

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o bančništvu obsega:

- Zakon o bančništvu – ZBan-2 (Uradni list RS, št. 25/15 z dne 13. 4. 2015),
- Zakon o reševanju in prisilnem prenehanju bank – ZRPPB (Uradni list RS, št. 44/16 z dne 24. 6. 2016),
- Zakon o centralnem kreditnem registru – ZCKR (Uradni list RS, št. 77/16 z dne 2. 12. 2016),
- Zakon o spremembah in dopolnitvah Zakona o bančništvu – ZBan-2A (Uradni list RS, št. 41/17 z dne 28. 7. 2017),
- Zakon o trgu finančnih instrumentov – ZTFI-1 (Uradni list RS, št. 77/18 z dne 30. 11. 2018),
- Zakon o izvajanju Uredbe (EU) o določitvi splošnega okvira za listinjenje in o vzpostavitvi posebnega okvira za enostavno, pregledno in standardizirano listinjenje – ZIUDSOL (Uradni list RS, št. 22/19 z dne 5. 4. 2019),
- Odločbo o razveljavitvi četrtega odstavka 33. člena Zakona o bančništvu (Uradni list RS, št. 44/19 z dne 5. 7. 2019).

**ZAKON
O BANČNIŠTVU (ZBan-2)**

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The unofficial consolidated version of the Banking Act comprises:

- Banking Act – ZBan-2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 25/15 of 13 April 2015),
- Resolution and Compulsory Winding-Up of Banks Act – ZRPPB (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 44/16 of 24 June 2016),
- Central Credit Register Act – ZCKR (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 77/16 of 2 December 2016),
- Act Amending the Banking Act – ZBan-2A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 41/17 of 28 July 2017),
- Market in Financial Instruments Act – ZTFI-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 77/18 of 30 November 2018),
- Act Implementing the Regulation (EU) Laying Down a General Framework for Securitisation and Creating a Specific Framework for Simple, Transparent and Standardised Securitisation – ZIUDSOL (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 22/19 of 5 April 2019),
- Decision abrogating paragraph four of Article 33 of the Banking Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 44/19 of 5 July 2019).

**BANKING ACT
(ZBan-2)**

(neuradno prečiščeno besedilo št. 6)

1. POGLAVJE: SPLOŠNE DOLOČBE

1.1. Vsebina zakona

**1. člen
(predmet zakona)**

(1) Ta zakon ureja:

1. pogoje za ustanovitev, poslovanje in redno prenehanje kreditnih institucij s sedežem v Republiki Sloveniji;
2. pogoje, pod katerimi lahko kreditne institucije s sedežem zunaj Republike Slovenije poslujejo na območju Republike Slovenije;
3. pristojne organe, ukrepe in pooblastila za izvajanje nadzora nad poslovanjem kreditnih institucij v Republiki Sloveniji in nadzora nad poslovanjem drugih oseb, ki na območju Republike Slovenije v nasprotju s tem zakonom opravljajo storitve sprejemanja depozitov od javnosti;
4. ukrepe in pooblastila za obvladovanje makrobonitetnega ali sistemskega tveganja v zvezi s kreditnimi institucijami s sedežem v Republiki Sloveniji.

(2) Ta zakon se ne uporablja za storitve, ki jih opravlja Banka Slovenije v skladu z zakonom, ki ureja Banko Slovenije, ali drugim aktom, ki ureja pristojnosti in naloge Banke Slovenije.

**2. člen
(prenos aktov Evropske unije)**

S tem zakonom se v pravni red Republike Slovenije prenašajo naslednje direktive:

1. Direktiva 2013/36/EU Evropskega parlamenta in Sveta z dne 26. junija 2013 o dostopu do dejavnosti kreditnih institucij in bonitetnem nadzoru kreditnih institucij in investicijskih podjetij, spremembi

(Unofficial consolidated version No. 6)

CHAPTER 1: GENERAL PROVISIONS

1.1. Subject of the Act

**Article 1
(Subject of the Act)**

(1) This Act regulates:

1. conditions for setting up, the operations of and the ordinary winding up of credit institutions established in the Republic of Slovenia;
2. conditions under which credit institutions established outside the Republic of Slovenia may operate in the territory of the Republic of Slovenia;
3. the competent authorities, measures and authorisations for the supervision of the operations of credit institutions in the Republic of Slovenia and the supervision of the operations of other persons who accept deposits from the general public in the territory of the Republic of Slovenia in contravention of this Act; and
4. measures and authorisations for managing macro-prudential or systemic risks associated with credit institutions established in the Republic of Slovenia.

