

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), 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 equivalence of confidentiality regimes**

#### **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), 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), on 3 May 2022 the European Banking Authority published the Guidelines on the equivalence of confidentiality regimes (EBA/GL/2022/04; hereinafter: the guidelines) on its website.

(2) The guidelines concern the assessment by competent authorities of whether the confidentiality and professional secrecy regime to which the third-country authorities referred to in the Annex are subject is equivalent to the conditions set out in Title VII, Chapter 1, Section II of Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176 of 27 June 2013, p. 338), last amended by OJ L 68 of 26 February 2021; Article 24 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 (OJ L 337 of 23 December 2015, p. 35), last amended by a corrigendum (OJ L 102 of 23 April 2018); Articles 84 and 98 of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (BRRD) (OJ L 173 of 12 June 2014, p. 190), last amended by a corrigendum (OJ L 283 of 31 August 2020) and Chapter VI, Section 3, Subsection IIIa of Directive (EU) 2015/849 of the European Parliament and of 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), last amended by OJ L 334 of 27 December 2019.

(3) The guidelines are addressed to competent authorities as defined in point (2) of Article 4 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 their future amendments, unless stipulated otherwise in respect of a particular amendment to the guidelines, to Banka Slovenije when it is exercising supervisory powers and tasks over banks in its role as the competent authority in accordance with the ZBan-3.

(2) In exercising its supervisory powers and tasks in accordance with the ZBan-3 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), last amended by a corrigendum (OJ L 150 of 7 June 2019), 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**  
**(repeal of regulations)**

On the day that this regulation enters into force, the Regulation on the application of the Recommendations on the equivalence of confidentiality regimes (Official Gazette of the Republic of Slovenia, Nos. 66/15, 2/17, 59/17, 67/18, 58/19 and 101/20) shall cease to be in force.

**Article 4**  
**(entry into force)**

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

Ljubljana, 26 July 2022

**Boštjan Vasle**  
President,  
Governing Board of Banka  
Slovenije