified by foreign-policy or safety interests of the Slovak Republic, the Ministry of Economy shall reject the application for issuing a global transfer licence.

(7) The Ministry of Economy shall issue a global transfer licence for the period of three years, while it may be extended by not more than two years. When extending a global transfer licence, the Ministry of Economy shall act pursuant to the Section 17 (1) to (3).

Section 26

Individual transfer licence

(1) Individual transfer licence enables to a supplier who has met the conditions specified in the Paragraph 2 to perform one transfer of a specified volume of defence industry products in one shipment or several shipments to a previously specified recipient.

- (2) The Ministry of Economy shall issue an individual transfer licence if
- a) the application for individual transfer licence is limited only to one transfer;
 - b) it is required by protection of fundamental safety interests of the Slovak Republic or of public order;
 - c) it is required by fulfilment of international obligations of the Slovak Republic; or
 - d) the applicant does not meet the conditions for issuing a global transfer licence.
- (3) Any written request for issuing an individual transfer licence shall contain
- a) name, registered office, place of business and identification number in the case of a legal entity;
 - b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
 - c) identification number of the supplier, or a personal identification number in the case of a natural person;
 - d) identification data of the recipient;
 - e) specification of the defence industry products which are the subject of the application;
 - f) volume of defence industry products;
 - g) proposed period of validity of the licence;
 - h) name of the country which import of defence industry products is to be made from or which export of defence industry products is to be made to, or names of countries in which purchase and sale of defence industry products is carried out, even without any transit across the territory of the Slovak Republic;
 - i) purpose of import or export, or of purchase and sale of defence industry products abroad without any transit across the territory of the Slovak Republic;
 - j) agreed price¹⁷⁾ in EUR;
 - k) name and registered office of the end-user and name, surname and address of its statutory body;
 - l) form of transport and specification of transport routes for export of the defence industry products; and
 - m) approval of the producer or owner of the defence industry product.
- (4) The following shall be attached to any application for issuing an individual transfer licence:
- a) in the event of export of defence industry products a copy of a document on the end-user of the defence industry products confirmed by a relevant authority of the end-user's country, the validity of which shall not exceed six months after the date of issuing the document, containing
 1. authority name in the country of the recipient of defence industry products;
 2. business name of the Slovak exporter whose central authority entrusts the recipient with transfers of defence industry products;
 3. business name of the importer importing defence industry products to the recipient's country who supplies defence industry products to the recipient;
 4. exact specification of defence industry products;

5. anti-re-export clause;
6. legible name and surname of a representative of the central authority of the recipient's country and a stamp of the authority of the recipient's country;
 - b) in the event of re-export of defence industry products, an application for import licence along with an application for export licence;
 - c) declaration of the applicant for individual transfer licence that the applicant will enable performance of checks at locations and in the premises in which defence industry products are located in the extent stipulated by this Act and by international treaties binding for the Slovak Republic; 9)
 - d) approval of the Ministry of Defence or of the Ministry of Interior with export of defence industry products de-listed from their records and approval of the Ministry of Defence or of the Ministry of Interior with import of defence industry products for the needs of defence and safety;
 - e) valid contract concluded between the applicant and a national producer, unless the applicant is a producer himself/herself; and
 - f) declaration that the defence industry products which will be the subject of the issued individual transfer licence will not be a subject of other export with the exception of defence industry products intended for maintenance or repair;
 - g) other documents enabling to assess the particular case in detail, if the Ministry of Economy requires doing so.

(5) The Ministry of Economy shall act pursuant to the Section 17 (1) to (3) in the process of issuing an individual transfer licence.

(6) Any Individual transfer licence shall contain

- a) name, registered office, place of business and identification number in the case of a legal entity;
- b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
- c) identification number of the supplier, or a personal identification number in the case of a natural person;
- d) identification data of the receiver;
- e) specification of defence industry products and their components;
- f) number of defence industry products and their components;
- g) date of issuing the licence; and
- h) licence validity.

(7) If the applicant has not met the conditions specified in the Paragraphs 3 and 4 or if it is justified by foreign-policy or safety interests of the Slovak Republic, the Ministry of Economy shall reject the application for individual transfer licence.

Section 27

Cancellation of a general transfer licence, global transfer licence and individual transfer licence

(1) The Ministry of Economy shall cancel any issued general transfer licence, global transfer licence or individual transfer licence, if

- a) the licence has been issued based on false or incomplete data;
- b) it is justified by foreign-policy or safety interests of the Slovak Republic;
- c) conditions specified in the issued licence have not been met; or
- d) the recipient has ceased to be a certificate holder in other EU Member State.

(2) Filing an appeal against cancellation of a general transfer licence, global transfer licence or individual transfer licence shall have no suspensory effect.

(3) The Slovak Republic shall not be liable to the supplier for any potential damage which might have incurred as a result of cancelling a general transfer licence, global transfer licence or individual transfer licence for the reasons pursuant to the Paragraph 1 (a), (c) and (d).

Section 28

Obligations of supplier of defence industry products in line with a general transfer licence, global transfer licence and individual transfer licence

Any supplier performing a transfer of defence industry products based on a general transfer licence, global transfer licence or individual transfer licence is obliged to

- a) inform the recipient of defence industry products on conditions of the licence including any restrictions related to end-use or export of defence industry products which are the subject of the transfer;
- b) keep records for at least five years after the end of the year in which the transfer of defence industry products was carried out, containing

1. description of defence industry products which were the subject of the transfer and their referential classification;
2. volume and value of defence industry products;
3. transfer date;
4. identification data of the supplier and recipient of defence industry products;
5. if known, data about end-use and end-user of defence industry products;
6. documentary evidence proving that the information on export limitations forming a part of the transfer licence has been announced to the recipient of defence industry products;

c) keep records pursuant to (b) and related business documents for at least five years after the end of the year in which the transfer of defence industry products was carried out, and submit them to the Ministry of Economy on request;

d) return to the Ministry of Economy a copy of the general transfer licence, global transfer licence or individual transfer licence not later than 15 days after meeting the purpose which it has been issued for;

e) immediately notify the Ministry of Economy of performance of the transfer in writing; if several transfers are carried out, notifications shall be sent to the Ministry of Economy after performance of each individual transfer;

f) record utilization of defence industry products in units of measurement in the general transfer licence, global transfer licence or individual transfer licence.