(2) This Act shall not apply to services provided by the Bank of Slovenia in accordance with the Act governing the Bank of Slovenia or another Act governing the powers and tasks of the Bank of Slovenia.

**Article 2
(Transposition of European Union regulations)**

This Act transposes the following directives into the legal order of the Republic of Slovenia:

1. 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,

Direktive 2002/87/ES in razveljavitvi direktiv 2006/48/ES in 2006/49/ES (UL L št. 176 z dne 27. junija 2013, str. 338; v nadaljnjem besedilu: Direktiva 2013/36/EU);

2. Direktiva 2014/59/EU Evropskega parlamenta in Sveta z dne 15. maja 2014 o vzpostavitvi okvira za sanacijo ter reševanje kreditnih institucij in investicijskih podjetij ter o spremembi šeste direktive Sveta 82/891/EGS ter direktiv 2001/24/ES, 2002/47/ES, 2004/25/ES, 2005/56/ES, 2007/36/ES, 2011/35/EU, 2012/30/EU in 2013/36/EU in uredb (EU) št. 1093/2010 ter (EU) št. 648/2012 Evropskega parlamenta in Sveta (UL L št. 173, z dne 12. junija 2014, str. 190; v nadaljnjem besedilu: Direktiva 2014/59/EU);
3. Direktiva Sveta 86/635/EGS z dne 8. decembra 1986 o letnih računovodskih izkazih in konsolidiranih letnih računovodskih izkazih bank in drugih finančnih institucij (UL L št. 372 z dne 31. decembra 1986, str. 1), zadnjič spremenjena z Direktivo 2006/46/ES Evropskega parlamenta in Sveta z dne 14. junija 2006 o spremembi direktiv Sveta 78/660/EGS o letnih računovodskih izkazih posameznih vrst družb, 83/349/EGS o konsolidiranih računovodskih izkazih, 86/635/EGS o letnih računovodskih izkazih in konsolidiranih računovodskih izkazih bank in drugih finančnih institucij ter 91/674/EGS o letnih računovodskih izkazih in konsolidiranih računovodskih izkazih zavarovalnic (UL L št. 224 z dne 16. avgusta 2006, str. 1);
4. Direktiva Sveta 89/117/EGS z dne 13. februarja 1989 o obveznosti podružnic, ustanovljenih v državi članici, ki pripadajo kreditnim in finančnim institucijam, s sedežem zunaj te države članice, glede objave letnih računovodskih izkazov (UL L št. 44 z dne 16. februarja 1989, str. 40).

1.2. Opredelitve pojmov in kratic

3. člen

(kratice drugih zakonov in aktov Evropske unije)

(1) V tem zakonu so uporabljene naslednje kratice drugih zakonov:

1. ZFK je zakon, ki ureja finančne konglomerate;
2. ZGD-1 je zakon, ki ureja gospodarske družbe;

amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338; hereinafter: Directive 2013/36/EU);

2. 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, 12.6.2014, p. 190; hereinafter: Directive 2014/59/EU);
3. Council Directive 86/635/EEC of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions (OJ L 372, 31.12.1986, p. 1), as last amended by Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ L 224, 16.8.2006, p. 1); and
4. Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ L 44, 16.2.1989, p. 40).

1.2. Definitions of terms and abbreviations

Article 3

(Abbreviations of other Acts and European Union regulations)

(1) The following abbreviations of other Acts shall be used in this Act:

1. ZFK shall mean the Act governing financial conglomerates;
2. ZGD-1 shall mean the Act governing companies;

3. ZIN je zakon, ki ureja inšpekcijski nadzor;
4. ZPPDFT je zakon, ki ureja preprečevanje pranja denarja in financiranja terorizma;
5. ZPre-1 je zakon, ki ureja prevzeme;
6. ZTFI je zakon, ki ureja trg finančnih instrumentov;
7. ZUP je zakon, ki ureja splošni upravni postopek;
8. ZUS-1 je zakon, ki ureja upravni spor.

