

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

**(unofficial consolidated text)**

- Official Gazette of the Republic of Slovenia, No. 9/17 of 24 February 2017 – basic text (in force since 25 February 2017)
- Official Gazette of the Republic of Slovenia, No. 26/17 of 26 May 2017 – addition (in force since 27 May 2017)

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Pursuant to the second paragraph of Article 37 of the Consumer Credit Act (Official Gazette of the Republic of Slovenia, No. 77/16; hereinafter: the ZPotK-2), and the third paragraph of Article 13 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] and 59/11), the Governing Board of the Bank of Slovenia hereby issues the following

**REGULATION**

**on the conditions for consumer credit intermediation applying to bank credit intermediaries**

**Article 1  
(content and application of regulation)**

- (1) This regulation sets out in detail:
  - (a) the conditions for consumer credit intermediation that apply to bank credit intermediaries, with the exception of consumer credits for immovable property,
  - (b) the administration of bank credit intermediaries' records of transactions concluded via intermediation, and
  - (c) the administration of banks' records of intermediation agreements concluded with credit intermediaries and credit agreements concluded via the intermediation of credit intermediaries.
- (2) The provisions of this regulation shall apply to credit intermediaries who provide services of consumer credit intermediation for a bank.
- (3) Wherever this regulation makes reference to the provisions of other regulations, these provisions shall apply in their wording applicable at the time in question.

**Article 2  
(definition of terms)**

- (1) The terms used in this regulation are the same as those defined in the ZPotK-2 and in the Banking Act (Official Gazette of the Republic of Slovenia, Nos. 25/15, 44/16 [ZRPPB] and 77/16 [ZCKR]; hereinafter: the ZBan-2).
- (2) The first paragraph of this article notwithstanding, for the purposes of this regulation a bank is a credit institution that is entitled to grant consumer credits in the territory of the Republic of Slovenia.
- (3) A credit intermediary of a bank (hereinafter: bank credit intermediary) is a natural or legal person who in the course of its business, trade or profession and on the basis of authority from a bank,

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presents or offers consumer credits to consumers, assists in procedures before the conclusion of a consumer credit agreement, or concludes consumer credit agreements with consumers on behalf of the bank.

(4) A credit intermediary in an ancillary capacity referred to in point 15 of Article 2 of the ZPotK-2 who acts as an intermediary of consumer credits for a bank shall also be deemed a bank credit intermediary.

(5) The fourth paragraph of this article notwithstanding, the provisions of Articles 6, 7, 8 and 9 of this regulation shall not apply to a bank credit intermediary in an ancillary capacity who provides services of consumer credit intermediation as a supplementary activity for the needs of its principal trading or service activity.

**Article 3  
(consumer credit intermediation agreement)**

(1) A bank credit intermediary may only provide services of consumer credit intermediation on the basis of a written consumer credit intermediation agreement concluded with a bank.

(2) A determination of the scope of the responsibilities of the bank and the bank credit intermediary in transgressing the scope of the bank credit intermediary's authorities referred to in Article 5 of this regulation is a mandatory integral part of the agreement referred to in the first paragraph of this article.

(3) In the event of the transgression of the bank credit intermediary's authorities, and should damage be incurred by the consumer during the provision of services of consumer credit intermediation, the bank and the bank credit intermediary shall be jointly and severally liable.

**Article 4  
(proof of status of bank credit intermediary)**

(1) On the basis of the conclusion of a consumer credit intermediation agreement referred to in the first paragraph of Article 3 of this regulation, the bank shall issue the bank credit intermediary with a written declaration making evident his/her/its status and the scope of his/her/its authorities referred to in the first paragraph of Article 5 of this regulation.

(2) Before commencing the provision of an individual credit intermediation transaction to a consumer, a bank credit intermediary shall identify himself/herself/itself by means of the bank's declaration referred to in the first paragraph of this article.

(3) The written declarations of all banks for whom a bank credit intermediary acts shall be clearly displayed in the bank credit intermediary's business premises.