Section 29

Special provisions for general transfer licence, global transfer licence and individual transfer licence

The Ministry of Economy shall not issue a transfer licence with the exception of cases specified in the Section 24 (2) if

a) the supplier or the recipient is a national authority or a part of armed forces of the Slovak Republic or of any EU Member State;

b) transfers are carried out by the European Union, North Atlantic Treaty Organisation, International Atomic Energy Agency or different inter-governmental organization for performance of their tasks;

c) the transfer is necessary for performance of a common weapon programme between the Slovak Republic and other EU Member State;

d) the transfer is related to humanitarian aid during disasters or it is a donation in need;

e) the transfer is necessary for repair, maintenance, exhibition or demonstration of defence industry products which are in the possession of a national authority or armed forces of the Slovak Republic or any EU Member State or after termination of these activities; or

f) a defence industry product from other EU Member State is transported across the territory of the Slovak Republic to other EU Member State and it is transportation of defence industry products which a licence has been issued for by other EU Member State, while these defence industry products shall not be exported from the customs area of the European Union¹⁸⁾ in contradiction to foreign-policy or safety interests of the Slovak Republic.

Section 30

Certificate

(1) Certification is a procedure in which the Ministry of Economy verifies the ability of a recipient of a transfer of defence industry products whose registered office is in the territory of the Slovak Republic to comply with export limitations for defence industry products received pursuant to a general transfer licence from other EU Member State; this ability of the recipient shall be verified by checking

a) permission for trading with defence industry products;

b) industrial activity related to defence industry products within the European Union;

c) appointment of an employee assigned for trading with defence industry products especially responsible for transfers and exports;

d) written obligation of the legal entity signed by the employee specified in (c) that the legal entity will take all necessary steps to comply with and foster all specific conditions related to end-use and with export of any received specific component or defence industry product;

e) written obligation of the legal entity signed by the employee specified in (c) that they will provide relevant authorities with detailed information in the answers to requests and questions related to end-users or end-use of all defence industry products which the legal

entity has exported, supplied or received based on a transfer licence from other EU Member State; and

f) description of the system of transfer and export management performed by the legal person, signed by the employee specified in (c) who will provide details about organizational, human and technical resources assigned for management of transfers and exports, about the chain of responsibility in the structure of the legal

entity, about internal audit procedures, awareness-raising and staff trainings, about physical and technical safety measures and about keeping records of transfers and exports and their traceability.

- (2) Any written request for issuing a certificate shall contain
- a) name, registered office, place of business and identification number in the case of a legal entity;
 - b) name, surname, personal identification number, place of business, permanent address or temporary address in the case of a natural person;
 - c) identification number of the applicant, or a personal identification number in the case of a natural person;
 - d) name, surname and permanent address of the employee pursuant to the Paragraph 1 (c);
 - e) specification of defence industry products which the applicant wishes to receive; and
 - f) proposed validity of the certificate.
- (3) The following shall be attached to any application for certificate
- a) written declaration of the statutory body or of a person authorized to act on behalf of the applicant proving the applicant's experience related to defence activities and industrial activity related to defence industry products within the European Union;
 - b) copy of applicant's record about compliance of their current activity with valid export limitations;
 - c) all court decisions related to trading with defence industry products, if available;
 - d) documents proving employment of experienced management;
 - e) document proving appointment of the employee pursuant to the Paragraph 1 (c) personally responsible for transfers and exports of defence industry products;
 - f) copy of a declaration signed by the statutory body of the applicant and by the employee pursuant to the Paragraph 2 (d) proving that the applicant has taken all necessary steps to comply with and perform the conditions related to end-use or export of each received defence industry product or its specific component;
 - g) copy of a declaration signed by the statutory body of the applicant and by the employee pursuant to the paragraph 2 (d) confirming that the applicant will provide the Ministry of Economy with all information on end-users and end-use of all defence industry products which the applicant has exported, supplied or received based on a transfer licence from other EU Member State;
 - h) copy of the transfer and export management system performed by an authorized person, signed also by the employee pursuant to the Paragraph 2 (d), containing
 1. details of all organizational, personnel and technical measures specified for transfers and exports;
 2. responsibility chain within the company;
 3. internal audit procedures;
 4. measures to enhance the qualifications and further education of employees;
 5. data about physical and technical safety measures; and
 6. data about keeping records of transfers and exports under preparation and executed transfers and exports.

Section 31 Issuing a certificate

(1) The Ministry of Economy shall decide on issuing a certificate not later than 60 days after the delivery date of an application for certificate.

(2) Before issuing a certificate, the Ministry of Economy shall verify the data of the applicant contained in the application pursuant to the Section 30 (2) and (3).

(3) The Ministry of Economy shall issue a certificate if the verification pursuant to the Paragraph 2 confirms correspondence of the data declared by the applicant with reality.

- (4) The certificate shall contain:
- a) identification of the authority which has issued the certificate, including the name, surname and signature of an authorized person;
 - b) name or business name and registered office of the recipient;
 - c) recipient's declaration of compliance with the criteria specified in the Section 30 (1); and
 - d) issuance date and validity of the certificate.

(5) The Ministry of Economy shall issue each certificate for not longer than five years.

(6) Every three years, the Ministry of Economy shall verify if the certificate holder meets the conditions specified in the Section 30 (1) and (3).

Section 32

Suspension of a certificate

(1) On request of a certificate holder, the Ministry of Economy shall suspend the validity of the certificate in its decision, if

- a) the certificate holder has ceased to meet any of the conditions pursuant to the Section 30 (1) and has informed the Ministry of Economy thereof immediately; and
- b) the certificate holder has proposed to the Ministry of Economy in writing a form and period for elimination of the above-mentioned defect.

