

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 Guidelines on the limited network exclusion 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), 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), on 24 February 2022 the European Banking Authority published the Guidelines on the limited network exclusion under PSD2 (EBA/GL/2022/02; hereinafter: the guidelines) on its website.

(2) The guidelines specify the application of the exclusion under Article 3(k) 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, last amended by the Corrigendum to 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 (OJ L 337 of 23 December 2015, p. 35; hereinafter: Directive 2015/2366/EU), and specify details on the notification process under Article 37(2) of Directive 2015/2366/EU and on the description of the activity made publicly available under Article 37(5) of Directive 2015/2366/EU. The guidelines apply in relation to the services based on specific payment instruments that can be used only in a limited way as specified under Article 3(k) of Directive 2015/2366/EU that are excluded from the scope of application of the aforementioned directive. In particular the guidelines set out criteria and factors to be taken into account by competent authorities in the assessment of whether the activities should fall under the exclusions referred to in Article 3(k) of Directive 2015/2366/EU. The guidelines also apply to the notification process under Article 37(2) of Directive 2015/2366/EU, including the calculation of the threshold and the information to be contained in the notification submitted to competent authorities by issuers. In addition the guidelines apply to the information to be made publicly available on the national registers of competent authorities and the central register of the European Banking Authority in accordance with Article 37(5) of Directive 2015/2366/EU. Parts of these guidelines apply to services under Article 3(k) of Directive 2015/2366/EU that are provided by regulated payment service providers and electronic money issuers.

(3) The guidelines are addressed to the competent authorities referred to in point (vi) 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 future amendments thereto unless provided otherwise by Banka Slovenije in respect of a particular amendment to the guidelines, to Banka Slovenije, when as a competent authority it is performing supervisory tasks in the area of the provision of payment services and electronic money issuance services as set out by Article 9 of the ZBan-3 and Article 243 of the ZPlaSSIED.

(2) In exercising its supervisory powers and tasks in accordance with the ZPlaSSIED and the ZBan-3, Banka Slovenije shall take full account of the provisions of the guidelines.

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, 31 May 2022

Boštjan Vasle
President,
Governing Board of Banka
Slovenije