

- Official Gazette of the Republic of Slovenia, No. 49/22 of 8 April 2022

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: 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 164 of the Prevention of Money Laundering and Terrorist Financing Act (Official Gazette of the Republic of Slovenia, No. 48/22; hereinafter: the ZPPDFT-2), 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 use of Guidelines on cooperation and information exchange between prudential supervisors, AML/CFT supervisors and financial intelligence units under Directive 2013/36/EU

Article 1

(purpose and field of application of guidelines)

(1) Pursuant to Article 16 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 1093/2010), last amended by Regulation (EU) No 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), the European Banking Authority on 16 December 2021 published on its website the Guidelines on cooperation and information exchange between prudential supervisors, AML/CFT supervisors and financial intelligence units under Directive 2013/36/EU (EBA/GL/2021/15; hereinafter: guidelines).

(2) The Guidelines set out the manner of cooperation and information exchange, particularly in relation to cross-border groups and in the context of identifying serious breaches of anti-money laundering rules, according to the sixth paragraph of Article 117 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; hereinafter: Directive 2013/36/EU), last amended by Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product

governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (OJ L 68 of 26 February 2021, p. 14).

(3) The guidelines apply to:

1. competent authorities as defined in point (2)(i) and (2)(viii) of Article 4 of Regulation (EU) No 1093/2010,

2. competent authorities as defined in point (2)(iii) of Article 4 of Regulation (EU) No 1093/2010 to the extent these authorities are supervising the compliance with the requirements 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; hereinafter: Directive 2015/849/EU), last amended by Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (OJ L 125 of 14 May 2019, p. 4) of institutions as defined in point (3) of Article 3(1) of Directive 2013/36/EU, or of financial sector operators as defined in point 1(a) of Article 4 of Regulation (EU) No 1093/2010 where these operators are included in the institution's prudential consolidation, including of branches established in the Union whether their head office is situated in a Member State or in a third country.

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 Banka Slovenije, when as a competent authority it performs prudential supervision tasks, as set out by Article 9 of the ZBan-3, and supervision relating to the prevention of money laundering and the financing of terrorism (hereinafter: AML/CFT), as provided by the ZPPDFT-2, ZPlaSSIIE and ZDP-2.

(2) In exercising its supervisory powers and tasks in accordance with the ZBan-3, the ZPlaSSIIE, the ZDP-2 and the ZPPDFT-2 in the AML/CFT area, 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

(entry into force)

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

Ljubljana, 5 April 2022

Boštjan Vasle

President
Governing Board of Banka Slovenije