(2) In its decision, the Ministry of Economy shall suspend the validity of the certificate if it has a reasonable suspicion that

- a) the certificate holder has ceased to meet the certification conditions, or exports performed by this certificate holder will be in contradiction to foreign-policy or safety interests of the Slovak Republic;
- b) the certificate holder certified in other EU Member State has ceased to meet the certification conditions; or
- c) the certificate holder certified in other EU Member State will not respect the conditions of general transfer licence issued by it, or if it believes that public order, safety or a safety interest of the Slovak Republic might be under threat.

(3) In its decision on suspending the validity of a certificate, the Ministry of Economy shall specify a period in which the certificate holder shall take any steps to meet the conditions pursuant to the Section 30 (1).

Section 33

Certificate cancellation

(1) The Minister of Economy shall cancel a certificate

- a) by initiating arrangement, insolvency or restructuring proceedings⁸⁾ towards the certificate holder;
- b) by death of the certificate holder who is a natural person;
- c) by erasing the certificate holder from the Trade Register or Company Register;
- d) if the certificate has been issued based on false or incomplete data;
- e) if the certificate holder has ceased to meet the conditions specified in the Section 30 (1) and (3) ; or
- f) if the certificate holder whose certificate has been suspended has not adopted the measures determined by the Ministry of Economy in the period specified by the Ministry of Economy pursuant to the Section 32 (3).

(2) Filing an appeal against the decision on certification cancellation shall not have a suspensory effect.

(3) The Slovak Republic shall not be liable for any potential damage incurred to the certificate holder as a result cancellation of the certificate.

Section 34

Cooperation with other EU Member States

(1) For the purposes of this Act, each certificate issued in other EU Member State shall be recognized.

(2) If the Ministry of Economy has a reasonable suspicion that a certificate holder certified in other EU Member State has ceased to meet the certification conditions and at the same time there is a threat that exports performed by this certificate holder are in contradiction to foreign-policy or safety interests of the Slovak Republic, it shall immediately inform the EU Member State which has issued the certificate thereof.

(3) If the Ministry of Economy has a reasonable suspicion that a certificate holder certified in other EU Member State will not respect conditions of general transfer licence issued by it, or if it believes that public order, safety or safety interest of the Slovak Republic might be under threat, it shall inform other EU Member States thereof and shall ask for verification of these facts.

(4) The Ministry of Economy shall keep, update and send a list of all certificate holders to the European Commission, European Parliament and other EU Member States. It shall inform them immediately about any change in the above-stated list including any decisions on certificate cancellation.

Section 35
Collectors of deactivated defence industry products

(1) Collector of defence industry products may only trade with defence industry products which have a deactivated weapon system pursuant to a special regulation¹²⁾ (hereinafter referred to as "deactivated defence industry product") exclusively in the territory of the Slovak Republic and in relation to performance of their collecting activity and cannot perform any intermediary activity or foreign-trade activity with defence industry products.

(2) Collector of deactivated defence industry products shall be

a) natural person with a permanent address in the territory of the Slovak Republic who is of good repute and reliable, aged 25 or older, competent to perform legal acts and registered in the register of collectors of deactivated defence industry products;

b) legal entity with its registered office in the territory of the Slovak Republic which is registered in the register of collectors of deactivated defence industry products and whose statutory body, members of the statutory body or other persons entitled to act on behalf of it are of good repute and reliable, aged 25 or older and competent to perform legal acts.

(3) Collector of deactivated defence industry products shall be entitled to purchase and sell deactivated defence industry products in the territory of the Slovak Republic only based on permission for purchase or sale of deactivated defence industry products. Such permission shall contain

a) name, surname and permanent address or business name, name and registered office of the collector of deactivated defence industry products;

b) number of the certificate of registration in the register of collectors of deactivated defence industry products;

c) categories and volume of the deactivated defence industry product;

d) identification of the person whom the collector purchases the deactivated defence industry products from or whose deactivated defence industry products they sell;

e) data about storage location of deactivated defence industry products that are the subject of the application.

(4) Any application for issuing permission for purchase or sale of deactivated defence industry products shall contain

a) name, surname and permanent address or business name, or name and registered office of the collector of deactivated defence industry products;

b) number of certificate of registration in the register of collectors of deactivated products of defence industry;

c) categories and volume of the deactivated defence industry products;

d) identification of the person whom the collector wants to purchase the deactivated defence industry products from or whose deactivated defence industry products they want to sell;

e) data about storage location of deactivated defence industry products which are the subject of the application;

f) purchase contract with the seller for the deactivated defence industry product.

(5) Collector of deactivated defence industry products is obliged to

a) inform the Ministry of Economy in writing about categories, types and volume of deactivated defence industry products that they own together with the data about their storage location, always not later than 25 days following after a calendar quarter;

b) inform the Ministry of Economy about any purchase or sale of deactivated defence industry products in writing not later than three days after the abovementioned purchase or sale;

c) secure deactivated defence industry products in their ownership against any theft or misuse and immediately inform the Ministry of Economy about any unauthorized manipulation with deactivated defence industry products in their ownership;

d) enable authorized representatives of the Ministry of Economy and invited persons to perform inspection pursuant to the Section 37;

e) if the deactivated defence industry products in their ownership contain a functional weapon system, ensure its immediate deactivation pursuant to a special regulation¹⁹⁾ and inform the Ministry of Economy thereof in writing;

f) keep records of deactivated defence industry products in their ownership which shall contain the following data:

1. name of the deactivated defence industry product;

2. category of the deactivated defence industry product;

3. volume of the deactivated defence industry product;

4. identification data of the person whom the collector acquired the deactivated defence industry product from;

5. identification data of the person whom the collector sold the deactivated defence industry product to;
6. serial number or other identification of the deactivated defence industry product, if available.

Section 36 **Register of collectors of deactivated defence industry products**

(1) The Ministry of Economy shall keep the register of collectors of deactivated defence industry products that are the subject of their collecting activity.

(2) The register of collectors of deactivated defence industry products shall contain:

- a) name, surname and permanent address or business name, or name and registered office of the collector of deactivated defence industry products; and
- b) categories of deactivated defence industry products that are the subject of the collecting activity of the collector of deactivated defence industry products.

