

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

- Official Gazette of the Republic of Slovenia, No. 104/20 of 24 July 2020 (in force since 25 July 2020)

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], 41/17, 77/18 [ZTFI-1], 22/19 [ZIUDSOL] and 44/19 [constitutional court decision]; hereinafter: the ZBan-2), Article 83 of the Consumer Credit Act (Official Gazette of the Republic of Slovenia, No. 77/16; hereinafter: the ZPotK-2) 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 loan origination and monitoring

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 29 May 2020 the European Banking Authority published the Guidelines on loan origination and monitoring (EBA/GL/2020/06; hereinafter: the guidelines) on its website.

(2) The guidelines specify the internal governance arrangements, processes and mechanisms as laid down in Article 74(1) 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 (hereinafter: Directive 2013/36/EU), amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176 of 27 June 2013, p 338), requirements on credit and counterparty risk as laid down in Article 79 of Directive 2013/36/EU, and requirements in relation to the creditworthiness assessment of the consumer as laid down in Chapter 6 of Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60 of 28 February 2014, p 34) and Article 8 of Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133 of 22 May 2008, p 66).

(3) The guidelines are addressed to:

1. financial institutions referred to in Article 4(1) of Regulation (EU) No 1093/2010; and
2. competent authorities referred to in points (i), (iii), (vi) and (vii) of Article 4(2) 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 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 (hereinafter: banks);

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2. creditors referred to in the fourth indent of the first paragraph of Article 58 of the ZPotK-2 (hereinafter: creditors);
3. Banka Slovenije, when in accordance with the ZBan-2 and the ZPotK-2 in its role as the competent authority it is exercising supervisory powers and tasks over the entities referred to in points 1 and 2 of this paragraph.

(2) Banks referred to in point 1 of the previous paragraph shall take full account of the provisions of the guidelines in the parts addressed to banks.

(3) Creditors referred to in point 2 of the previous paragraph shall take account of the provisions of Section 5 of the guidelines in the parts relating to operations in connection with the credit agreement for real estate in accordance with the ZPotK-2, with the exception of paragraph 93.

(4) In exercising its supervisory powers and tasks in accordance with 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), 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 regulation on application of EBA guidelines on creditworthiness assessment)

On the day that this regulation begins to be applied, the Regulation on the application of the EBA Guidelines on creditworthiness assessment (Official Gazette of the Republic of Slovenia, No. 12/17) shall cease to be in force.

Article 4

(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 30 June 2021.

Ljubljana, 21 July 2020

Boštjan Vasle
President,
Governing Board of Banka
Slovenije