(2) V tem zakonu so za akte Evropske unije uporabljeni naslednji skrajšani naslovi:

1. Uredba (EU) št. 45/2001 je Uredba (ES) št. 45/2001 Evropskega parlamenta in Sveta z dne 18. decembra 2000 o varstvu posameznikov pri obdelavi osebnih podatkov v institucijah in organih Skupnosti in o prostem pretoku takih podatkov (UL L št. 8 z dne 12. januarja 2001, str. 1);
2. Direktiva 2009/138/ES je Direktiva 2009/138/ES Evropskega parlamenta in Sveta z dne 25. novembra 2009 o začetku opravljanja in opravljanju dejavnosti zavarovanja in pozavarovanja (Solventnost II) (prenovitev) (UL L št. 335 z dne 17. decembra 2009, str. 1);
3. Uredba (EU) št. 1092/2010 je Uredba (EU) št. 1092/2010 Evropskega parlamenta in Sveta z dne 24. novembra 2010 o makrobonitetnem nadzoru nad finančnim sistemom Evropske unije in ustanovitvi Evropskega odbora za sistemska tveganja (UL L št. 331 z dne 15. decembra 2010, str. 1);
4. Uredba (EU) št. 1093/2010 je Uredba (EU) št. 1093/2010 Evropskega parlamenta in Sveta z dne 24. novembra 2010 o ustanovitvi Evropskega nadzornega organa (Evropski bančni organ) in o spremembi Sklepa št. 716/2009/ES ter razveljavitvi Sklepa Komisije 2009/78/ES (UL L št. 331 z dne 15. decembra 2010, str. 12);
5. Direktiva 2009/65/ES je Direktiva 2009/65/ES Evropskega parlamenta in Sveta z dne 13. julija 2009 o usklajevanju zakonov in drugih predpisov o kolektivnih naložbenih podjetjih za vlaganja v prenosljive vrednostne papirje (KNPVP) (prenovitev) (UL L št. 302 z dne 13. julija 2009, str. 32), zadnjič spremenjena z Direktivo 2011/61/EU Evropskega parlamenta in Sveta z dne 8. junija 2011 o upraviteljih alternativnih investicijskih skladov in spremembah direktiv 2003/41/ES in 2009/65/ES ter uredb (ES) št. 1060/2009 in (EU) št. 1095/2010 (UL L št. 174 z dne 1. junija 2011, str. 1);

3. ZIN shall mean the Act governing inspection;
4. ZPPDFT shall mean the Act governing the prevention of money laundering and the financing of terrorism;
5. ZPre-1 shall mean the Act governing takeovers;
6. ZTFI shall mean the Act governing the market in financial instruments;
7. ZUP shall mean the Act governing general administrative procedure; and
8. ZUS-1 shall mean the Act governing administrative disputes.

(2) The following abbreviated titles of European Union regulations shall be used in this Act:

1. Regulation (EU) No 45/2001 shall mean Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1);
2. Directive 2009/138/EC shall mean Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (recast) (OJ L 335, 17.12.2009, p. 1);
3. Regulation (EU) No 1092/2010 shall mean Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1);
4. Regulation (EU) No 1093/2010 shall mean 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, 15.12.2010, p. 12);
5. Directive 2009/65/EC shall mean Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (recast) (OJ L 302, 13.7.2009, p. 32), as last amended by Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174,

6. Uredba (EU) št. 575/2013 je Uredba (EU) št. 575/2013 Evropskega parlamenta in Sveta z dne 26. junija 2013 o bonitetnih zahtevah za kreditne institucije in investicijska podjetja ter o spremembi Uredbe (EU) št. 648/2012 (UL L št. 176 z dne 27. junija 2013, str. 1);
7. Uredba (EU) št. 1024/2013 je Uredba Sveta (EU) št. 1024/2013 z dne 15. oktobra 2013 o prenosu posebnih nalog, ki se nanašajo na politike bonitetnega nadzora kreditnih institucij, na Evropsko centralno banko (UL L št. 287 z dne 29. oktobra 2013, str. 63);
8. Uredba (EU) št. 468/2014 je Uredba (EU) št. 468/2014 Evropske centralne banke z dne 16. aprila 2014 o vzpostavitvi okvira za sodelovanje znotraj enotnega mehanizma nadzora med Evropsko centralno banko in pristojnimi nacionalnimi organi ter z imenovanimi nacionalnimi organi (okvirna uredba o EMN), (UL L št. 141 z dne 14. maja 2014, str. 1).