(3) Application for registration in the register of collectors of deactivated defence industry products of natural persons shall contain

- a) name and surname of the applicant;
- b) permanent address of the applicant;
- c) personal identification number of the applicant;
- d) declaration on oath of the applicant that they are competent to perform legal acts and are reliable pursuant to the Section 7;
- e) categories of deactivated defence industry products that will be the subject of collecting activity; and
- f) data about the form of storage of deactivated defence industry products.

(4) Applicant shall accompany their application for registration in the register of collectors of deactivated defence industry products pursuant to the Paragraph 3 with an extract from the criminal records dated not earlier than three months ago.

(5) Application for registration in the register of collectors of deactivated defence industry products of legal entities shall contain

- a) business name or name of the applicant;
- b) applicant's registered office;
- c) identification number of the applicant, if assigned;
- d) declaration on oath of the statutory body, its member or persons authorized to act on behalf of the applicant that they are competent to perform legal acts and are reliable pursuant to the Section 7;
- e) categories of deactivated defence industry products which will be the subject of the collecting activity; and
- f) data about the form of storage of devalued products of defence industry.

(6) Applicant shall accompany their application for registration in the register of collectors of deactivated defence industry products pursuant to the Paragraph 5 with an extract from the criminal records of members of the statutory body or persons authorized to act on behalf of the applicant dated not earlier than three months ago and an extract from the Company Register or a different similar register dated not earlier than three months ago.

(7) The Ministry of Economy shall register an applicant in the register of collectors of deactivated defence industry products not later than seven days after delivery of the application.

(8) After registration in the register of collectors of deactivated defence industry products, the Ministry of Economy shall issue a certificate of registration in the register of collectors of deactivated defence industry products to the applicant, containing

- a) name, surname and permanent address or business name, or name and registered office of the collector of deactivated products of defence industry;
- b) categories of deactivated defence industry products which are the subject of the collecting activity of the collector;
- c) date of issuing the certificate; and
- d) certificate number.

(9) If a collector of deactivated defence industry products has ceased to meet the conditions of registration in the register of collectors of deactivated defence industry products, they shall immediately notify the Ministry of Economy thereof. The Ministry of Economy shall cancel the certificate of registration in the register of collectors of deactivated defence industry products not later than seven days after learning of this fact.

PART V

INSPECTION

Section 37

Inspection of trading with defence industry products

- (1) Compliance with this Act shall be inspected by the Ministry of Economy.
- (2) The Ministry of Economy shall perform inspection pursuant to the Paragraph 1 via authorized employees and invited natural persons. When performing inspection, the authorized employees of the Ministry of Economy shall follow a special regulation.²⁰) Participation of invited natural persons is different act in general interest.²¹⁾
- (3) International inspectors performing inspection pursuant to the Paragraph 1 based on international treaties by which the Slovak Republic is bound⁹⁾ may perform such inspection only when accompanied by an authorized employee of the Ministry of Economy.
- (4) The inspected persons shall submit all documents and documentary materials related to the subject of inspection to authorized employees of the Ministry of Economy, invited natural persons and international inspectors performing inspection pursuant to the Paragraph 1, and enable them to search the premises where defence industry products are located or reasonably expected to be located.
- (5) An inspected person shall have the right to become familiar with the content of the protocol²²⁾, obtain a copy of the protocol of inspection outcome and of the record and to comment on its content in a specified time period.
- (6) Provisions of the previous paragraphs shall not affect inspections performed pursuant to special regulations.²³⁾

Section 38

Cooperation of third persons

- (1) In order to ensure inspection of compliance with this Act, the Ministry of Economy shall be entitled to request any data necessary for the inspection from national authorities or from legal entities that keep records of defence industry products and persons trading with defence industry products or keep records of persons applying for permissions for trading and permissions to perform intermediary activity.
- (2) On request, national authorities²⁴⁾ are obliged to report the outcomes of inspections performed by them which are related to trading with defence industry products to the Ministry of Economy and to the Slovak Information Service.

Section 39

Administrative offences

- (1) Natural person - entrepreneur or a legal entity has committed an administrative offence if they
- a) have violated provisions of law by rejecting to enable or hampering performance of an inspection without any major reasons;
 - b) have concealed circumstances important for issuing permission for trading, permission to perform intermediary activity, import licence, export licence or certificate with the aim to obtain them without authorization;
 - c) have supported their application for issuing permission for trading, permission to perform intermediary activity, import licence, export licence, issuing a certificate, issuing general transfer licence, global transfer licence or individual transfer licence by a false document;
 - d) are trading with defence industry products without permission for trading or any of the licences in line with law or in contradiction to them;
 - e) have concealed any circumstances important for registration in the register of collectors of deactivated defence industry products;
 - f) have supported their application for registration in the register of collectors of deactivated defence industry products by a false document;
 - g) have not fulfilled the obligations pursuant to the Sections 10, 18 and 28;
 - h) have not fulfilled the obligation pursuant to the Section 9 (4); or
 - i) have not fulfilled the obligation pursuant to the Section 35 (5).
- (2) For any administrative offence pursuant to the Paragraph 1 (a), the Ministry of Economy shall impose a fine from EUR 330 to EUR 3,320.

(3) For any administrative offence pursuant to the Paragraph 1 (b) to (g), the Ministry of Economy shall impose a fine from EUR 3,320 to EUR 166,000.

(4) For any administrative offence pursuant to the Paragraph 1 (h) and (i), the Ministry of Economy shall impose a fine from EUR 33,200 to EUR 166,000.

(5) A fine from EUR 33,200 to EUR 332,000 shall be imposed by the Ministry of Economy to a person who has caused material damage of a major extent to the Slovak Republic or has harmed an important foreign-policy or safety interest of the state with the action specified in the Paragraph 1 (a).

(6) The amount of the fine imposed pursuant to Paragraphs (2) to (5) shall be determined by the Ministry of Economy, taking into consideration the level, importance and time of threatening the foreign-policy or safety interests of the state and the extent of the damage incurred by illegal action.

