

Pursuant to the third paragraph of Article 13 of the Banking Act (Official Gazette of the Republic of Slovenia, Nos. 25/15, 44/16 [ZRPPB], 77/16 [ZCKR] and 41/17; hereinafter: the ZBan-2), 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 and 9/18 [revision]; hereinafter: the ZPlaSSIED), and 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], 59/11 and 55/17), the Governing Board of the Bank of Slovenia hereby issues the following

**REGULATION**  
**on the application of the Guidelines on complaints-handling for the securities (ESMA)**  
**and banking (EBA) sectors**

**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, on 4 December 2018 the European Banking Authority issued the Guidelines on complaints-handling for the securities (ESMA) and banking (EBA) sectors (hereinafter: the guidelines), which are published on its website.

(2) The guidelines referred to in the first paragraph of this article regulate the requirements with regard to the handling of consumer complaints, in particular:

- the consumer complaints management policy,
- the consumer complaints management function,
- the registration of consumer complaints,
- the reporting and dissemination of information about consumer complaints,
- the internal follow-up of consumer complaints handling (including analysis),
- the provision of information about the complaints-handling process, the publication of information about the process, details of how to complain and the process that will be followed when handling a complaint,
- procedures for responding to complaints.

(3) The guidelines are *inter alia* addressed to:

- credit institutions as defined in Directive 2013/36/EU (the CRD IV) and Regulation (EU) No 575/2013 (the CRR),
- payment institutions as defined in Article 4(4) of Directive (EU) 2015/2366 (the PSD2), with the exception of account information service providers,
- electronic money institutions as defined in Article 2(1) of Directive 2009/110/EC (the EMD),
- competent authorities as defined in point (i) of Article 4(2) of Regulation (EU) No 1093/2010.

(4) The guidelines begin to apply to credit intermediaries and creditors that are non-credit institutions in accordance with Directive (EU) 2014/17 (the MCD) on 1 May 2019.

**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 to:

1. banks and savings banks that in accordance with the ZBan-2 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, and 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,

3. credit intermediaries and creditors that are non-credit institutions that in accordance with the ZPotK-2 have obtained an authorisation to provide real estate consumer credit services in the Republic of Slovenia, and

4. the Bank of Slovenia, when, in accordance with the ZPlaSSIED, the ZBan-2, the ZPotK-2 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 and 2 of this paragraph.

(2) In exercising its supervisory powers and tasks, 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 the day after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 10 December 2018

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