

THIS TEXT IS UNOFFICIAL TRANSLATION AND MAY NOT BE USED AS A BASIS FOR SOLVING ANY DISPUTE

- Official Gazette of the Republic of Slovenia, No. 47/15 of 30 June 2015 – basic text (in force since 1 July 2015)
- Official Gazette of the Republic of Slovenia, No. 72/17 of 15 December 2017 – amendments and additions (in force since 16 December 2017)

Pursuant to the sixth paragraph of Article 238 and Article 330 of the Banking Act (Official Gazette of the Republic of Slovenia, No. 25/15, 44/16 [ZRPPB], 77/16 [ZCKR] and 41/17; hereinafter: the ZBan-2) and the first paragraph of Article 31 and Article 53 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 the Bank of Slovenia hereby issues the following

REGULATION
on annual fees for supervision and fees in connection with decision-making procedures
by the Bank of Slovenia

I. GENERAL PROVISIONS

Article 1
(content of regulation)

- (1) This regulation sets out:
 - (a) the amount of annual fees for supervision (hereinafter: annual fee);
 - (b) the fees for making decisions on requests for the granting of authorisations and objections and for processing notifications by the Bank of Slovenia;
 - (c) the fees for actions undertaken by the Bank of Slovenia when it is responsible for individual actions in the decision-making procedure on matters for which the European Central Bank is responsible.
- (2) Wherever this regulation refers to the provisions of other regulations, such provisions shall apply in their wording applicable at the time in question.

Article 2
(definition of terms)

- (1) In this regulation the following abbreviated titles are used for European Union acts:
 - (a) Regulation (EU) No 1024/2013 is Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287 of 29 October 2013, p 63);
 - (b) Regulation (EU) No 575/2013 is 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);
 - (c) Regulation (EU) No 648/2012 is Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201 of 27 July 2012, p 1).
- (2) The terms used in this regulation shall have the same meanings as in the ZBan-2 and Regulation (EU) No 575/2013, and in regulations issued on their basis.
- (3) The term “total amount of the annual fee” pursuant to this regulation does not encompass annual fees for supervision charged by the Bank of Slovenia to persons liable to pay such fees on the basis of other regulations.
- (4) The term “total risk exposure” means total risk exposure as defined in Article 92 of Regulation (EU) No 575/2013.

Article 3
(persons liable to pay)

- (1) Persons liable to pay the annual fee are those over whom the Bank of Slovenia conducts supervision or in whose supervision the Bank of Slovenia participates in accordance with the ZBan-2 and the EU regulations referred to in Article 2 of this regulation, viz.:
 - (a) banks,
 - (b) savings banks,
 - (c) branches of third-country banks,
 - (d) branches of Member State banks.
- (2) The person liable to pay the fee is the person submitting the request, objection or notification in the decision-making procedure by the Bank of Slovenia or the European Central Bank.

II. ANNUAL FEE

Article 4
(calculation of annual fee)

- (1) The amount of the total annual fee of all persons liable to pay referred to the first paragraph of Article 3 of this regulation shall be calculated for an individual year on the basis of the actual costs of supervision in the year for which the annual fee is being charged, minus revenues from fees, having regard for the portion of the coverage of these costs determined by the Bank of Slovenia.
- (2) The fixed portion of the total annual fee is 20%, and the variable portion is 80%.
- (3) The amount of the annual fee for an individual year of each person liable to pay is the sum of the fixed portion and the variable portion.
- (4) The basis for the fixed portion of the annual fee of an individual person liable to pay is calculated by dividing the fixed portion of the total annual fee by the total number of persons liable to pay.
- (5) Having regard for the principle of proportionality to the scale of supervision, the fixed portion of the annual fee of a person liable to pay referred to in point (d) of the first paragraph of Article 3 of this regulation is 15% of the basis referred to in the fourth paragraph of this article.
- (6) The fixed portion of the annual fee of a person liable to pay referred to in points (a) to (c) of the first paragraph of Article 3 of this regulation is calculated by dividing the fixed portion of the total annual fee minus the fixed portion paid by all the persons liable to pay referred to in point (d) of the first paragraph of Article 3 of this regulation by the total number of persons liable to pay referred to in points (a) to (c) of the first paragraph of Article 3 of this regulation.
- (7) The basis for the variable portion of the annual fee of persons liable to pay referred to in point (d) of the first paragraph of Article 3 of this regulation is calculated with regard to the proportion of the total assets of all persons liable to pay referred to in the first paragraph of Article 3 of this regulation accounted for by the total assets of the person in question. The calculation of this portion of the annual fee for an individual year shall take account of the total assets calculated as at the final day of the previous year on the basis of point 1 of the Methodology for calculating performance indicators set out in Appendix 4 of the Guidelines for compiling the statement of

financial position, income statement and statement of comprehensive income, and calculating the performance indicators of banks and savings banks.