(7) Fine may be imposed not later than three years after the date when the Ministry of Economy has learnt of violation of law; however, not later than ten years after the date of violation.

(8) Proceeds from the fines shall form revenues in the state budget.

Section 40 Infringements

(1) Natural person has committed an infringement if they

- a) has violated provisions of law by rejecting to enable or hampering performance of inspection without any major reasons;
- b) has violated the Section 15 (1) and (4);
- c) have concealed circumstances important for issuing permission for trading, permission to perform intermediary activity, import licence, export licence or certificate with the aim to obtain them without authorization;
- d) have supported their application for issuing permission for trading, permission to perform intermediary activity, import licence, export licence, issuing a certificate, issuing general transfer licence, global transfer licence or individual transfer licence by a false document;
- e) is trading with defence industry products without permission for trading or any of the licences in line with law or in contradiction to them;
- f) has concealed any circumstances important for registration in the register of collectors of deactivated defence industry products;
- g) has supported their application for registration in the register of collectors of deactivated defence industry products by a false document;
- h) has not fulfilled the obligations pursuant to the Sections 10, 18 and 28;
- i) has not fulfilled the obligation pursuant to the Section 9 (4); or j) has not fulfilled the obligation pursuant to the Section 35 (5).

(2) For any infringement pursuant to the Paragraph 1 (a) and (b), the Ministry of Economy shall impose a fine from EUR 330 to EUR 3,320.

(3) For any infringement pursuant to the Paragraph 1 (c) to (h), the Ministry of Economy shall impose a fine from EUR 3,320 to EUR 166,000.

(4) For any infringement pursuant to the Paragraph 1 (i) and (j), the Ministry of Economy shall impose a fine from EUR 33,200 to EUR 166,000.

(5) A fine from EUR 33,200 to EUR 332,000 shall be imposed by the Ministry of Economy to a person who has caused material damage of a major extent to the Slovak Republic or has harmed an important foreign-policy or safety interest of the state with the action specified in the Paragraph 1 (a) and (b).

(6) The amount of the fine imposed pursuant to Paragraphs (2) to (5) shall be determined by the Ministry of Economy, taking into consideration the level, importance and time of threatening the foreign-policy or safety interests of the state and the extent of the damage incurred by illegal action.

(7) Fines may be imposed not later than three years after the date when the Ministry of Economy has learnt of violation of law; however, not later than ten years after the date of violation.

(8) Proceeds from the fines shall form revenues in the state budget.

Section 41
Annual report on trading with defence industry products

The Ministry of Economy shall annually prepare an annual report on trading with defence industry products and publish it on its web page not later than on 30 April of the following year. The annual report on trading with defence industry products shall contain:

- a) analysis of the valid legislation regulating the issues of import, export and re-export of defence industry products;
- b) development of export, import and re-export for the last calendar year, comparison with previous years;
- c) list of permissions for trading with defence industry products and permissions to perform intermediary activity granted for the relevant calendar year;
- d) categories of defence industry products exported from the territory of the Slovak Republic for the relevant calendar year, including the number of pieces;
- e) list of countries of destination for export of defence industry products;
- f) total price of exported defence industry products to individual countries of destination;
- g) number of rejected applications for granting permission for trading and permission to perform intermediary activity;
- h) number of rejected applications for import licence or export licence.

PART VI

COMMON, AUTHORISING AND TEMPORARY PROVISIONS

Section 42
Common provisions

(1) Any national authority employee who is directly involved in implementation of this Act shall maintain confidentiality for one year after termination of their employment in the national authority.

(2) A general regulation on administrative proceedings 25) shall apply to proceedings pursuant to this Act, unless stipulated otherwise by this Act.

(3) A general regulation on administrative proceedings 25) shall apply to decision-making on rejecting an application for permission for trading and permission to perform intermediary activity pursuant to the Section 11 and on decision-making on rejecting an application for licence pursuant to the Section 20, decision-making on rejecting an application for global transfer licence pursuant to the Section 25 (6) and decision-making on rejecting an application for individual transfer licence pursuant to the Section 26 (7) with the following departures:

- a) justification of the decision on rejecting an application for issuing permission for trading and permission to perform intermediary activity shall contain only the fact that it concerns foreign-policy or safety interests of the Slovak Republic;
- b) justification of the decision on rejecting an application for import licence or export licence shall contain only the fact that it concerns foreign-policy or safety interests of the Slovak Republic;
- c) justification of the decision on rejecting an application for global transfer licence shall contain only the fact that it concerns foreign-policy or safety interests of the Slovak Republic;
- d) justification of the decision on rejecting an application for individual transfer licence shall contain only the fact that it concerns foreign-policy or safety interests of the Slovak Republic.

(4) For the purposes of submitting their opinions pursuant to the Section 5 (2) and the Section 17 (1), the authorities specified in the Section 5 (2) shall be authorized to request information and explanations from national authorities or legal entities that keep records of defence industry products and from persons trading with defence industry products or keep records of persons applying for permission for trading and permission to perform intermediary activity.

Section 43
Authorizing provision

In a public statute, the Ministry of Economy shall stipulate:

- a) list of defence industry products pursuant to the Section 3 (1);
- b) sample of an application for licence pursuant to the Section 16 (3);
- c) sample of a declaration of end-user pursuant to the Section 19 (1);

- d) sample of an international import certificate pursuant to the Section 19 (2);
- e) type of transfer licence pursuant to the Section 23 (1) for individual types of defence industry products;
- f) sample of an application for general transfer licence pursuant to the Section 24 (3);
- g) sample of an application for global transfer licence pursuant to the Section 25 (3);
- h) sample of an application for individual transfer licence pursuant to the Section 26 (3);
- i) sample of an application for certificate pursuant to the Section 30 (2); j) sample of a certificate pursuant to the Section 31 (4);
- k) sample of a form for information of a collector of deactivated defence industry products pursuant to the Section 35 (5) (a) and (b);
- l) list of deactivated defence industry products that might be a subject of collecting activity pursuant to the Section 35 (1);
- m) sample of a permission for purchase or sale of deactivated defence industry products pursuant to the Section 35 (3);
- n) sample of an application for issuing permission for purchase or sale of deactivated defence industry products pursuant to the Section 35 (4);
- o) sample of an application for registration in the register of collectors of deactivated defence industry products pursuant to the Section 36 (3);
- p) sample of an application for registration in the register of collectors of deactivated defence industry products pursuant to the Section 36 (5); and
- q) sample of a licence of registration in the register of collectors of deactivated defence industry products pursuant to the Section 36 (8).

