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- Official Gazette of the Republic of Slovenia, No. 78/20 of 29 May 2020 (in force since 30 May 2020)
- Official Gazette of the Republic of Slovenia, No. 189/20 of 15 December 2020 (in force since 16 December 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) 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 legislative and non-legislative moratoria on loan payments applied in the light of the COVID-19 crisis

**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 2 April 2020 the European Banking Authority published the Guidelines on legislative and non-legislative moratoria on loan payments applied in the light of the COVID-19 crisis (EBA/GL/2020/02; ~~hereinafter: the guidelines~~), which were amended first by the Guidelines amending Guidelines EBA/GL/2020/02 on legislative and non-legislative moratoria on loan payments applied in the light of the COVID-19 crisis (EBA/GL/2020/08) of 25 June 2020, and second by the Guidelines amending EBA/GL/2020/02 on legislative and non-legislative moratoria on loan payments applied in the light of the COVID-19 crisis (EBA/GL/2020/15) of 2 December 2020 (hereinafter: the guidelines), on its website.

(2) The guidelines ~~referred to in the first paragraph of this Article specify~~ set out the prudential treatment of legislative and non-legislative moratoria on loan payments introduced in response to the COVID-19 pandemic. The guidelines apply in relation to the application of the definition of default in accordance with Article 178 of 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) and to the classification of exposure on the basis of the definition of forbearance in accordance with Article 47b of the aforementioned regulation.

(3) The guidelines are addressed to:

1. credit institutions referred to in Article 4(1) of Regulation (EU) No 575/2013, and
2. competent authorities referred to in point (i) 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 the Bank of Slovenia 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:

1. banks and savings banks for whose supervision the Bank of Slovenia is responsible in accordance with the ZBan-2 and Council Regulation (EU) No 1024/2013 of 15 October 2013

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conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287 of 29 October 2013, p 63) (hereinafter: banks), and

~~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); and~~

2. the Bank of Slovenia, when in accordance with the ZBan-2 in its role as the competent authority it is exercising supervisory powers and tasks over banks referred to in point 1 of this paragraph.

(2) Banks referred to in point 1 of the first paragraph of this article shall take 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-2 and Regulation (EU) No 575/2013, the Bank of Slovenia shall take account of the provisions of the guidelines in the parts relating to the exercise of the powers and tasks of the competent authority.

(4) ~~The second and third paragraphs of this article notwithstanding, in the paragraph 10(bis) of the guidelines a period of 12 months shall be taken into account as the cap on the total period of time for which a moratorium is applied to a loan contract.~~

~~The second and third paragraphs of this article notwithstanding, instead of the criteria referred to in point (f) of paragraph 10 of the guidelines, a moratorium shall be considered a general payment moratorium if the borrower submitted the application to the bank in accordance with the third paragraph of Article 2 of the Intervention Measure Act on Deferred Payments of Borrowers' obligations (Official Gazette of the Republic of Slovenia, Nos. 36/20 and 49/20 [ZIUZEOP]).~~

(5) Banks may also apply the guidelines to the definition of default in accordance with Article 178 and classification on the basis of the definition of forbearance in accordance with Article 47b of Regulation (EU) No 575/2013 in relation to moratoria on loan payments approved pursuant to Article 56 of the Act Determining the Intervention Measures to Mitigate the Consequences of the Second Wave of the COVID-19 Epidemic (Official Gazette of the Republic of Slovenia, No. 175/20) and pursuant to the Act Determining the Intervention Measure of Deferred Payment of Borrowers' Liabilities (Official Gazette of the Republic of Slovenia, Nos. 36/20 and 49/20 [ZIUZEOP]) after 30 September 2020.

**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, 26 May 2020

Boštjan Vasle
President,
Governing Board of the Bank
of Slovenia

Regulation amending the Regulation on the application of the Guidelines on legislative and non-legislative moratoria on loan payments applied in the light of the COVID-19 crisis (Official Gazette of the Republic of Slovenia, No. 189/20) includes the following provision:

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»Article 3

This regulation shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia.«