

**THIS TEXT IS UNOFFICIAL TRANSLATION AND MAY NOT BE USED AS A BASIS FOR
SOLVING ANY DISPUTE**

- Official Gazette of the Republic of Slovenia, No. 115/21 of 16 July 2021 (in force since 31 July 2021)

Pursuant to the third paragraph of Article 7 of the Banking Act (Official Gazette of the Republic of Slovenia, No. 92/21; 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 the Bank of Slovenia hereby issues the following

REGULATION
on the criteria for designation of a significant bank

Article 1
(content of regulation)

(1) This regulation sets out detailed criteria for the designation of a significant bank or savings bank (hereinafter: bank) in connection with the implementation of the following requirements set out for significant banks by 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 investment firms and amending Regulation (EU) No 648/2012 (OJ L 176 of 27 June 2013, p 1; hereinafter: Regulation (EU) No 575/2013) with amendments, in particular:

- (a) in connection with the conditions for members of the management body who simultaneously hold multiple directorships (third paragraph of Article 38 of the ZBan-3),
- (b) in connection with the appointment of a remuneration committee and a nomination committee (fourth paragraph of Article 51 of the ZBan-3),
- (c) with regard to the establishment of a compliance department (first paragraph of Article 166 of the ZBan-3),
- (d) in connection with the deferral period of variable remuneration for a member of the management body and senior management (point 4 of the second paragraph of Article 190 of the ZBan-3).

(2) Whenever this regulation makes reference to the provisions of other regulations, these provisions shall apply in their valid wording at the time in question.

Article 2
(definition of terms)

The terms used in this regulation shall have the same meanings as in the ZBan-3 and Regulation (EU) No 575/2013, and in regulations issued on their basis.

Article 3
(criteria for designation of significant bank)

(1) For the purpose of the designation of a significant bank under point 25 of the first paragraph of Article 7 of the ZBan-3, the criteria taken into account shall be those defined by the Regulation on the application of the Guidelines on the criteria to determine the conditions of application of Article 131(3) of Directive 2013/36/EU (CRD) in relation to the assessment of other systemically important institutions (O-SIIs) (Official Gazette of the Republic of Slovenia, Nos. 66/15 and 68/17).

(2) Having regard for the previous paragraph, a bank that has been designated as an other systemically important institution pursuant to Article 242 of the ZBan-3 shall be designated by the Bank of Slovenia as a significant bank under point 25 of the first paragraph of Article 7 of the ZBan-3.

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A bank that is an EU parent bank or a parent bank established in the Republic of Slovenia or a bank that is a subsidiary of a parent financial holding company or a mixed financial holding company where the holding company is established in the Republic of Slovenia shall be designated by the Bank of Slovenia as a significant bank under point 25 of the first paragraph of Article 7 of the ZBan-3 when the group has been designated as an other systemically important institution pursuant to Article 242 of the ZBan-3.

(3) In addition to banks designated as significant on the basis of the criteria set out in the first paragraph of this article, a bank that is classified as one of the three most significant credit institutions in the Republic of Slovenia in accordance with a decision by the European Central Bank as the competent authority responsible for exercising powers and tasks of prudential supervision of banks in accordance with 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) in connection with the definition of the three most significant credit institutions in the Republic of Slovenia shall be designated by the Bank of Slovenia as a significant bank under point 25 of the first paragraph of Article 7 of the ZBan-3.

(4) Notwithstanding the criteria set out in the first and third paragraphs of this article, a bank that does not meet the criteria for designation as a significant bank may be designated as a significant bank by the Bank of Slovenia when owing to its attributes the bank could have a substantial impact on the financial system of the Republic of Slovenia in the event of a considerable deterioration in its operations, or its winding-up or the cessation of its activities.

**Article 4
(decision on designation of significant bank)**

(1) Via a decision the Bank of Slovenia shall determine that the criteria set out in the previous article have been met, and shall designate the bank as a significant bank.

(2) A bank that via a decision has been designated as significant pursuant to the previous article shall meet all the requirements set out for a significant bank by the ZBan-3 and Regulation (EU) No 575/2013, and by regulations issued on their basis.

(3) If after the issuance of the decision on the designation of a significant bank there arise circumstances based on which the bank no longer meets the criteria set out in the previous article, the Bank of Slovenia shall, at the bank's proposal or *ex officio*, issue a decision to withdraw its status as a significant bank.

**Article 5
(compliance with requirements)**

(1) When in accordance with a decision issued pursuant to this regulation there is a change in the requirements for a bank, the bank shall comply with the new requirements within three months of the day that it received the decision.

(2) The previous paragraph notwithstanding, the Bank of Slovenia may, at the bank's proposal or *ex officio*, decide on a different period for the bank's compliance with the aforementioned requirements.

**Article 6
(continued validity of decisions)**

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Decisions on the designation of significant banks issued pursuant to the Regulation on the criteria for designation of a significant bank (Official Gazette of the Republic of Slovenia, Nos. 17/18 and 92/21 – ZBan-3) shall remain in force until the issuance of new decisions.

**Article 7
(cessation of validity)**

On the day that this regulation enters into force, the Regulation on the criteria for designation of a significant bank (Official Gazette of the Republic of Slovenia, Nos. 17/18 and 92/21 – ZBan-3) shall cease to be in force.

**Article 8
(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.

Ljubljana, 13 July 2021

Boštjan Vasle
President
of the Governing Board of the Bank
of Slovenia