

SLOVENIA

1. SUBSTANTIVE ASPECTS

1.1 Distinction

1.1.1 Does your national legislation differentiate between different categories of treaties? If it does, how are they categorised?

The Slovenian national legislation (the Treaties and other International Instruments Act, 2026, hereinafter referred as "the Act",) does differentiate between different categories of international instruments, namely **treaties** (as in VCLT) which are ratified by the National Assembly or the Government, **simple agreements** which do not require ratification, just Government's approval (both are legally binding) and **non-legally binding international instruments**.¹

1.1.2 What are the criteria for their classification into specific category (subject matter, scope, financial effects, etc)? Does the form of the instruments lead to a different category of treaty?

The most important criteria for distinction between treaties and simple agreements is that the conclusion of a simple agreement does not include any additional legal or financial commitments and represents only a technical concretization of the existing legal commitments.

Treaties are ratified by the National Assembly by law if the content of the treaty falls within its competence in accordance with the Constitution, or if the implementation of a treaty requires the provision of new budgetary resources. Any **other treaties** are ratified by the Government by decree.

Simple agreements are approved by the Government with a decision before or after its signature.

1.1.3 What is the legal status of treaties not requiring parliamentary approval in the internal hierarchy of norms?

Simple agreements are legally binding international instruments, which do not create any new legal or financial obligations, which means that they are based on existing legal rights and obligations.

1.2 Competence

1.2.1 Which authority is responsible for drafting the text of each category of treaty?

The competent administrative authority is responsible for drafting the text of each category of international instrument.

1.2.2 In the process of drafting a treaty, which authority is responsible for the assessment of the legal character and category of an agreement?

¹ For the purposes of this questionnaire, the questions are answered with reference to both treaties and simple agreements, where applicable.

The Ministry of Foreign and European Affairs (International Law Department) is responsible for the assessment of the legal character and category of an international instrument.

1.2.3 Which authority has the general responsibility for ratification/approval/confirmation procedures for treaties (is it generally the responsibility of the Parliament and only certain categories are confirmed by the government or vice versa)?

The National Assembly has the general responsibility for the ratification procedure of treaties. Treaties are ratified by the National Assembly by law if the content of the treaty falls within its competence in accordance with the Constitution, or if the implementation of a treaty requires the provision of new budgetary resources. Any other treaties are ratified by the Governmental decree.

1.2.4 What are the responsibilities of the line ministries and Ministry of the Foreign Affairs throughout the procedure of conclusion and ratification of each category of treaty?

Treaties:

The competent administrative authority must first obtain the opinion of the Ministry of Foreign and European Affairs on the legal nature of the international instrument. The procedure for concluding a treaty has to be initiated by the proposal of the competent administrative authority. When a competent authority is not the Ministry of Foreign and European Affairs, the proposal must be accompanied by its written consent. The decision on the proposal is adopted by the Government. If ratification of the treaty falls within the competence of the National Assembly the Government submits the proposal for approval to the working body of the National Assembly responsible for foreign affairs.

The proposal must contain:

- reasons for conclusion of a treaty;
- essential elements of a treaty, including any reservations and the provisional application of the treaty;
- positions of the Slovenian delegation, which shall be negotiating the treaty;
- the composition of the delegation, an estimate of the costs of its work and the manner in which such costs are to be covered;
- a designation of the person who is to initial or/and sign the text of the treaty or otherwise authenticate it (hereinafter: authorized person);
- a designation of the authority competent for the ratification of the treaty;
- an assessment on whether the conclusion of a treaty requires amendments to existing regulations or the adoption of new ones;
- approval of provisional application of a treaty;
- an assessment of the financial resources required for the implementation of the treaty and the manner in which such resources are to be ensured, including the opinion of the ministry responsible for finance;
- a declaration by the proposing authority regarding the conformity of a treaty with the EU law and, if needed, the information on whether the approval of the competent institutions of the European Union has been obtained.

