

BANKA SLOVENIJE

EVROSISTEM

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), 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), 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 application of the Guidelines on the characteristics of a risk-based approach to anti-money laundering and terrorist financing supervision, and the steps to be taken when conducting supervision on a risk-sensitive basis under Article 48(10) of Directive (EU) 2015/849 (amending the Joint Guidelines ESAs/2016/72)

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 16 December 2021 the European Banking Authority published the Guidelines on the characteristics of a risk-based approach to anti-money laundering and terrorist financing supervision, and the steps to be taken when conducting supervision on a risk-sensitive basis under Article 48(10) of Directive (EU) 2015/849 (EBA/GL/2021/16; hereinafter: the guidelines) on its website.

The level of confidentiality of the document has been determined in accordance with the Rulebook on the protection of confidential information at Banka Slovenije. The recipient may only use the document to the extent and for the purpose for which it was received, and may only disclose it to other persons in accordance with law or with Banka Slovenije's prior written consent. For documents classified with ECB levels of confidentiality and, in the event of any doubt, for other documents, the recipient must notify Banka Slovenije before any disclosure set out by law. In the event of disclosure, disposal or other incident in connection with the document, the recipient shall immediately notify Banka Slovenije, citing the reference of the document.

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(2) The guidelines set out the procedures that competent supervisory authorities should follow when conducting supervision of anti-money laundering and combating the financing of terrorism (hereinafter: AML/CFT). Four steps are envisaged in this process: 1) identification of risk factors, 2) risk assessment, 3) AML/CFT supervision, and 4) monitoring and review of the RBS model and enhancement thereof as necessary. Under the risk-based approach, competent supervisory authorities are required to appropriately adjust the frequency and scope of supervisory activities with regard to the risks that have been assessed at a sectoral and subsectoral level and at the level of the individual supervised entity.

(3) The guidelines are addressed to competent authorities responsible for supervising the compliance of credit and financial institutions in the performance of their AML/CFT obligations.

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. The guidelines are applicable to Banka Slovenije, when as the competent supervisory authority it is conducting supervision of credit and financial institutions in the area of AML/CFT, as set out by Article 9 of the ZBan-3, Article 243 of the ZPlaSSIEd and Article 13 of the ZDP-2 in connection with Articles 152 and 153 and the first paragraph of Article 164 of the ZPPDFT-2.

(2) In exercising its supervisory powers and tasks in the area of AML/CFT in accordance with the ZBan-3, the ZPlaSSIEd, the ZDP-2 and the ZPPDFT-2, Banka Slovenije shall take full account of the provisions of the guidelines.

Article 3

(transitional provision)

On the day that this regulation enters into force, the Regulation on the application of the Guidelines on the characteristics of a risk-based approach to anti-money laundering and terrorist financing supervision, and the steps to be taken when conducting supervision on a risk-sensitive basis (Official Gazette of the Republic of Slovenia, No. 26/17) shall cease to be in force.

Article 4

(entry into force)

This regulation shall enter into force 15 days after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 31 May 2022

Boštjan Vasle
President,
Governing Board of Banka Slovenije