- (8) The variable portion of the annual fee of all persons liable to pay referred to in point (d) of the first paragraph of Article 3 of this regulation is 15% of the basis referred to in the first sub-paragraph of this paragraph, and is divided among the persons liable to pay according to their proportion of the sum of total assets.
- (9) The variable portion of the annual fee of a person liable to pay referred to in points (a) to (c) of the first paragraph of Article 3 of this regulation is calculated by dividing the variable portion of the total annual fee minus the variable portion paid by persons liable to pay referred to in point (d) of the first paragraph of Article 3 of this regulation among the persons liable to pay referred to in points (a) to (c) of the first paragraph of Article 3 of this regulation according to their proportions of the total capital requirements referred to in Article 92 of Regulation (EU) No 575/2013, the requirements on the basis of the third paragraph of Article 250 of the ZBan-2, the capital buffer requirements on the basis of Chapter 7 of the ZBan-2 and the requirement for ensuring internal capital adequacy in accordance with Article 131 or in accordance with the assessment on the basis of Article 183 of the ZBan-2. The calculation of this portion of the annual fee for an individual year shall take account of the capital requirements as at the final day of the previous year.
- (10) In cases of status changes referred to in Article 105 of the ZBan-2, the annual fee for an individual year is calculated by taking account of the capital requirements after the status change *mutatis mutandis*.

Article 5 **(notification of person liable to pay upon issue of invoice)**

By the deadlines set out in the third paragraph of Article 238 of the ZBan-2, the Bank of Slovenia shall issue an individual person liable to pay with an invoice containing the amount of the forecast or actual costs of supervision, the amount of the total annual fee and the amount to be paid by the persons liable to pay.

III. FEES FOR MAKING DECISIONS ON REQUESTS FOR THE GRANTING OF AUTHORISATIONS, FOR PROCESSING NOTIFICATIONS, AND FOR ACTIONS IN DECISION-MAKING PROCEDURES ON MATTERS WITHIN THE COMPETENCE OF THE EUROPEAN CENTRAL BANK

Article 6 **(amount and calculation)**

- (1) The amount of fees for making decisions in requests for the granting of authorisations **and objections**, for processing notifications and for actions in decision-making procedures on matters for which the European Central Bank is responsible shall be determined in points. The value of a point pursuant to this regulation is EUR 3.
- (2) The basis for calculating a fee is the value of a point as at the day that the obligation arises. The obligation to pay a fee for the granting of an authorisation arises on the day of the submission of the request or the forwarding of the notification.

Article 7 **(authorisations in connection with provision of services)**

The fees for the granting of an authorisation in connection with the provision of specific services of banks and savings banks (hereinafter: banks) are as follows:

1. 3,200 points for an authorisation to provide banking services,
2. 800 points for an authorisation to provide a specific financial service,
3. 800 points for an authorisation to provide a specific ancillary or other financial service, and
4. 3,200 points for an authorisation to issue mortgage and municipal bonds.

Article 8
(authorisations in connection with performance of various functions)

The fees for the granting of an authorisation in connection with the performance of various functions are as follows:

1. 1,600 points for an authorisation to perform the function of a member of the management board of a bank,
2. 1,600 points for an authorisation to perform the function of the senior manager of a third-country bank,
3. 1,600 points for an authorisation to perform the function of the liquidator of a bank,
4. 400 points for an authorisation to execute the transactions of the trustee of the cover register pursuant to the law governing mortgage and municipal bonds, **and**
5. 200 points for an authorisation to combine the functions of the risk committee and the audit committee into a single committee, **and**
6. **200 points for an authorisation to perform an additional non-executive directorship.**

Article 9
(authorisations in connection with qualifying holdings)

The fees for the granting of an authorisation in connection with qualifying holdings in a bank are as follows:

1. 2,400 points for an authorisation to acquire a qualifying holding (or to increase a qualifying holding) of less than 50%,
2. 2,400 points for an authorisation to acquire a qualifying holding of 50% or more, or a qualifying holding based on which the future qualifying holder becomes the bank's parent entity,
3. 2,400 points for an authorisation to acquire a qualifying holding on the basis of an agreement to act in concert (or to increase a qualifying holding on the basis of an agreement to act in concert), and
4. 2,400 points for an authorisation to acquire a qualifying holding on the basis of the conclusion of a qualifying shareholders' agreement (or to increase a qualifying holding on the basis of a previously concluded qualifying shareholders' agreement).