4. člen

(banka, hranilnica in bančno interesno združenje)

(1) Kreditna institucija, ki ima sedež v Republiki Sloveniji, se lahko ustanovi kot banka ali hranilnica v skladu s tem zakonom.

(2) Pojem »banka« se v tem zakonu uporablja za kreditno institucijo s sedežem v Republiki Sloveniji, ki je pridobila dovoljenje za opravljanje bančnih storitev v skladu s tem zakonom.

(3) Pojem »hranilnica« se v tem zakonu uporablja za kreditno institucijo s sedežem v Republiki Sloveniji, ki je pridobila dovoljenje za opravljanje bančnih storitev v skladu s tem zakonom.

(4) Pojem »banka države članice« se v tem zakonu uporablja za kreditno institucijo s sedežem v drugi državi članici Evropske unije, ki je pridobila dovoljenje pristojnega organa te države članice za opravljanje bančnih storitev.

(5) Pojem »banka tretje države« je v tem zakonu uporabljen za kreditno institucijo s sedežem v državi, ki ni država članica, in ki je pridobila dovoljenje pristojnega organa te države za opravljanje bančnih

1.6.2011, p. 1);

6. Regulation (EU) No 575/2013 shall mean 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, 27.6.2013, p. 1);
7. Regulation (EU) No 1024/2013 shall mean 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, 29.10.2013, p. 63); and
8. Regulation (EU) No 468/2014 shall mean Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (OJ L 141, 14.5.2014, p 1).

Article 4

(Bank, savings bank and banking interest grouping)

(1) A credit institution with a registered office in the Republic of Slovenia may be established as a bank or savings bank in accordance with this Act.

(2) The term "bank" shall be used in this Act for a credit institution established in the Republic of Slovenia that has obtained an authorisation to provide banking services in accordance with this Act.

(3) The term "savings bank" shall be used in this Act for a credit institution established in the Republic of Slovenia that has obtained an authorisation to provide banking services in accordance with this Act.

(4) The term "Member State bank" shall be used in this Act for a credit institution established in another Member State of the European Union that has obtained an authorisation from the competent authority in that Member State to provide banking services.

(5) The term "third-country bank" shall be used in this Act for a credit institution established in a country other than a Member State that has obtained an authorisation from the competent authority in that country

storitev.

(6) Pojem »podrejena banka« je za namen nadzora na konsolidirani podlagi v skladu z oddelkom 9.3. tega zakona uporabljen za banko, hranilnico, banko države članice in banko tretje države, ki ima položaj podrejene kreditne institucije.

(7) Določbe tega zakona se za SID – Slovensko izvozno in razvojno banko, d.d., Ljubljana (v nadaljnjem besedilu: SID banka) uporabljajo v obsegu, kot ga določa zakon, ki ureja Slovensko izvozno in razvojno banko ali drug zakon. SID banka je pooblaščen specializirana slovenska spodbujevalna izvozna in razvojna banka po zakonu, ki ureja Slovensko izvozno in razvojno banko, ki ne sme sprejemati depozitov od javnosti, razen s ponudbo javnosti, ki se glasi na vplačilo dolžniških vrednostnih papirjev, katerih izdajatelj je SID banka. Ne glede na prvi stavek tega odstavka, se SID banka za namene 116. člena in oddelka 9.3. tega zakona šteje kot finančna institucija.

(8) Banke se lahko združujejo v bančno interesno združenje, ki je ustanovljeno kot gospodarsko interesno združenje po ZGD-1. Bančno interesno združenje lahko izvaja izobraževanja in izdaja potrdila o opravljenem izobraževanju, organizira za svoje članice izvensodno reševanje sporov v zvezi z opravljanjem bančnih storitev ter opravlja tudi druge naloge iz pogodbe o ustanovitvi.

5. člen

(bančne in finančne storitve)

(1) Bančne storitve so storitve sprejemanja depozitov in drugih vračljivih sredstev od javnosti ter dajanje kreditov za svoj račun.