Section 44 **Temporary provision**

- (1) Licences and certificates issued pursuant to the current regulations shall remain valid until their expiry.
- (2) Not later than on 29 February 2012, any owner, administrator, holder or other user of defence industry products, with the exception of armed forces, armed security corps and other armed corps, shall report to the Ministry of Economy the type, volume and form of storage of defence industry products which they own, administer, hold or otherwise use according to the status as of 31 December 2011; this obligation shall apply also to the collector of deactivated defence industry products.
- (3) According to a contract concluded until 1 January 2012, any producer of defence industry products that is not a holder of permission for trading with defence industry products may perform supplies of defence industry products and intermediary activity with defence industry products not later than six months after this Act became effective.

Section 44a **Temporary provision regarding the regulation effective from 1 January 2014**

If an applicant is filing an application for issuing permission for trading and permission to perform intermediary activity from 1 January 2014 to 31 January 2014, the obligation pursuant to the Section 6 (3) shall be considered as fulfilled if financial statements are attached to the application.

Section 45 **Repealing provision**

The following regulations shall be repealed:

- 1. Act No. 179/1998 Coll. on Trading with Military Material and on amendments and supplements to certain acts. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended by the Act No. 26/2002 Coll., Act No. 496/2002 Coll., Act No. 215/2004 Coll., Act No. 350/2004 Coll., Act No. 409/2004 Coll., Act No. 318/2005 Coll., Act No. 529/2005 Coll., and Act No. 403/2009 Coll.
- 2. Decree of the Ministry of Economy of the Slovak Republic No. 4/2010 of 3 November 2010 on Collecting Activity of Military Material;
- 3. Decree of the Ministry of Economy of the Slovak Republic No. 5/2010 of 3 November 2010, implementing certain provisions of the Act No. 179/1998 Coll. on Trading with Military Material and on amendments of the Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended, as amended;

4. Decree of the Ministry of Economy of the Slovak Republic No. 6/2010 of 3 November 2010, implementing certain provisions of the Act No. 179/1998 Coll. on Trading with Military Material and on amendments to the Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended, as amended; and

5. Decree of the Ministry of Economy of the Slovak Republic of 11 August 2011 No.283/2011 Coll., implementing certain provisions of the Act No. 179/1998 Coll. on Trading with Military Material and on amendments to the Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended, as amended.

Section 46

This Act transposes binding legal acts of the European Union specified in the Annex.

Article II

Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended by the Act No.231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No.132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2004 Coll., Act No. 578/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll., Act No. 93/2005 Coll., Act No. 331/2005 Coll., Act No. 340/2005 Coll., Act No. 351/2005 Coll., Act No. 470/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 555/2005 Coll., Act No. 567/2005 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 17/2007 Coll., Act No. 99/2007 Coll., Act No. 193/2007 Coll., Act No. 218/2007 Coll., Act No. 358/2007 Coll., Act No. 577/2007 Coll., Act No. 112/2008 Coll., Act No. 445/2008 Coll., Act No. 448/2008 Coll., Act No. 186/2009 Coll., Act No. 492/2009 Coll., Act No. 568/2009 Coll., Act No. 129/2010 Coll., Act No. 136/2010 Coll., Act No. 556/2010 Coll. and Act No. 362/2011 Coll. shall be amendeded as follows:

1. In the Section 3 (2) (v), the words "military material" shall be replaced by "defence industry products including the provision of services pursuant to a special regulation 23fa)".

The footnote to the reference 23fa shall read:

"23fa) Section 3 of the Act No. 392/2011 Coll. on Trading with Defence Industry Products and on amendments and supplements to certain acts".

2. In the Section 45a (1), first sentence, the words "nationals of any EU Member State" shall be replaced by the words "Slovak Republic".

3. The second sentence in the Section 45a (1) shall be erased.

4. In the Section 46 (1) (f) the words "nationals of an EU Member State" shall be replaced by the words "nationals of the Slovak Republic".

5. In the Section 46 (2) (f) the words "nationals of an EU Member State" shall be replaced by the words "nationals of the Slovak Republic".

6. In the Section 46 (4) the words "national of any EU Member State" shall be replaced by the words "nationals of the Slovak Republic".

7. In the Section 46 (5) the words "any EU Member State" shall be replaced by the words "Slovak Republic".

8. In the Section 47 (1), the word "five" shall be replaced by "three".

9. The Section 49 shall be supplemented with a Paragraph 4 which shall read as follows:

"(4) The obligation of entrepreneurs pursuant to the Paragraph 1 shall not apply to any data and supplements related to the data and documents specified for reporting a trade licence which entrepreneurs shall report to the Company Register pursuant to a special law.36i)"

The footnote to the reference 36i) shall read:

"36i) Act No. 530/2003 Coll., as amended."

10. In the Section 65a (1) to (3) the word "shall impose" shall be replaced by "might impose".

11. In the Section 66b the Paragraph 3 shall be erased.

The current Paragraph 4 shall be identified as Paragraph 3.

12. The Section 66b shall be supplemented with a Paragraph 4 which shall read as follows:

"(4) District office shall issue

- a) certificate of the nature and length of experience in activities representing trade;
- b) confirmation that provision of services based on a trade licence is not restricted or prohibited;
- c) confirmation of receipt of notification of cross-border provision of services in the territory of the Slovak Republic."