Article 10
(authorisation for a qualifying asset)

The fee for the granting to a bank of an authorisation for a qualifying asset in a financial institution established in the Republic of Slovenia or another Member State other than financial institutions for which a bank, in order to acquire a qualifying holding in such persons, must obtain an authorisation from the supervisory authority of the Republic of Slovenia or other Member State, or in a financial sector entity established in a third country is 2,400 points.

Article 11
(authorisations in connection with status position)

The fees for the granting of an authorisation in connection with a bank's status position are as follows:

1. 2,400 points for an authorisation for a merger or demerger, and
2. 2,400 points for an authorisation to increase a bank's share capital via a non-cash contribution whose subject is shares in another bank.

Article 12
(authorisations in connection with cross-border provision of services and representation)

The fees for the granting of an authorisation in connection with the cross-border provision of services and representation are as follows:

1. 1,600 points for an authorisation to establish a bank branch in a third country,
2. 2,400 points for an authorisation to establish a branch of a third-country bank,
3. 800 points for an authorisation to provide a specific mutually recognised or ancillary financial service of a branch of third-country bank,
4. 800 points for an authorisation to directly provide a specific ancillary financial service of a Member State bank,
5. 800 points for an authorisation to provide a specific ancillary financial service of a branch of a Member State bank, and
6. 400 points for an authorisation to establish a representative office of a third-country bank.

Article 13
(authorisation in connection with liquidity requirements)

The fee for the granting of an authorisation to use an internal methodology to calculate the proportion of stable sight deposits is 500 points.

Article 14
(authorisation for a savings bank to execute transactions in foreign currencies)

The fee for the granting of an authorisation for a savings bank to execute transactions in foreign currencies is 800 points.

Article 15
(authorisations and notifications)

The fee for the granting of an individual authorisation or for the processing of an individual notification under Regulation (EU) No 575/2013, Regulation (EU) No 648/2012 and other regulations referred to in the second paragraph of Article 9 of the ZBan-2 for which the fee is not defined in the previous articles of this regulation is 500 points.

Article 16
(actions in decision-making procedure)

- (1) The fees for individual actions of the Bank of Slovenia in the decision-making procedure on matters for which the European Central Bank is responsible pursuant to Regulation (EU) No 1024/2013 shall be determined in the same amount as the fees for the granting of individual authorisations as defined in this regulation.
- (2) The fee for deciding on an objection and for other actions of the Bank of Slovenia in the decision-making procedure for requests pursuant to the ZBan-2 or other regulations referred to in the second paragraph of Article 9 of the ZBan-2 is 400 points.

IV. FINAL PROVISIONS

Article 17
(cessation of application of regulation)

- (1) On the day that this regulation enters into force, the Regulation on the amounts of annual fees for supervision and fees for decisions on requests for the granting of authorisations (Official Gazette of the Republic of Slovenia, Nos. 12/14 and 13/15) shall cease to be applied.
- (2) This regulation shall not apply to procedures for granting authorisations, consents or recognitions that were begun before the entry into force of this regulation, provided that when the request was submitted the obligation to pay a fee for the granting of the authorisation, consent or recognition was set out in the Regulation on the amounts of annual fees for supervision and fees for decisions on requests for the granting of authorisations (Official Gazette of the Republic of Slovenia, Nos. 12/14 and 13/15) or the obligation to pay a fee for the granting of an authorisation did not exist.

Article 18
(entry into force of regulation)

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

Ljubljana, 23 June 2015

Boštjan Jazbec
President,
Governing Board of the Bank of Slovenia

The Regulation amending the Regulation on annual fees for the supervision and fees in connection with decision-making procedures of the Bank of Slovenia (Official Gazette of the Republic of Slovenia, No. 72/17 of 15 December 2017) also includes the following provision:

"Article 8

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

(2) The first paragraph of this article notwithstanding, this regulation shall not apply to procedures for granting authorisations, consents or recognitions or for making decisions that were begun before the entry into force of this regulation, provided that when the request was submitted the obligation to pay a fee for the granting of the authorisation, consent or recognition or for the decision-making was set out in the Regulation on annual fees for supervision and fees in connection with decision-making procedures of the Bank of Slovenia (Official Gazette of the Republic of Slovenia, No. 47/15) or the obligation to pay a fee for the granting of the authorisation, consent or recognition did not exist."
