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Pursuant to the third paragraph of Article 13 of the Banking Act (Official Gazette of the Republic of Slovenia, Nos. 92/21 and 123/21 [ZBNIP]; hereinafter: the ZBan-3), and the first paragraph of Article 31 of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 [official consolidated version], 59/11 and 55/17), the Governing Board of Bank of Slovenia hereby issues the following

REGULATION

on the application of the Guidelines on transfer of data between Trade Repositories under EMIR and SFTR

**Article 1
(purpose and field of application of guidelines)**

- (1) Pursuant to Article 16(1) of Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331 of 15 December 2010, p. 84), last amended by Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150 of 9 June 2023, p. 40) (hereinafter: Regulation 1095/2010/EU), on 5 January 2024 the European Securities and Markets Authority (hereinafter: the ESMA) published the Guidelines on transfer of data between Trade Repositories under EMIR and SFTR (ESMA74-362-2351; hereinafter: the guidelines) on its website.
- (2) The guidelines set out in detail:
 1. the reporting without duplication of details of derivatives by counterparties or entities reporting on their behalf and by central counterparties under Article 9(1) of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201 of 27 July 2012, p. 1), last amended by the Corrigendum to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 92 of 30 March 2023, p. 29) (hereinafter: Regulation 648/2012/EU), and the reporting of details of securities financing transactions by counterparties or entities reporting on their behalf in accordance with Article 4(1) of Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337 of 23 December 2015, p. 1), last amended by Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22 of 22 January 2021, p. 1) (hereinafter: Regulation 2015/2365/EU);
 2. the procedures for portability under Article 78(9) of Regulation 648/2012/EU in connection with Article 5(2) of Regulation 2015/2365/EU;

3. the transfer of derivatives and securities financing transactions between trade repositories at the request of counterparties or entities reporting on their behalf, or in the situation where the registration of a trade repository has been withdrawn in accordance with Article 79(3) of Regulation 648/2012/EU in connection with Article 5(2) of Regulation 2015/2365/EU;
4. the record-keeping of details of derivatives in accordance with Article 80(3) of Regulation 648/2012/EU in connection with Article 5(2) of Regulation 2015/2365/EU;
5. the registration of trade repositories under Article 21(2) of Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository (OJ L 52 of 23 February 2013, p. 25), last amended by Commission Delegated Regulation (EU) 2022/1857 of 10 June 2022 amending the regulatory technical standards laid down in Delegated Regulation (EU) No 150/2013 as regards the details of the applications for registration as a trade repository and for applications for extension of registration as a trade repository (OJ L 262 of 7 October 2022, p. 41), and under Article 21(2) of Commission Delegated Regulation (EU) 2019/359 of 13 December 2018 supplementing Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to regulatory technical standards specifying the details of the application for registration and extension of registration as a trade repository (OJ L 81 of 22 March 2019, p. 45).

(3) The guidelines are addressed to:

1. financial and non-financial counterparties in derivatives transactions referred to in Articles 2(8) and 2(9) of Regulation 648/2012/EU and securities financing transactions referred to in Article 3(2) of Regulation 2015/2365/EU, and trade repositories referred to in Article 2(2) of Regulation 648/2012/EU that are registered or recognised by the ESMA;
2. competent authorities referred to in Article 2(13) of Regulation 648/2012/EU and Article 16 of Regulation 2015/2365/EU.

Article 2

(content of regulation and scope of application of guidelines)

(1) By virtue of this regulation Bank of Slovenia sets out the application of the guidelines, and all future amendments thereto unless provided otherwise by Bank of Slovenia in respect of a particular amendment to the guidelines, to:

1. banks and savings banks for whose supervision it is responsible in accordance with the third paragraph of Article 3 of the Decree on the implementation of the Regulation (EU) on OTC derivatives, central counterparties and trade repositories (Official Gazette of the Republic of Slovenia, No. 8/19 of 7 February 2019; hereinafter: Decree on the implementation of the EMIR) and the second paragraph of Article 2 of the Act Implementing the Regulation (EU) on the Transparency of Securities Financing Transactions and of Reuse (Official Gazette of the Republic of Slovenia, No. 55/17 of 6 October 2017; hereinafter: the ZIUPVP) (hereinafter: banks); and
2. Bank of Slovenia, when in accordance with Decree on the implementation of the EMIR and the ZIUPVP in its role as the competent authority it is exercising supervisory powers and tasks over banks referred to in point 1 of this paragraph.

(2) Banks referred to in point 1 of the first paragraph of this article shall take full account of the provisions of the guidelines in the parts addressed to banks.

(3) In exercising its supervisory powers and tasks in accordance with Regulation 648/2012/EU, Regulation 2015/2365/EU, Decree on the implementation of the EMIR and the ZIUPVP, Bank of

Slovenia shall take full account of the provisions of the guidelines in the parts relating to the exercise of the powers and tasks of the competent authority.

Article 3
(entry into force)

This regulation shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 29 January 2024

Boštjan Vasle
President,
Governing Board of Bank of Slovenia