



REPUBLIC OF SLOVENIA
MINISTRY OF THE ENVIRONMENT, CLIMATE AND ENERGY

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Number: 35403-12/2023-2570
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Subject: **Nagoya-Kuala Lumpur Supplementary Protocol on Liability and
Redress: Notification No. 2023-109**

Dear Sir/Madam,

In a response to a notification No. 2023-109 in relation to a decision CP-10/13 I'm happy to provide information on measures to provide for financial security for damage from living modified organisms in Slovenia in accordance with provisions of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress.

Slovenia is a Party to the Supplementary Protocol from 2014.

Slovenia is also a member state of the European Union and the necessary measures for the implementation of the Supplementary Protocol are introduced through a transposition of the *Directive 2004/35/EC on environmental liability with regard to prevention and remedying of environmental damage* into national legislation.

The Directive establishes a framework based on the "polluter pays" principle, according to which the polluter pays and repairs when environmental damage occurs. The directive is implemented in national legislation in the Slovenian Environmental Protection Act (Official Gazette of RS, No. 44/22, 18/23–ZDU-10 and 78/23–ZUNPEOVE) therefore provides for response measures to be taken in case of damage resulting from LMOs or in a case there is sufficient likelihood that damage will result if response measures are not taken.

An operator is defined as permit holder, person who placed the LMO on the market, developer, producer, notifier, exporter, importer, carrier and supplier. A polluter is defined as an operator who directly or indirectly causes an environmental damage.

Producing and handling the LMOs is defined as an operation that may cause an environmental damage.

The operator is required to take measures to avoid damage using LMOs as provided in a permit. In the case of an incident the operator must take immediate response measures to avoid damage, inform the competent authority of the incident and damage, evaluate the damage, and take response measures.

The Competent authority for carrying out the functions set out in the Supplementary Protocol is Ministry of the Environment, Climate and Energy.

In the case of the environmental damage the Competent authority would identify the operator that caused the damage, evaluate the damage, determine response

measures to be taken by operator, implement response measures and recover costs and expenses of the evaluation of the damage and the implementation of any response measures from the operator.

The system is based on the "polluter pays" principle and on the subsidiary responsibility of the state, therefore there are no specific measures to provide for financial security for damage resulting from LMOs.

In Slovenia there has been no occurrences of damage resulting from LMOs to this date.

Sincerely yours,

Martin Batič



National Cartagena Protocol Focal Point

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