Where possible, the proposal shall also contain a draft text of the treaty.

When deciding on the proposal, the Government also designates a delegation for negotiations, and determines its powers and possible obligation to submit a report together with initialled

text before the signing of the treaty. If the text of the treaty is in conformity with the adopted positions, the authorised person may sign the treaty. During negotiations, the delegation must act within the framework of the positions and powers contained in the proposal.

The procedure of ratification of a treaty is commenced by the Ministry of Foreign and European Affairs, on the proposal of the competent authority, which conducted negotiations for conclusion of the treaty. The treaties may be ratified either by the Government or by the National Assembly.

Simple agreements:

The competent administrative authority must first obtain the opinion of the Ministry of Foreign and European Affairs on the legal nature of the international instrument. After the competent administrative authority receives the opinion from Ministry of Foreign and European Affairs on its legal nature it may proceed with negotiations. After the text of the international instrument is finalised, the competent authority informs the Government on the intended conclusion. Government approves the text of a simple agreement by an approval decision, provided that the text of the simple agreement has been finalised. After the Government issues a decision, the competent administrative authority may proceed with the signature. If the information on the intended conclusion does not include the final text of the simple agreement, the Government approves it after its signing. In such a case the competent administrative authority must prepare the proposal for the approval of such simple agreement and submit it for approval to the Government. Simple agreements may also be published in the Official Gazette of the Republic of Slovenia. In such a case, the decision on the approval of the simple agreement and its text are published in the Official Gazette of the Republic of Slovenia following approval by the Government.

1.2.5 What is the competence of autonomous regions/territories for the conclusion of a treaty? N/A

1.2.6 Does the Ministry of Foreign Affairs have delegated competence to conclude less significant treaties on its own, by producing full powers signed by the Minister of Foreign Affairs? If it does, what typically characterises these agreements?

The Ministry of Foreign and European Affairs does not have delegated competence to conclude less significant international instrument on its own. The Act does not differentiate between the ministries with regard to the procedure of conclusion of international instruments.

2. PROCEDURAL ASPECTS

2.1 Procedure before conclusion/signature

2.1.1 What are the procedures required for the conclusion of different categories of treaties? Can a treaty be concluded through a simplified procedure? If yes, please provide a detailed presentation of the circumstances in which such procedures can be applied and describe the procedures.

The internal procedure for the conclusion of treaties and other international instruments is governed by the Act.

Treaties:

The procedure for concluding a treaty has to be initiated by the competent administrative authority by submitting the proposal to the Ministry of Foreign and European Affairs. When a

competent administrative authority is not the Ministry of Foreign and European Affairs, the proposal must be accompanied by its written consent. The decision on the proposal is adopted by the Government. If ratification of the treaty falls within the competence of the National Assembly, the Government submits the proposal for approval to the working body National Assembly responsible for foreign affairs. The proposal must contain all the essential elements mentioned in 1.2.4.

When deciding on the proposal, the Government also designates a delegation for negotiations, and determines its powers and possible obligation to submit a report together with initialled text before the signing of the treaty. If the text of the treaty is in conformity with the adopted positions, the authorised person may sign the treaty. During negotiations, the delegation must act within the framework of the positions and powers contained in the proposal. The procedure of ratification of a treaty is commenced by the Ministry of Foreign and European Affairs, at the proposal of the competent administrative authority, which conducted negotiations for the conclusion of the treaty. Treaties may be ratified either by the National Assembly or by the Government. The procedure is the same for all treaties, which have to be ratified, except in case of accession where the first part of the procedure (before the signature, i.e. the proposal) is not necessary and the ratification procedure is commenced immediately after the competent administrative authority decides that Slovenia should accede to the treaty.

