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Official Gazette of the Republic of Slovenia, No. 184/2021 of 26 November 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), 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 assessment of the suitability of members of the management body and key function holders

**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 July 2021 the European Banking Authority published the Guidelines on the assessment of the suitability of members of the management body and key function holders (EBA/GL/2021/06; hereinafter: the guidelines) on its website.

(2) The guidelines specify the requirements regarding the suitability of members of the management body, in particular, the notions of sufficient time commitment, honesty, integrity and independence of mind of a member of the management body, adequate collective knowledge, skills and experience of the management body, and adequate human and financial resources devoted to the induction and training of such members. The notion of diversity to be taken into account for the selection of members of the management body is also specified in accordance with the articles cited in the guidelines.

(3) The guidelines also specify elements regarding the suitability of the heads of internal control functions and the chief financial officer (CFO), where they are not part of the management body, and, where identified on a risk-based approach by those institutions, of other key function holders, as part of the governance arrangements referred to in Articles 74 and 88 of Directive 2013/36/EU and Articles 9(3), 9(6) and 16(2) of Directive 2014/65/EU, and elements regarding the related assessment processes, governance policies and practices, including the principle of independence applicable to certain members of the management body in its supervisory function.

(4) 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 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 Banka Slovenije sets out the application of the guidelines and all their future amendments, unless stipulated otherwise by Banka Slovenije in respect of a particular amendment to the guidelines, to:

1. banks and savings banks for whose supervision Banka Slovenije is responsible in accordance with the ZBan-3 and Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential

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supervision of credit institutions (OJ L 287 of 29 October 2013, p. 63) (hereinafter: banks);
and

2. Banka Slovenije, when in accordance with the ZBan-3 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 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 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, with the exception of the provisions of Title VIII of the guidelines that define the supervisory procedures for the suitability assessments of heads of internal control functions and the CFO, where they are not part of the management body, at significant banks.

Article 3

(repeal of Regulation on the application of the Guidelines on the assessment of the suitability of members of the management body and key function holders)

On the day that this regulation begins to be applied, the Regulation on the application of the Guidelines on the assessment of the suitability of members of the management body and key function holders (Official Gazette of the Republic of Slovenia, No. 33/18) 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 31 December 2021.

Ljubljana 23 November 2021

Boštjan Vasle
President,
Governing Board of Banka
Slovenije