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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 for reporting under EMIR

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. 1) (hereinafter: Regulation 1095/2010/EU), on 23 October 2023 the European Securities and Markets Authority published the Guidelines for reporting under EMIR (ESMA74-362-2281; hereinafter: the guidelines) on its website.

(2) The guidelines set out in detail the derivatives reporting obligation as stated in Article 9 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 trade repositories' obligations under Articles 78 and 81 of Regulation 648/2012/EU.

(3) The guidelines are addressed to:

1. financial and non-financial counterparties to derivatives referred to in Articles 2(8) and 2(9) of Regulation 648/2012/EU, and trade repositories referred to in Article 2(2) of Regulation 648/2012/EU; and
2. competent authorities referred to in Article 2(13) of Regulation 648/2012/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: the decree on the implementation of the EMIR) (hereinafter: banks); and
2. Bank of Slovenia, when in accordance with the decree on the implementation of the EMIR 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 and the decree on the implementation of the EMIR, 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