Pursuant to the fourth paragraph of Article 14 and the fourth paragraph of Article 159 of the Resolution and Compulsory Winding-Up of Banks Act (Official Gazette of the Republic of Slovenia, No. 92/21), and in accordance with 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 calculation of annual fees in connection with the resolution and compulsory winding-up of banks and EU branches and the calculation of EU branches’ contributions for the purposes of resolution

1. GENERAL PROVISIONS

Article 1

(content of regulation)

This regulation sets out the detailed rules for the calculation of:

1. ex-ante and extraordinary ex-post contributions by EU branches for the purposes of resolution under the terms and conditions set out by Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225 of 30 July 2014, p. 1), last amended by Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314 of 5 December 2019, p. 1; hereinafter: Regulation (EU) No 806/2014) and the Resolution and Compulsory Winding-Up of Banks Act (Official Gazette of the Republic of Slovenia, No. 92/21; hereinafter: the ZRPPB-1), and
2. the annual fee charged by Banka Slovenije to banks and EU branches in connection with the exercise of the powers and tasks exercised by Banka Slovenije with regard to resolution and compulsory winding-up pursuant to Regulation (EU) No 806/2014 and the ZRPPB-1.

Article 2

(definition of terms)

 The terms used in this regulation shall have the same meaning as in the provisions of the ZRPPB-1, the Delegated Regulation (EU) governing ex-ante contributions to schemes for financing resolution, the law governing banking, the Regulation (EU) governing prudential requirements for credit institutions, and regulations issued on their basis.

2. CALCULATION OF EU BRANCHES’ CONTRIBUTIONS FOR RESOLUTION

Article 3

(calculation of ex-antecontributions)

(1) The annual ex-ante contribution of an EU branch is a lump sum in the amount of EUR 15,000 per individual EU branch.

(2) In individual cases Banka Slovenije may stipulate a different amount of the ex-ante contribution for an EU branch, having regard for the circumstances set out in the third paragraph of Article 159 of the ZRPPB-1.

(3) If the institution is being newly supervised for only a certain part of a contribution period, its partial annual contribution shall be charged together with the annual contribution for the subsequent contribution period.

Article 4

(calculation of extraordinary ex-postcontributions)

(1) In the event of the need for payment of extraordinary ex-post contributions, the amount of the extraordinary ex-post contribution of an EU branch is calculated having regard for the ratio of the amount of the annual contribution paid by the EU branch to the total amount of the annual contributions of all banks and EU branches.

(2) The extraordinary contributions in an individual year may not exceed three times the amount of the annual contribution.

3. ANNUAL FEE IN CONNECTION WITH RESOLUTION AND COMPULSORY WINDING-UP OF BANKS AND EU BRANCHES

Article 5

(calculation of annual fee)

(1) For the purpose of calculating the annual fee, Banka Slovenije shall calculate the total amount of the annual fee on the basis of the costs actually incurred by Banka Slovenije in connection with the powers and tasks exercised by Banka Slovenije with regard to resolution and compulsory winding-up pursuant to the ZRPPB-1 and Regulation (EU) No 806/2014 in the individual year for which the fee is being charged. The total amount of the annual fee in an individual financial year shall not exceed Banka Slovenije’s actual costs in the year in question. The actual costs shall encompass Banka Slovenije’s direct and indirect costs in connection with the exercise of powers and tasks with regard to resolution and compulsory winding-up in accordance with the ZRPPB-1 and Regulation (EU) No 806/2014. The determination of Banka Slovenije’s actual costs shall not take account of costs incurred by Banka Slovenije in connection with specific resolution or compulsory winding-up proceedings.

 (2) The amount of a fee-payer’s annual fee for a particular year is the sum of the fixed and variable parts, and shall be calculated on the basis of the Banka Slovenije regulation governing annual fees for supervision and fees in connection with decision-making procedures of Banka Slovenije, and the appendix thereto that sets out the methodology for calculating the annual fee for supervision.

(3) When an entity obtains fee-payer status for the payment of the annual fee during a particular calendar year, the number of full months for which it is liable for the fee shall be taken into account on a *pro rata* basis for the payment of the annual fee.

(4) When a fee-payer loses its status as a bank or EU branch during a particular calendar year and has a legal successor that itself is a fee-payer for the payment of an annual fee referred to in the first paragraph of this article, the number of full months for which it is liable for the fee shall be taken into account on a *pro rata* basis in the payment of the annual fee by its legal successor. If the fee-payer has no legal successor, or its legal successor is not a fee-payer for the annual fee referred to in the first paragraph of this article, the proportionate part of the annual fee shall be distributed among all fee-payers set out in the first paragraph of this article, in accordance with the methodology referred to in the second paragraph of this article.

Article 6

(notification of fee-payer upon issuance of invoice)

By the deadline set out in the third paragraph of Article 14 of the ZRPPB-1, Banka Slovenije shall issue an individual fee-payer with an invoice stipulating the amount of the actual costs of resolution and compulsory winding-up, the amount of the total annual fee and the amount to be paid by the fee-payer.

4. TRANSITIONAL AND FINAL PROVISIONS

Article 7

(repeal of regulations)

##  On the day that this regulation enters into force, the Regulation on the calculation of annual fees in connection with the resolution and compulsory winding-up of banks and EU branches and EU branches’ contributions for the purposes of resolution (Official Gazette of the Republic of Slovenia, No. 159/21) shall cease to be in force.

Article 8

(entry into force)

This regulation shall enter into force fifteen days after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 21 December 2021

**Boštjan Vasle**

**President, Governing Board of Banka Slovenije**