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- Official Gazette of the Republic of Slovenia, No. 113/23 of 10 November 2023 (in force since 11 December 2023)
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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 Banka Slovenije Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 [official consolidated version], 59/11 and 55/17), the Governing Board of Banka Slovenije hereby issues the following

REGULATION

on the application of the Guidelines on overall recovery capacity in recovery planning

Article 1
(purpose and field of application of guidelines)

- (1) Pursuant to Article 16(1) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331 of 15 December 2010, p. 12), last amended by Regulation (EU) No 2019/2175 of the European Parliament and of the Council of 18 December 2019 (OJ L 334 of 27 December 2019; p. 1) (hereinafter: Regulation (EU) No 1093/2010), on 9 November 2021 the European Banking Authority published the Guidelines on overall recovery capacity in recovery planning (EBA/GL/2023/06; hereinafter: the guidelines) on its website.
- (2) In accordance with Articles 5 and 7 and point (1) of Section A of the Annex to Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173 of 12 June 2014, p. 190), last amended by Corrigendum (EU) 2019/879 (OJ L 92 of 30 March 2023, p. 33), and Section II of Chapter 1 of Commission Delegated Regulation (EU) 2016/1075 of 23 March 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of recovery plans, resolution plans and group resolution plans, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges (OJ L 184 of 8 July 2016, p. 1), the guidelines specify how institutions should include a summary of their overall recovery capacity in recovery and group recovery plans. The guidelines also specify how competent authorities should assess the overall recovery capacity of institutions within the context of the assessment of the recovery and group recovery plans in accordance with Articles 6 and 8 of the aforementioned directive and with Section III of Chapter 1 of the aforementioned commission delegated regulation.
- (3) The guidelines are addressed to:

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1. financial institutions referred to in Article 4(1) of Regulation (EU) No 1093/2010, where these financial institutions fall within the scope of the guidelines; and
2. competent authorities referred to in points (i) and (viii) of Article 4(2) of Regulation (EU) No 1093/2010.

**Article 2
(content of regulation and scope of application of guidelines)**

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

1. banks and savings banks for whose supervision Banka Slovenije is responsible in accordance with the ZBan-3 and Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287 of 29 October 2013, p. 63) (hereinafter: banks) and that are required to meet obligations under Section 6.7 of the ZBan-3 in connection with the preparation of a recovery plan; and
2. Banka Slovenije, when in accordance with the ZBan-3 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) In preparing a recovery plan, banks referred to in point 1 of the first paragraph of this article that are required to meet obligations under Section 6.7 of the ZBan-3 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 the ZBan-3 and Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176 of 27 June 2013), last amended by a Corrigendum (OJ L 105 of 20 April 2023), Banka Slovenije 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 fifteenth day after its publication in the Official Gazette of the Republic of Slovenia, and shall begin to be applied on 11 December 2023.

Ljubljana, 7 November 2023

Boštjan Vasle
President,
Governing Board of Banka Slovenije