

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. 205/21 of 29 December 2021 (in force since 1 January 2022)

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 the Bank of Slovenia hereby issues the following

REGULATION

on the application of the Guidelines specifying the criteria to assess the exceptional cases when institutions exceed the large exposure limits of Article 395(1) of Regulation (EU) No 575/2013 and the time and measures to return to compliance pursuant to Article 396(3) of Regulation (EU) No 575/2013

Article 1

(purpose and field of application of guidelines)

(1) Pursuant to the first paragraph of Article 16 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) 2019/2175 of the European Parliament and of the Council of 18 December 2019 amending Regulation (EU) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority), Regulation (EU) No 1094/2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority), Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds, and Regulation (EU) 2015/847 on information accompanying transfers of funds (OJ L 334 of 27 December 2019, p. 1; hereinafter: Regulation (EU) No 1093/2010), the European Banking Authority published the Guidelines specifying the criteria to assess the exceptional cases when institutions exceed the large exposure limits of Article 395(1) of Regulation (EU) No 575/2013 and the time and measures to return to compliance pursuant to Article 396(3) of Regulation (EU) No 575/2013 (EBA/GL/2021/09; hereinafter: the Guidelines) on its website on 15 September 2021.

(2) The Guidelines lay down the criteria that the competent authorities must apply when assessing the exceptional cases set out in Article 396(1) of 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), last amended by Commission Implementing Regulation (EU) 2021/1043 of 24 June 2021 on the extension of the transitional provisions related to own funds requirements for exposures to central counterparties set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 225 of 25 June 2021, p. 52) (hereinafter: Regulation (EU) No 575/2013), and the cases when the competent authorities permit institutions to exceed the limits set in Article 395(1) of Regulation (EU) No 575/2013. The Guidelines also determine the criteria that the competent authorities must apply when setting deadlines for institutions to return to compliance with the large exposure limits set out in Article 395(1) of Regulation (EU) No 575/2013, and the measures that must be adopted to ensure the timely return to compliance with the aforementioned limits. The Guidelines also specify the additional information that must be provided to the competent authority when reporting the breach of a large exposure limit in accordance with Article 396(1) of Regulation (EU) No 575/2013.

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- (3) The Guidelines are addressed to:
1. the competent authorities referred to in point (i) of the second paragraph of Article 4 of Regulation (EU) No 1093/2010; and
 2. the financial institutions referred to in the first paragraph of Article 4 of Regulation (EU) No 1093/2010.

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

- (1) By virtue of this regulation the Bank of Slovenia sets out the application of the Guidelines and all their future amendments, unless stipulated otherwise by the Bank of Slovenia in respect of a particular amendment to the Guidelines, to:
1. banks and savings banks for whose supervision the Bank of Slovenia 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
 2. the Bank of Slovenia, 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) Banks referred to in point 1 of the previous paragraph 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, the 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 1 January 2022.

Ljubljana, 21 December 2021

Boštjan Vasle
President,
Governing Board of
the Bank of Slovenia