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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), the eleventh paragraph of Article 243 of the Payment Services, Electronic Money Issuance Services and Payment Systems Act (Official Gazette of the Republic of Slovenia, Nos. 7/18, 9/18 [corrigendum] and 102/20; hereinafter: the ZPlaSSIEd), 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 Banka Slovenije hereby issues the following

REGULATION

on the application of the Revised Guidelines on major incident reporting under PSD2

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; hereinafter: Regulation (EU) No 1093/2010), on 10 June 2021 the European Banking Authority published the Revised Guidelines on major incident reporting under PSD2 (EBA/GL/2021/03; hereinafter: the guidelines) on its website.

(2) The guidelines referred to in the first paragraph of this article specify the criteria for the classification of major operational or security incidents by payment service providers, as well as the format and procedures that they should follow to communicate such incidents to the competent authority in the home Member State, as laid down in Article 96(1) of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (hereinafter: Directive (EU) 2015/2366). In addition, the guidelines define the way that competent authorities should assess the relevance of incidents, and the details of incident reports that they share with other domestic authorities in accordance with Article 96(2) of Directive (EU) 2015/2366. The guidelines also deal with the sharing of the relevant details of incidents with the European Banking Authority and the European Central Bank, for the purposes of promoting a common and consistent approach.

(3) The guidelines apply to:

- payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 and as stated in Article 4(1) of Regulation (EU) No 1093/2010; and
- competent authorities as defined in point (i) 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 to:

1. banks and savings banks that in accordance with the ZBan-3 have obtained an authorisation to provide banking services in the Republic of Slovenia;
2. payment institutions and payment institutions with a waiver that in accordance with the ZPlaSSIEd have obtained an authorisation to provide payment services as a payment institution or a payment institution with a waiver in the Republic of Slovenia;
3. electronic money institutions and electronic money institutions with a waiver that in accordance with the ZPlaSSIEd have obtained an authorisation to provide electronic money issuance services in the Republic of Slovenia; and

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4. Banka Slovenije, when, in accordance with the ZPlaSSIED, 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), in its role as the competent authority it is exercising supervisory powers and tasks over entities referred to in points 1, 2 and 3 of this paragraph.

(2) Entities referred to in points 1, 2 and 3 of the first paragraph of this article shall take full account of the provisions of the guidelines in the parts addressed to payment service providers.

(3) In exercising its supervisory powers and tasks in accordance with the ZPlaSSIED, the ZBan-3 and Regulation (EU) No 575/2013, 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 1 January 2022.

On the day that this regulation enters into force, the Regulation on the application of the Guidelines on major incident reporting under Directive (EU) 2015/2366 (PSD2) (Official Gazette of the Republic of Slovenia, No. 11/18) shall cease to be in force.

Ljubljana, 19 October 2021

Boštjan Vasle
President,
Governing Board of Banka
Slovenije