Article III

Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees, as amended by the Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 224/1996 Coll., Act No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 232/1999 Coll., Act No. 3/2000 Coll., Act No. 142/2000 Coll., Act No. 211/2000 Coll., Act No. 468/2000 Coll., Act No. 553/2001 Coll., Act No. 96/2002 Coll., Act No. 118/2002 Coll., Act No. 215/2002 Coll., Act No. 237/2002 Coll., Act No. 418/2002 Coll., Act No. 457/2002 Coll., Act No. 465/2002 Coll., Act No. 477/2002 Coll., Act No. 480/2002 Coll., Act No. 190/2003 Coll., Act No. 217/2003 Coll., Act No. 245/2003 Coll., Act No. 450/2003 Coll., Act No. 469/2003 Coll., Act No. 583/2003 Coll., Act No. 5/2004 Coll., Act No. 199/2004 Coll., Act No. 204/2004 Coll., Act No. 347/2004 Coll., Act No. 382/2004 Coll., Act No. 434/2004 Coll., Act No. 533/2004 Coll., Act No. 541/2004 Coll., Act No. 572/2004 Coll., Act No. 578/2004 Coll., Act No. 581/2004 Coll., Act No. 633/2004 Coll., Act No. 653/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 5/2005 Coll., Act No. 8/2005 Coll., Act No. 15/2005 Coll., Act No. 93/2005 Coll., Act No. 171/2005 Coll., Act No. 308/2005 Coll., Act No. 331/2005 Coll., Act No. 341/2005 Coll., Act No. 342/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 538/2005 Coll., Act No. 558/2005 Coll., Act No. 572/2005 Coll., Act No. 573/2005 Coll., Act No. 610/2005 Coll., Act No. 14/2006 Coll., Act No. 15/2006 Coll., Act No. 24/2006 Coll., Act No. 117/2006 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 224/2006 Coll., Act No. 342/2006 Coll., Act No. 672/2006 Coll., Act No. 693/2006 Coll., Act No. 21/2007 Coll., Act No. 43/2007 Coll., Act No. 95/2007 Coll., Act No. 193/2007 Coll., Act No. 220/2007 Coll., Act No. 279/2007 Coll., Act No. 295/2007 Coll., Act No. 309/2007 Coll., Act No. 342/2007 Coll., Act No. 343/2007 Coll., Act No. 344/2007 Coll., Act No. 355/2007 Coll., Act No. 358/2007 Coll., Act No. 359/2007 Coll., Act No. 460/2007 Coll., Act No. 517/2007 Coll., Act No. 537/2007 Coll., Act No. 548/2007 Coll., Act No. 571/2007 Coll., Act No. 577/2007 Coll., Act No. 647/2007 Coll., Act No. 661/2007 Coll., Act No. 92/2008 Coll., Act No. 112/2008 Coll., Act No. 167/2008 Coll., Act No. 214/2008 Coll., Act No. 264/2008 Coll., Act No. 405/2008 Coll., Act No. 408/2008 Coll., Act No. 451/2008 Coll., Act No. 465/2008 Coll., Act No. 495/2008 Coll., Act No. 514/2008 Coll., Act No. 8/2009 Coll., Act No. 45/2009 Coll., Act No. 188/2009 Coll., Act No. 191/2009 Coll., Act No. 274/2009 Coll., Act No. 292/2009 Coll., Act No. 304/2009 Coll., Act No. 305/2009 Coll., Act No. 307/2009 Coll., Act No. 465/2009 Coll., Act No. 478/2009 Coll., Act No. 513/2009 Coll., Act No. 568/2009 Coll., Act No. 570/2009 Coll., Act No. 594/2009 Coll., Act No. 67/2010 Coll., Act No. 92/2010 Coll., Act No. 136/2010 Coll., Act No. 144/2010 Coll., Act No. 514/2010 Coll., Act No. 556/2010 Coll., Act No. 119/2011 Coll., Act No. 200/2011 Coll., Act No. 223/2011 Coll., Act No. 254/2011 Coll., Act No. 256/2011 Coll., Act No. 258/2011 Coll., Act No. 324/2011 Coll., Act No. 342/2011 Coll., Act No.

363/2011 Coll., and Act No. 381/2011 Coll. shall be amended and supplemented as follows:

1. In the Section 6 (1) at the end of the first sentence the following words shall be added "unless stipulated otherwise by this Act in individual Tariff items".

2. In the Tariff of Administrative Fees, item 148 (i) the words "Issuing a certificate of compliance with the conditions of professional experience" shall be replaced by "Issuing a certificate of the nature and length of professional experience33a)".

The footnote to the reference 36a shall read:

"33a) Section 66b (4) of the Act No. 455/1991 Coll., as amended."

3. In the Tariff of Administrative Fees, item 148 (n) the words "For accepting the data and documents which shall be attached to an application for authorization to perform business activity based on other than trade licence pursuant to special laws... EUR 10" shall be replaced by "Issuing a document confirming that provision of services based on a trade licence is not restricted or prohibited33b) ... EUR 3".

The footnote to the reference 33b shall read:

"33b) Section 66b (4) of the Act No. 455/1991 Coll., as amended, Section 4 (2) (b) of the Act No. 293/2007 Coll. on Recognition of Expert Qualifications as amended by the Act No. 560/2008 Coll."

4. In the Tariff of Administrative Fees, item 148, part NOTES, Point 3 shall be added with the following wording:

"3. The fee pursuant to (a), Point 1, (b), (c), (f), (l) and (n) shall not be collected if actions are performed based on a filing submitted electronically and signed by an electronic signature pursuant to a special law.4)".

5. In the Tariff of Administrative Fees, item 154 (c) and (d) shall read:

"c) Issuing permission for trading with defence industry products..... EUR 1,659.50

d)issuing licence for import of defence industry products or licence for export of defence industry products from the value of the goods permitted in the licence 0.1%, at least EUR 33".