(2) Finančne storitve so:

1. sprejemanje depozitov in drugih vračljivih sredstev;
2. dajanje kreditov, ki vključuje tudi:
 - potrošniške kredite,
 - hipotekarne kredite,
 - odkup terjatev z regresom ali brez njega (faktoring),
 - financiranje komercialnih poslov, vključno z izvoznim financiranjem na podlagi odkupa z diskontom in brez regresa dolgoročnih nezapadlih terjatev, zavarovanih s finančnim instrumentom

to provide banking services.

(6) For the purpose of supervision on a consolidated basis in accordance with Section 9.3. of this Act, the term "subsidiary bank" shall be used for a bank, savings bank, Member State bank and third-country bank in the position of subsidiary credit institution.

(7) The provisions of this Act shall apply to SID – Slovenian Export and Development Bank, plc Ljubljana (hereinafter: SID bank) to the extent determined by the Act governing the Slovenian Export and Development Bank or other Act. SID bank shall be an authorised specialised Slovenian promotional export and development bank under the Act governing the Slovenian export and development bank and shall not accept deposits from the public, except via a public offering relating to the paying up of debt securities issued by SID bank. Notwithstanding the first sentence of this paragraph, SID bank shall be deemed a financial institution for the purposes of Article 116 and Section 9.3. of this Act.

(8) Banks may form a banking interest grouping established as an economic interest grouping under the ZGD-1. A banking interest grouping may carry out training, issue certificates of completion of training, organise the out-of-court settlement of disputes relating to the provision of banking services for its members and perform other tasks referred to in its articles of association.

Article 5

(Banking and financial services)

(1) Banking services shall mean services of accepting deposits and other repayable funds from the public and lending on own account.

(2) Financial services shall include the following:

1. accepting deposits and other repayable funds;
2. granting of loans, this including also:
 - consumer loans,
 - mortgage loans,
 - purchase of receivables with or without recourse (factoring),
 - financing of commercial transactions, including export financing based on the purchase of non-current non-past-due receivables at a discount and without recourse, secured by financial instruments

- (forfeiting);
3. finančni zakup (lizing, najem) dajanje sredstev v zakup, pri katerem se na zakupnika prenesejo vsa bistvena tveganja in koristi, ki izhajajo iz lastninske pravice nad sredstvom zakupa, pri čemer je prenos lastninske pravice na zakupnika mogoč, ne pa nujen;
 4. plačilne storitve in storitve izdajanja elektronskega denarja;
 5. izdajanje in upravljanje drugih plačilnih instrumentov (na primer potovalnih čekov in bančnih menic) v delu, v katerem ta storitev ni vključena v storitev iz prejšnje točke;
 6. izdajanje garancij in drugih jamstev;
 7. trgovanje za svoj račun ali za račun strank:
 - z instrumenti denarnega trga,
 - s tujimi plačilnimi sredstvi, vključno z menjalniškimi posli,
 - s standardiziranimi terminskimi pogodbami in opcijami,
 - z valutnimi in obrestnimi finančnimi instrumenti,
 - s prenosljivimi vrednostnimi papirji;
 8. sodelovanje pri izdaji vrednostnih papirjev in storitve, povezane s tem;
 9. svetovanje podjetjem glede kapitalske strukture, poslovne strategije in sorodnih zadev ter svetovanje in storitve v zvezi z združitvami in nakupom podjetij;
 10. denarno posredništvo na medbančnih trgih;
 11. upravljanje naložb in svetovanje v zvezi s tem;
 12. hramba vrednostnih papirjev in druge storitve, povezane s hrambo;
 13. kreditne bonitetne storitve: zbiranje, analiza in posredovanje informacij o kreditni sposobnosti;
 14. oddajanje sefov;
 15. investicijske storitve in posli ter pomožne investicijske storitve po ZTFI.

(3) Vzajemno priznane storitve po tem zakonu so bančne in finančne storitve.

