

SLOVENIA

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Slovenia in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	SLOVENIA
Article	
5	X
6(1)	X
6(2)	
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	X
9(2)	X
9(6)	X
10	
11(1 and 3)	
12(1)	
12(2)	
13(1-5)	
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	X
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	X
22(2)	X
24(2)	X
25(1)	
26(1)	X
27(1 to 3)	X
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	30(1)(3-4)
30(6)	30(1)(3-4)
31(1)	X
31(2-9)	X (not 4,6&8)
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X

Country	SLOVENIA
Article	
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	X
41(4)	
46(2)	
49(a)	
50(2-3)	X
50(4)	X
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	X
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	
67(1)	X

2. Types of offences related to REACH in Slovenia

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Slovenia. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	Infringement of the following provisions of the Regulation: Articles 6(1) 6(3), 7(1-3), 7(5), 8(1-2), 9(2), 9(4-6), 14(1), 14(6-7), 17(1-2), 18(1-2), 19(1), 22(1-2), 22(4), 24(2), 25(2), 26(1), 26(3), 27(1), 30(1), 30(3), 30(4), 40(4), and 50(2-4).	N/A
Offences related to authorisation and restrictions requirements	-Infringement of obligations related to authorisation of Articles 56 (1) and (2)), 60(10) and 65.	N/A
Offences related to the supply chain requirements	-Infringements of obligations in the supply chain of Articles 31(1-3) 31(5), 31(7), 31(8), 31(9), 32(1-3), 33(1-2), 34, 35, and 36(1-2).	N/A
Offences related to the	- Infringements of REACH obligations of Articles 37(2-7), 38(1-4) and 39(1-2).	N/A

downstream user requirements		
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3. Sanctions applicable to legal persons in Slovenia

This table mentions whether or not Slovenia applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Slovenia	Y	Specific to legal persons In general, multiplied by 2	N

4. REACH related administrative and criminal penalties in Slovenia

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Slovenia. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	<ul style="list-style-type: none"> • Legal person: a fine from 1000 to 60 000 EUR • Natural persons, engaging in activity: a fine from 500 to 32 000 EUR • The manager of the company: fine from 200 to 2 000 EUR. • Confiscation of the substances and materials with which the offence has been committed or which result from the offence 	N/A
Penalties related to infringement of authorisation requirements	<ul style="list-style-type: none"> • Legal person: a fine from 1000 to 60 000 EUR • Natural persons, engaging in activity: a fine from 500 to 32 000 EUR • The manager of the company: fine from 200 to 2 000 EUR. • Confiscation of the substances and materials with which the offence has been committed or which result from the offence 	N/A
Penalties related to infringement of the supply chain requirements	<ul style="list-style-type: none"> • Legal person: a fine from 1000 to 60 000 EUR • Natural persons, engaging in activity: a fine from 500 to 32 000 EUR • The manager of the company: fine from 200 to 2 000 EUR. • Confiscation of the substances and materials with which the offence has been committed or which result from the offence 	N/A

Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> • Legal person: a fine from 1000 to 60 000 EUR • Natural persons, engaging in activity: a fine from 500 to 32 000 EUR • The manager of the company: fine from 200 to 2 000 EUR. • Confiscation of the substances and materials with which the offence has been committed or which result from the offence 	N/A
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5. Short description of REACH sanctions and related issues in Slovenia

In Slovenia, REACH penalties are contained in the "Decree on implementation of EU Regulation on registration, evaluation and authorization and limiting of chemicals (REACH)", which has been adopted by the Slovenian Government in 2008. The legislator specifically enumerated the provisions of the REACH Regulation which breach shall constitute an offence. The fines are prescribed in a range of fines with a minimum and maximum fine. The maximum is set at 60 000 EUR, which is about two times less than the maximum penalty which can be prescribed for a minor offence in Slovenian legislation in accordance to the statute that governs the minor offence procedure (the maximum is 125 000 EUR).

Beside the fine, one other type of penalty may be imposed in the case of REACH violation: if the fine is imposed upon the perpetrator, the substances and materials with which the offence has been committed or which result from the offence may be confiscated from the perpetrator. Fines and confiscation are the only two administrative penalties which may be imposed in the case of REACH violation.

Other measures may be ordered by the inspector in the case of a violation of REACH:

- a prohibition to engage in the unlawful activity;
- a prohibition to produce chemicals or to put them on the market;
- a prohibition to use the chemicals which has been unlawfully produced or put on the market;
- and an improvement order.

The aim of these measures is not to fine or to punish the perpetrator but solely to put a stop to unlawful activity and to prevent its harmful effects. Because of that, these measures are technically speaking not penalties.

All penalties for the breach of REACH obligations are administrative (the so-called "minor offences"). No criminal offences are prescribed specifically for the infringement of REACH Regulation. This does not mean that a violation of REACH Regulation cannot at the same time constitute a criminal offence; for example, the infringement of REACH may constitute a criminal offence called "Unlawful acquirement or use of radioactive or other dangerous substances" (Article 335 of the Criminal Code). However, this is a general criminal offence that criminalises any unlawful production, possession, or use of radioactive or other substances which are dangerous for health or life of humans or harmful to environment – it was not prescribed specifically for the violation of REACH Regulation.

In Slovenia, the Chemicals Office of the Republic of Slovenia (Urad Republike Slovenije za kemikalije), which is an authority within the Ministry of Health, is responsible for the implementation of the REACH Regulation. Within the Chemicals Office, the Chemicals Inspectorate is responsible for the inspection of compliance with REACH and for the imposition of penalties prescribed in the above Decree.