Simple agreements:

The competent administrative authority must first obtain the opinion of the Ministry of Foreign and European Affairs on the legal nature of the international instrument. After the competent administrative authority receives the opinion from Ministry of Foreign and European Affairs on its legal nature it may proceed with negotiations. After the text of the international instrument is finalised, the competent authority informs the Government on the intended conclusion. Government approves the text of a simple agreement by an approval decision, provided that the text of the simple agreement has been finalised. After the Government issues a decision, the competent administrative authority may proceed with the signature. If the information on the intended conclusion does not include the final text of the simple agreement, the Government approves it after its signing. In such a case the competent administrative authority must prepare the proposal for the approval of such simple agreement and submit it for approval to the Government. Simple agreements may also be published in the Official Gazette of the Republic of Slovenia. In such a case, the decision on the approval of the simple agreement and its text are published in the Official Gazette of the Republic of Slovenia following approval by the Government.

2.1.2 Do you have a procedure to review the harmonization and compliance of treaties not requiring parliamentary approval with existing national laws? What authority does the review and when?

The competent administrative authority does the review while it prepares/coordinates or negotiates the draft of the international instruments.

2.1.3 Do these procedures have one or two phases (before and/or after signature)? Can a treaty enter into force upon signature?

All treaties that are subject to ratification have a two-stage process and may not enter into force upon signature, because they have to be ratified after the signature. However, simple agreements may enter into force upon signature. With regard to simple agreements there may be a one or two-stage process. If the text of a simple agreement is agreed upon and its final text approved by the Government before the signature, such simple agreement may enter into force on the date of the signature (one-stage process). If the information on

the intended conclusion does not include the final text of the simple agreement, the Government shall approve it after its signing. In such cases, the simple agreement has to be approved by the Government after its signature (two-stage process).

2.1.4 Are there any differences in the procedures when considering multilateral vs bilateral treaties?

The procedure for concluding a treaty, which is subject to ratification, is the same for bilateral and multilateral treaties, the only difference is with regard to accession where the procedure is simplified. In case of accession, the ratification process is started as soon as a competent administrative authority decides that Slovenia should accede to the treaty. With regard to a simple agreement, the procedure is the same do bilateral and multilateral treaties.

2.1.5 Are there certain denominations of treaties, which, according to your domestic law, always imply a treaty in simplified form?

No, we always determine the legal nature of each international instrument on its content and never solely by its name.

2.1.6 Is the procedure for obtaining the mandate for negotiations differentiated according to different categories of treaties? If yes, how?

For treaties, that are subject to ratification, the mandate for negotiations must be obtained from the Government and the National Assembly's working body responsible for foreign affairs. For simple agreements the mandate for negotiations is not necessary.

2.1.7 Are the signatories of all categories of treaties required to produce full powers upon signature or just some of them?

Full powers are necessary only for treaties, that are subject to ratification. Full powers are not necessary for the signature of simple agreements.

2.1.8 Do you allow for electronic signature of treaties? If so, are there certain requirements concerning what type of electronic signature is acceptable? Do you accept the electronic transmission of treaties instead of the exchange of physical copies? What is the procedure?

We do not allow the electronic signature of treaties that are subject to ratification. Such treaties must be signed by hand, and the signed physical copies must be exchanged.

For simple agreements we may, in exceptional circumstances accept an electronic signature (which has to be an official signature, not just a scan (facsimile) of a signature) and the electronic transmission of such electronically signed treaty. There is no particular procedure. We would only accept the electronic transmission if a simple agreement has been signed electronically, otherwise the signed physical copies would have to be exchanged.

2.2 Procedure after conclusion

2.2.1 Does the internal procedure for expressing consent to be bound change based on different categories or treaties (i.e., ratification, approval, acceptance, etc.) if so, please explain.

In Slovenia, a signature does not have the effect of consent to be bound by a treaty, which is subject to ratification. The treaties have to be ratified and simple agreements have to be approved. If the text of a treaty, which is subject to ratification in the Republic of Slovenia, provides that it can be bound by a signature, it may only be signed subject to ratification. However, when a text of a simple agreement is agreed upon and its final text approved by the Government before the signature, a signature may have the effect of consent to be bound by it and such simple agreement may enter into force on the date of the signature.