6. člen

(dodatne in druge finančne storitve)

- (1) Dodatne finančne storitve so:
1. posredovanje pri prodaji zavarovalnih polic po zakonu, ki ureja zavarovalništvo;
 2. storitve upravljanja plačilnih sistemov;

- (forfeiting);
3. financial leasing (lease or rent) of assets, where all material risks and benefits arising from ownership of the leased asset are transferred to the lessee and where the transfer of ownership rights to the lessee is possible though not necessarily exercised;
 4. payment services and electronic money issuing services;
 5. issuing and managing other payment instruments (e.g. travellers' cheques and bankers' drafts), insofar as such services are not included in the services referred to in the preceding point;
 6. issuing of guarantees and other sureties;
 7. trading for own account or for the account of clients:
 - in money market instruments,
 - in foreign legal tender, including currency exchange transactions,
 - in standardised futures and options,
 - in currency and interest rate instruments,
 - in transferable securities;
 8. participation in issuing of securities and associated services;
 9. corporate consultancy with regard to capital structure, business strategy and related matters and consultancy and services in connection with mergers and acquisitions;
 10. monetary intermediation on inter-bank markets;
 11. investment management and related advisory services;
 12. safekeeping of securities and other services related to safekeeping;
 13. credit rating services: collecting, analysing and disseminating information regarding creditworthiness;
 14. leasing of safe deposit boxes; and
 15. investment services and activities and ancillary investment services in accordance with the ZTFI.

(3) Mutually recognised services under this Act shall mean banking and financial services.

Article 6

(Additional and other financial services)

- (1) Additional financial services shall include the following:
1. brokerage in the sale of insurance policies pursuant to the Act governing insurance;
 2. payment system administration services;

3. upravljanje pokojninskih skladov po zakonu, ki ureja pokojninsko in invalidsko zavarovanje;
4. skrbniške storitve, za katere drug zakon določa, da jih opravlja banka, in storitve, povezane s temi skrbniškimi storitvami;
5. kreditno posredništvo pri potrošniških in drugih kreditih;
6. druge storitve ali posli, ki imajo glede načina opravljanja in tveganj, ki jim je banka pri opravljanju izpostavljena, podobne značilnosti kot vzajemno priznane finančne storitve ali storitve iz 1. do 5. točke tega odstavka.

(2) Druge finančne storitve so:

1. opravljanje zavarovalnih ali pozavarovalnih poslov po zakonu, ki ureja zavarovalništvo,
2. storitve pokojninskih družb po zakonu, ki ureja pokojninsko in invalidsko zavarovanje,
3. zavarovalno zastopništvo po zakonu, ki ureja zavarovalništvo,
4. upravljanje investicijskih skladov po zakonu, ki ureja upravljanje investicijskih skladov.

7. člen (drugi pojmi)

(1) V tem zakonu uporabljeni pojmi imajo naslednji pomen:

1. »bančna skupina« pomeni skupino, znotraj katere ima vsaj ena družba položaj:
 - kreditne institucije, ki je nadrejena ali udeležena v vsaj eni drugi kreditni ali finančni instituciji,
 - kreditne institucije, ki je z drugo kreditno ali finančno institucijo povezana s skupnim vodenjem,
 - nadrejenega finančnega holdinga, ki mu je podrejena vsaj ena kreditna institucija ali
 - nadrejenega mešanega finančnega holdinga, ki mu je podrejena vsaj ena kreditna institucija;
2. »dejanski stroški« so stroški, katerih višina ne presega stroškov, ki nastanejo oziroma je utemeljeno pričakovati, da bodo nastali zaradi opravljanja storitve ali dejavnosti;
3. »država članica« pomeni državo članico Evropske unije ali državo podpisnico Sporazuma o ustanovitvi Evropskega gospodarskega

3. management of pension funds pursuant to the Act governing pension and disability insurance;
4. custody services provided by a bank pursuant to any other Act and custody-related services;
5. credit brokerage for consumer and other loans; and
6. other services or transactions that, taking into account the manner in which they are provided and the risks to which a bank is exposed in the provision thereof, have attributes similar to mutually recognised financial services or the services referred to in points 1 to 5 of this paragraph.

(2) Other financial services shall include the following:

1. provision of insurance or reinsurance services pursuant to the Act governing insurance;
2. pension company services pursuant to the Act governing pension and disability insurance;
3. insurance agency pursuant to the Act governing insurance; and
4. investment fund management pursuant to the Act governing management of investment funds.