6. In the Tariff of Administrative Fees the item 154 shall be supplemented by letters k) to q) which shall read:

"k) issuing global transfer licence EUR 33;

l).....issuing individual transfer licence 0.1%, at least EUR 33;

m) issuing general transfer licence EUR 33;

n) issuing certificate of a recipient of defence industry products EUR 333;

o)issuing a certificate of registration in the register of collectors of deactivated defence industry products EUR 33;

p) issuing a double copy of permission for trading with defence industry products, issuing a double copy of a licence for import of defence industry products or of a licence for export of defence industry products, issuing a double copy of a global transfer licence, issuing a double copy of an individual transfer licence, issuing a double copy of general transfer licence, issuing a double copy of a certificate of the recipient of defence industry products, issuing a double copy of a certificate of registration in the register of collectors of deactivated

defence industry products pursuant to (c), (d), (k) to (o)..... EUR 66;

q) issuing a decision on extending the validity of licence for import of defence industry products or of licence for export of defence industry products, issuing a decision on extending the validity of a global transfer licence, issuing a decision on extending the validity of individual transfer licence, issuing a decision on extending the validity of general transfer licence pursuant to (d) and (k) to (m)EUR 33".

Article IV

Act No. 575/2001 Coll. on Organisation of the Activities of the Government and Organisation of the Central Public Administration, as amended by the Act No. 143/2002 Coll., Act No. 411/2002 Coll., Act No. 465/2002 Coll., Act No. 139/2003 Coll., Act No. 453/2003 Coll., Act No. 523/2003 Coll., Act No. 215/2004 Coll., Act No. 351/2004 Coll., Act No. 405/2004, Act No. 585/2004 Coll., Act No. 654/2004 Coll., Act No. 78/2005 Coll., Act No. 172/2005 Coll., Act No. 474/2005 Coll., Act No. 231/2006 Coll., Act No. 678/2006 Coll., Act No. 103/2007 Coll., Act No. 218/2007 Coll., Act No. 456/2007 Coll., Act No. 568/2007 Coll., Act No. 617/2007 Coll., Act No. 165/2008 Coll., Act No. 408/2008 Coll., Act No. 583/2008 Coll., Act No. 70/2009 Coll., Act No. 165/2009 Coll., Act No. 400/2009 Coll., Act No. 403/2009 Coll., Act No. 505/2009 Coll., Act No. 557/2009 Coll., Act No. 570/2009 Coll., Act No. 37/2010 Coll., Act No. 372/2010 Coll., Act No. 403/2010 Coll. and Act No. 547/2010 Coll. shall be amended as follows:

In the Section 6 (1) (g) the words "including trading with military material" shall be replaced by "including trading with defence industry products".

Article V

This Act shall become effective on 1 December 2011 with the exception of the Article III, Points 1 to 4, which shall become effective on 1 January 2012, and with the exception of the Article I, Sections 23 to 34 and Article III, Point 5, which shall become effective on 30 June 2012.

Ivan Gašparovič with his own hand

Pavol Hrušovský with his own hand

Iveta Radičová with her own hand

**Annex
to the Act No. 392/2011 Coll.**

LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION

Directive 2009/43/EC of the European Parliament and of the Council of the European Union of 6 May 2009 on Simplifying Terms and Conditions of Transfers of Defence- Related Products within the Community (OJ EU L146, 10 June 2009) as amended by the Commission Regulation No. 2010/80/EU of 22 November 2010 (OJ EU L 308, 24 November 2010).

- 1) Section 289 of the Company Act.
- 2) Act No. 39/2011 Coll. on Dual-Use Items and on amendments to the Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees, as amended.
- 3) Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act), as amended.
- 4) Act No. 253/1998 Coll. on the Reporting of Citizen Residency and on the Registry of Inhabitants of the Slovak Republic, as amended.
- 5) Act No. 48/2002 Coll. on Residence of Foreigners and on amendments and supplements to certain acts, as amended.
- 6) Act of the National Council of the Slovak Republic No. 46/1993 Coll. on the Slovak Information Service, as amended.
- 7) Section 47 (6) of the Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Code), as amended.
- 8) Act No. 7/2005 Coll. on Bankruptcy and Restructuring and on amendments and supplements to certain acts, as amended.
- 9) E.g. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Notification No. 276/1997 Coll.).
- 10) Act No. 461/2003 Coll. on Social Insurance, as amended.
Act No. 580/2004 Coll. on Health Insurance and on amendments and supplements to the Act No. 95/2002 Coll. on Insurance and on amendments and supplements to certain acts, as amended.
Act No. 43/2004 Coll. on Retirement Pension Saving and on amendments and supplements to certain acts, as amended.
- 11) Section 50 of the Act No. 215/2004 Coll. on Protection of Confidential Facts and on amendments and supplements to certain acts.
- 11a) Section 23 of the Act No. 431/2002 Coll. on Accounting, as amended.
- 12) Act No. 190/2003 Coll. on Firearms and Ammunition and on amendments and supplements to certain acts, as amended.
- 13) Council Regulation (EEC) No 2658/1987 of 23 July 1987 on the Customs and Statistical Nomenclature and on the Common Customs Tariff (Special edition of OJ EU, Chapter 2/volume 2, OJ EC L 256, 7 September 1987) in its valid wording.
- 14) Act of the National Council of the Slovak Republic No. 18/1996 Coll. on Prices, as amended.
- 15) Section 2 (g) of the Act No. 199/2004 Coll., Customs Act and on amendments and supplements to certain acts, as amended.
- 16) Sections 619 to 627 of the Civil Code.
Sections 436 to 441 of the Civil Code.
- 17) Act of the National Council of the Slovak Republic No. 18/1996 Coll.
- 18) Article 3 of the Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code (Special edition of OJ EU, Chapter 2/volume 4, OJ EC L 302, 19 October 1992) in its valid wording.
- 19) Section 35 (5) and Section 58 of the Act No. 190/2003 Coll., as amended.
- 20) Act of the National Council of the Slovak Republic No. 10/1996 Coll. on Control in State Administration.
- 21) Section 137 of the Act No. 311/2001 Coll., the Labour Code, as amended.
- 22) Section 13 of the Act of the National Council of the Slovak Republic No. 10/1996 Coll.
- 23) E.g. Act No. 199/2004 Coll., as amended.
- 24) E.g. Act No. 199/2004 Coll., as amended, Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Corps, as amended.
- 25) Act No. 71/1967 Coll.