2.2.2 Is entry into force of a treaty possible on the date of the signature? If yes, what are the procedural requirements that enable such entry into force?

The entry into force on the date of the signature is not possible for treaties, that are subject to ratification. However, when a text of a simple agreement is agreed upon and its final text approved by the Government before the signature, such simple agreement may enter into force on the date of the signature.

2.2.3 If entry into force is not possible on the date of the signature, is it possible to use provisional application for an earlier application of such treaty?

Where the National Assembly is responsible for ratifying a treaty, the National Assembly's working body responsible for foreign policy may approve the provisional application of parts or provisions of the treaty that do not require legislative amendments or new legislation when deciding on the proposal to conclude the treaty pursuant to Article 6 of this Act. For treaties, which are ratified by the Government and for simple Agreements, the Government is responsible for the approval of provisional application which has to be done before the signature.

2.3 Form

2.3.1 Do different categories of treaties require specific form when the text is prepared for signature (i.e. printing on treaty paper, sealing, treaty folder)?

Yes. Treaties, that are subject to ratification, are printed on the Slovenian treaty paper and bound in a treaty folder. They can be, if so agreed with the other party (or parties), sealed. Simple agreements are printed one sided on an A4 paper and inserted into the signature folder (not bound).

2.3.2 Who prepares the text of different categories of treaties for signature?

The finalised text of a bilateral treaty, that is subject to ratification, is sent to the International Law Department of the Ministry of Foreign and European Affairs by the competent administrative authority that negotiated the treaty. The International Law Department of the Ministry of Foreign and European Affairs prepares the text of a bilateral treaty for signing. The simple agreement is prepared for signature either by the Ministry of Foreign and European Affairs or by the competent administrative authority.

2.4 Implementation

How are treaties not requiring parliamentary approval implemented in national legislation in order to ensure respect of the principle of pacta sunt servanda in accordance with Article 26 of the VCLT?

The competent administrative authority is responsible for the implementation of treaties and simple agreements.

2.5 Publication, Registration and Depositary

2.5.1 Do all categories of treaties have to be published?

Treaties that are subject to ratification must be published in the Official Gazette of the Republic of Slovenia.

Simple agreements may also be published in the Official Gazette of the Republic of Slovenia. In such cases, the decision on the approval of the simple agreement (prepared by the competent administrative authority and approved by the Government) and its text are published in the Official Gazette of the Republic of Slovenia following an approval by the Government.

2.5.2 If not, which categories do not need to be published and made available to the general public? Is there room for discretion?

Simple agreements do not have to be published. The competent administrative authority shall propose to the Government that the approval decision, together with the text of the simple agreement, be published in the Official Gazette of the Republic of Slovenia, where necessary for implementing or understanding the obligations under the relevant treaty. However all categories are public and have to be available to the general public, if requested under Public Information Access Act.

2.5.3 Which authority decides whether a treaty should not to be published?

As stated above a competent administrative authority decides on whether a simple agreement should or should not be published in the Official Gazette of the Republic of Slovenia.

2.5.4 Where is each category of treaty published (Official Gazette, website, database, etc.)?

Treaties that are subject to ratification have to be published in the Official Gazette of the Republic of Slovenia. Simple agreements may be published in the Official Gazette of the Republic of Slovenia or online (on the central website of the state administration).

2.5.5 Which categories of treaties are registered with the UN Secretariat?

Only the treaties that are ratified by the National Assembly or by the Government are registered with the UN Secretariat.

2.5.6 Where are the originals (or certified true copies) of different categories of treaties kept (e.g. MFA, authority responsible for their implementation, state archives)?

The originals (or certified true copies) of all international instruments (treaties and simple agreements) are kept in archives of the Ministry of Foreign and European Affairs (International Law Department).