Article 7 (Other terms)

(1) The terms used in this Act shall have the following meanings:

1. "banking group" shall mean a group within which at least one undertaking shall be:
 - a parent credit institution or a credit institution with a participating interest in at least one other credit or financial institution,
 - a credit institution that is linked to another credit or financial institution by means of joint control,
 - a parent financial holding company that has at least one subsidiary credit institution, or
 - a parent mixed financial holding company that has at least one subsidiary credit institution;
2. "actual costs" shall mean the level of costs that shall not exceed the costs that arise or that can be reasonably expected to arise from the provision of services or the performance of an activity;
3. "Member State" shall mean a Member State of the European Union or a signatory state of the Agreement on the European Economic

- prostora (UL L št. 1 z dne 3. januarja 1994, str. 3);
4. »EU nadrejena družba« pomeni EU nadrejena institucija, EU nadrejeni finančni holding ali EU nadrejeni mešani finančni holding;
 5. »Evropski bančni odbor« pomeni Evropski odbor za bančništvo, ki je bil ustanovljen s Sklepom Komisije z dne 5. novembra 2003 o ustanovitvi Evropskega odbora za bančništvo (UL L št. 3 z dne 7. januarja 2004, str. 36);
 6. »Evropski odbor za sistemska tveganja« pomeni Evropski odbor za sistemska tveganja, ustanovljen z Uredbo (EU) št. 1092/2010;
 7. »Evropski bančni organ« pomeni Evropski bančni organ, ustanovljen z Uredbo (EU) št. 1093/2010;
 8. »Evropski organ za vrednostne papirje in trge« pomeni Evropski organ za vrednostne papirje in trge, ustanovljen z Uredbo (EU) št. 1095/2010;
 9. »Evropski organ za zavarovanja in poklicne pokojnine« pomeni Evropski organ za zavarovanja in poklicne pokojnine, ki je bil ustanovljen z Uredbo (EU) št. 1094/2010;
 10. »evropski nadzorni organ« pomeni Evropski bančni organ, Evropski organ za vrednostne papirje in trge ali Evropski organ za zavarovanja in poklicne pokojnine;
 11. »finančna družba« pomeni:
 - institucijo s sedežem v Republiki Slovenije ali drugi državi članici,
 - finančno institucijo s sedežem v Republiki Slovenije ali drugi državni članici, če je finančna institucija podrejena družba kreditne institucije, investicijskega podjetja ali podjetja iz tretje ali četrte alineje te točke ter je vključena v nadzor nadrejene družbe na konsolidirani podlagi v skladu s 6. do 17. členom Uredbe (EU) št. 575/2013,
 - finančni holding, mešani finančni holding in mešani poslovni holding s sedežem v Republiki Sloveniji ali drugi državni članici,
 - nadrejeni finančni holding v Republiki Sloveniji, EU nadrejeni finančni holding, nadrejenih mešanih finančnih holdingov v Republiki Sloveniji in EU nadrejeni mešani finančni holding,
 - podružnico banke tretje države v Republiki Sloveniji ali drugi državi članici;
 12. »finančna pogodba« pomeni katerokoli od naslednjih pogodb ali sporazumov:

- Area (OJ L 1, 3.1.1994, p. 3);
4. "EU parent undertaking" shall mean an EU parent institution, an EU parent financial holding company or an EU parent mixed financial holding company;
 5. "European Banking Committee" shall mean the European Banking Committee established by the Commission Decision of 5 November 2003 establishing the European Banking Committee (OJ L 3, 7.1.2004, p. 36);
 6. "European Systemic Risk Board" shall mean the European Systemic Risk Board established by Regulation (EU) No 1092/2010;
 7. "European Banking Authority" shall mean the European Banking Authority established by Regulation (EU) No 1093/2010;
 8. "European Securities and Markets Authority" shall mean the European Securities and Markets Authority established by Regulation (EU) No 1095/2010;
 9. "European Insurance and Occupational Pensions Authority" shall mean the European Insurance and Occupational Pensions Authority established by Regulation (EU) No 1094/2010;
 10. "European supervisory authority" shall mean the European Banking Authority, the European Securities and Markets Authority, or the European Insurance and Occupational Pensions Authority;
 11. "financial undertaking" shall mean:
 - an institution established in the Republic of Slovenia or other Member State,
 - a financial institution established in the Republic of Slovenia or other Member State if it is a subsidiary of a credit institution, investment firm or undertaking referred to in indent three or four of this point and it is included in the supervision of the parent undertaking on a consolidated basis pursuant to Articles 6 to 17 of Regulation (EU) No 575/2013,
 - a financial holding company, a mixed financial holding company and a mixed-activity holding company established in the Republic of Slovenia or other Member State,
 - a parent financial holding company in the Republic of Slovenia, an EU parent financial holding company, a parent mixed financial holding company in the Republic of Slovenia and an EU parent mixed financial holding company,
 - the branch of a third-country bank in the Republic of Slovenia or other Member State;
 12. "financial agreement" shall mean any of the following contracts or agreements:

