

- Official Gazette of the Republic of Slovenia, No. 153/21 of 24 September 2021

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), the second paragraph of Article 13 of the Foreign Exchange Act (Official Gazette of the Republic of Slovenia, Nos. 16/08, 85/09 and 109/12; hereinafter: the ZDP-2), the first paragraph of Article 151 of the Prevention of Money Laundering and Terrorist Financing Act (Official Gazette of the Republic of Slovenia, Nos. 68/16, 81/19, 91/20 and 2/21 [corrigendum]; hereinafter: the ZPPDFT-1), and the first paragraph of Article 31 and the third paragraph of Article 43 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 customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions

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 1 March 2021 the European Banking Authority published the Guidelines on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions (the ML/TF Risk Factors Guidelines [EBA/GL/2021/02]; hereinafter: the guidelines) on its website.

(2) The guidelines set out the factors that credit and financial institutions should consider when assessing the money laundering and terrorist financing (hereinafter: ML/TF) risk associated with a business relationship or with the execution of occasional transactions. They also set out how credit and financial institutions should adjust the extent of their customer due diligence measures in a way that is commensurate to the ML/TF risk that they have identified. The guidelines also stipulate that in accordance with Article 8 of Directive (EU) 2015/849 of the European Parliament and the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141 of 5 June 2015, p 73; hereinafter: Directive (EU) 2015/849), credit and financial institutions should apply the guidelines *mutatis mutandis* when assessing ML/TF risk across their business.

(3) The guidelines are addressed to:

1. credit and financial institutions referred to in Articles 3(1) and 3(2) of Directive (EU) 2015/849; and

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BANKA SLOVENIJE

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2. competent authorities responsible for supervising the compliance of credit and financial institutions in the performance of their AML/CFT obligations.

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 their future amendments, unless provided otherwise by Banka Slovenije in respect of a particular amendment to the guidelines, to:

1. obliged entities for whose supervision Banka Slovenije is responsible in accordance with the ZPPDFT-1:
 - a) banks and savings banks referred to in points 1 and 2 of the first paragraph of Article 4 of the ZPPDFT-1;
 - b) payment institutions referred to in point 3 of the first paragraph of Article 4 of the ZPPDFT-1;
 - c) electronic money institutions referred to in point 15 of the first paragraph of Article 4 of the ZPPDFT-1;
 - d) currency exchange offices referred to in point 16 of the first paragraph of Article 4 of the ZPPDFT-1; and
2. Banka Slovenije, when in accordance with the ZBan-3, the ZPlaSSIED, the ZDP-2 and the ZPPDFT-1 in its role as the competent authority it is exercising supervisory powers and tasks over entities referred to in point 1 of this paragraph.

(2) Obligated entities referred to in the previous paragraph shall take full account of the provisions of the guidelines in the parts addressed to banks.

(3) In exercising its supervisory powers and tasks in accordance with the ZBan-3, the ZPlaSSIED, the ZDP-2 and the ZPPDFT-1, 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 **(transitional provision)**

On the day that this regulation enters into force, the Regulation on the application of the Joint Guidelines under Articles 17 and 18(4) of Directive (EU) 2015/849 on simplified and enhanced customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions (Official Gazette of the Republic of Slovenia, No. 14/18) shall cease to be in force.

Article 4 **(entry into force)**

This regulation shall enter into force 15 days after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 14 September 2021

Boštjan Vasle
President,
Governing Board of Banka Slovenije