

BANKA SLOVENIJE

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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, 109/12 and 145/22 [ZPPDFT-2]; 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 and 145/22; 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 policies and controls for the effective management of money laundering and terrorist financing (ML/TF) risks when providing access to financial services

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 31 March 2023 the European Banking Authority published the Guidelines on policies and controls for the effective management of money laundering and terrorist financing (ML/TF) risks when providing access to financial services (EBA/GL/2023/04; hereinafter: the guidelines) on its website.

(2) The guidelines specify the policies, procedures and controls credit and financial institutions should have in place to mitigate and effectively manage ML/TF risks in accordance with Article 8(3) 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

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2006/70/EC (OJ L 141 of 5 June 2015, p. 73), last amended by Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (OJ L 334 of 27 December 2019, p. 155) (hereinafter: Directive (EU) 2015/849).

- (3) The guidelines are addressed to:
- a) credit and financial institutions referred to in Articles 3(1) and 3(2) of Directive (EU) 2015/849; and
 - b) competent authorities responsible for supervising the compliance of credit and financial institutions in the performance of their anti-money laundering and countering financing of terrorism (hereinafter: 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, to the following obliged entities, for supervision for which Banka Slovenije is competent in accordance with the ZPPDFT-2:

- a) banks and their Member State branches, branches of banks from third countries and Member State banks which establish branches in the Republic of Slovenia referred to in point 1 of the first paragraph of Article 4 of the ZPPDFT-2;
- b) savings banks referred to in point 2 of the first paragraph of Article 4 of the ZPPDFT-2;
- c) payment institutions, payment institutions benefiting from a waiver, and Member State payment institutions which, in accordance with the Act governing payment services and systems, establish a branch in the Republic of Slovenia or provide payment services in the Republic of Slovenia through a representative referred to in point 3 of the first paragraph of Article 4 of the ZPPDFT-2;
- d) electronic money institutions, electronic money institutions benefiting from a waiver, third country branches of electronic money institutions, and Member State electronic money institutions which establish branches in the Republic of Slovenia or distribute and realise electronic money in the Republic of Slovenia on their own behalf through a distributor referred to in point 14 of the first paragraph of Article 4 of the ZPPDFT-2;
- e) currency exchange offices referred to in point 15 of the first paragraph of Article 4 of the ZPPDFT-2.

(2) Obligated entities referred to in the previous paragraph shall take full account of the provisions of the guidelines.

(3) In exercising its supervisory powers and tasks 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 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 fifteen days after its publication in the Official Gazette of the Republic of Slovenia, and shall begin to be applied on 3 November 2023.

Ljubljana, 5 September 2023

Boštjan Vasle
President,
Governing Board of Banka Slovenije