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**Article 5  
(authorities of bank credit intermediary)**

- (1) In the agreement referred to in the first paragraph of Article 3 of this regulation, the bank and a bank credit intermediary acting for the bank shall set out the scope of the authorities of the bank credit intermediary, in particular defining:
- whether the intermediary presents and offers consumer credits, and assists in procedures before the conclusion of a credit agreement, whereby a consumer credit agreement is concluded with consumers by the bank, or
  - whether the intermediary concludes consumer credit agreements on behalf of the bank.
- (2) In addition to the authorities referred to in the first paragraph of this article, the bank and a credit intermediary acting for the bank shall also define in the agreement referred to in the first paragraph of Article 3 of this regulation the obligations in connection with consumer lending that the bank may transfer to the bank credit intermediary, and shall agree the method of communication for the exchange of information between the two in connection with the exercise of the authorities referred to in the first paragraph of this article.
- (3) A bank credit intermediary may neither solicit nor accept the settlement of the consumer's money liabilities for the account of the bank for which his/she/it is acting.

**Article 6  
(conditions and qualifications for staff)**

For the performance of tasks in connection with the intermediation of consumer credits, a bank credit intermediary shall hold a contract concluded with at least one person who has at least three years of working experience in providing lending or financial leasing services as defined in the ZBan-2.

**Article 7  
(technical and spatial conditions)**

- (1) The business premises of a bank credit intermediary shall have a separate space that provides the consumer with the requisite level of privacy.
- (2) A sign bearing the bank credit intermediary's business name and registered office or name and address shall be displayed in a visible location at the entrance to the business premises.
- (3) A residential property may not be used as business premises.
- (4) The business premises shall be equipped in a manner to provide for the safe, uninterrupted provision of the processes of consumer credit intermediation, and to allow the competent authorities to inspect and monitor the operations of the bank credit intermediary.
- (5) The bank credit intermediary shall have at his/her/its disposal the requisite information technology support to allow in particular for the administration of records of transactions concluded via intermediation, and to provide pre-contractual information and other obligations on the basis of the ZPotK-2.

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**Article 8  
(organisational conditions)**

- (1) A bank credit intermediary shall via internal rules set out the decision-making procedure and shall define persons' responsibilities in making decisions in individual work processes within the framework of the provision of services of consumer credit intermediation with regard to the extent and range of consumer credits.
- (2) The bank credit intermediary shall put in place procedures and measures for protection of personal data in accordance with the law governing personal data protection. The protection of their personal data shall be ensured for consumers in all phases of the business process.

**Article 9  
(business units)**

A bank credit intermediary may also provide services of consumer credit intermediation at regionally separate business units, provided that the conditions set out in Articles 6 and 7 of this regulation are met.

**Article 10  
(administration of records of bank credit intermediary)**

- (1) A bank credit intermediary shall administer a record of the type and number of consumer credit agreements concluded via his/her/its intermediation on the basis of agreed authorities referred to in the second indent of the first paragraph of Article 5 of this regulation, and on the amount of credit granted under such agreements, separately for each bank for which he/she/it acts.
- (2) The bank credit intermediary shall archive the record referred to in the first paragraph of this article for at least four years after the end of the financial year to which it relates.

**Article 11  
(administration of records of bank)**

- (1) On its website a bank shall publish and regularly update a list of its credit intermediaries that at a minimum encompasses the registration number and business name or first name and surname, and the registered office or the address of the individual credit intermediary, or a statement that it does not operate via credit intermediaries.
- (2) The bank shall administer records of:
  - all intermediation agreements concluded with bank credit intermediaries, amendments thereto, or the expiry thereof, and
  - the type and number of consumer credit agreements concluded via its credit intermediaries, and the amount of credit granted under such agreements, separately for each credit intermediary with whom it cooperates.
- (3) The bank shall archive the records referred to in the second paragraph of this article for at least four years after the end of the financial year to which they relate.

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**Article 12  
(transitional provision)**

By 30 June 2017 a bank credit intermediary shall adjust the intermediation agreement referred to in the first paragraph of Article 3 of this regulation to the conditions set out in the ZPotK-2, and shall obtain a new written declaration from the bank.

**Article 13  
(cessation of application of regulation)**

On the day that this regulation enters into force, the Regulation on the conditions to be met by bank credit intermediaries (Official Gazette of the Republic of Slovenia, Nos. 72/10 and 77/16 [ZPotK-2]) shall cease to be applied.

**Article 14  
(entry into force)**

This regulation shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia, and shall begin to be applied on 3 March 2017.

Ljubljana, 21 February 2017

Dr Primož Dolenc  
Deputy-President,  
Governing Board of the Bank of  
Slovenia

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**The Regulation amending the Regulation on the conditions for consumer credit intermediation applying to bank credit intermediaries (Official Gazette of the Republic of Slovenia, No. 26/17 of 26 May 2017) also includes the following provision:**

**"Article 2**

**This regulation shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia."**

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