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Pursuant to the third paragraph of Article 9 of the Resolution and Compulsory Winding-Up of Banks Act (Official Gazette of the Republic of Slovenia, No. 92/21; hereinafter: the ZRPPB-1) 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 transferability to complement the resolvability assessment for transfer strategies

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), 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) (hereinafter: Regulation (EU) No 1093/2010), on 26 September 2022 the European Banking Authority (hereinafter: the EBA) published the Guidelines on transferability to complement the resolvability assessment for transfer strategies (EBA/GL/2022/11; hereinafter: the guidelines) on its website.

(2) Having regard for Articles 10(5) and 11(1) 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 (OJ L 173 of 12 June 2014, p. 190), last amended by Regulation (EU) 2022/2036 of the European Parliament and of the Council of 19 October 2022 amending Regulation (EU) No 575/2013 and Directive 2014/59/EU as regards the prudential treatment of global systemically important institutions with a multiple-point-of-entry resolution strategy and methods for the indirect subscription of instruments eligible for meeting the minimum requirement for own funds and eligible liabilities (OJ L 275 of 25 October 2022, p. 1) (hereinafter: Directive 2014/59/EU), the guidelines specify the actions that institutions and resolution authorities should take to improve resolvability of institutions, groups or resolution groups in the context of the resolvability assessment as per Articles 15 and 16 of Directive 2014/59/EU, specifically when transfer tools are foreseen in the resolution strategy.

(3) The guidelines are addressed to:

1. financial institutions as defined in Article 4(1) of Regulation (EU) No 1093/2010 for which a resolvability assessment is being conducted in accordance with Articles 15 and 16 of Directive 2014/59/EU;
2. resolution authorities referred to in point (v) of Article 4(2) of Regulation (EU) No 1093/2010 who are supervising institutions referred to in point 1 of this paragraph in the sense of the second subparagraph of Article 2(5) of Regulation (EU) 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 future amendments thereto unless stipulated otherwise by Banka Slovenije in respect of a particular amendment to the guidelines, to:

1. banks and savings banks that in accordance with the ZBan-3 have obtained an authorisation to provide banking services in the Republic of Slovenia (hereinafter: banks); and
2. Banka Slovenije, when in accordance with the ZRPPB-1 it is exercising the powers and tasks of the resolution authority.

(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 the powers and tasks of the resolution authority in accordance with the ZRPPB-1, Banka Slovenije shall take full account of the provisions of the guidelines in those parts relating to the exercise of the powers and tasks of the resolution authority.

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, and shall begin to be applied on 1 January 2024.

Ljubljana, 17 February 2023

Boštjan Vasle
President,
Governing Board of Banka Slovenije