- pogodbe o vrednostnih papirjih, vključno s pogodbami za nakup, prodajo ali posojajo vrednostnega papirja, skupine ali indeksa vrednostnih papirjev, opcijami na vrednostni papir ali skupino ali indeks vrednostnih papirjev, posli začasne prodaje ali začasnega odkupa takšnega vrednostnega papirja, skupine ali indeksa,
 - pogodbe o blagu, vključno s pogodbami za nakup, prodajo ali posojajo blaga ali skupine ali indeksa blaga z dobavo v prihodnosti, opcijami na blago ali skupino ali indeks blaga, posli začasne prodaje oziroma začasnega odkupa takšnega blaga, skupine ali indeksa,
 - terminske pogodbe in terminske dogovore, vključno s pogodbami (ki niso pogodbe o blagu iz prejšnje alineje) za nakup, prodajo ali prenos blaga ali premoženja druge vrste, storitve, pravice ali poslovnega deleža po določeni ceni na datum v prihodnosti,
 - sporazume o zamenjavah, vključno z zamenjavami in opcijami v zvezi z obrestnimi merami, sporazumi o promptnem ali drugem menjalnem tečaju, valuto, delniškim indeksom ali lastniškim instrumentom, dolžniškim indeksom ali dolžniškim instrumentom, blagovnimi indeksi ali blagom, vremenom, izpusti ali inflacijo, zamenjavami celotnih donosov, zamenjavami kreditnih razmikov ali kreditnimi zamenjavami, ter drugimi podobnimi sporazumi ali transakcijami, s katerim se periodično trguje na trgih zamenjav ali izvedenih finančnih instrumentov,
 - sporazume o medbančnem zadolževanju, kjer je rok vračila največ tri mesece,
 - okvirne sporazume za pogodbe ali sporazume iz prve do pete alineje te točke;
13. »izredna javnofinančna pomoč« pomeni državno pomoč v smislu prvega odstavka 107. člena Pogodbe o delovanju Evropske unije ali drugo javnofinančno podporo na nadnacionalni ravni, ki bi pomenila državno pomoč, če bi bila dodeljena na nacionalni ravni in ki je predvidena za ohranitev ali ponovno vzpostavitev uspešnega poslovanja, likvidnosti ali solventnosti banke ali posamezne finančne družbe v skupini, katere del je banka, ali celotne skupine, katere del je banka;
14. »Komisija« pomeni Evropsko komisijo;
15. »modelsko tveganje« pomeni morebitno izgubo, ki jo lahko utрпи banka kot posledico odločitev, ki bi lahko načeloma temeljile na rezultatih notranjih modelov, in sicer zaradi napak pri razvoju, izvajanju ali uporabi tovrstnih modelov;
- securities agreements, including agreements on the purchase, sale or lending of securities or a category or index of securities, options on securities or a category or index of securities, and repo transactions involving such securities or category or index,
 - contracts on commodities, including agreements on the purchase, sale or lending of commodities or a category or index of commodities with a future delivery date, options on commodities or a category or index of commodities, and repo transactions involving such commodities or category or index,
 - forward contracts and forward agreements, including agreements (other than contracts on commodities referred to in the preceding indent) for the purchase, sale or transfer of commodities or assets of another type, services, rights or participating interest at a set price at a date in the future,
 - swap agreements, including swaps and options involving interest rates, agreements on a spot or other exchange rate, foreign currency, share index or equity instrument, debt index or debt instrument, commodities index or commodities, weather, emissions or inflation, total return swaps, credit spread swaps or credit swaps, and other similar agreements or transactions that are periodically traded on swap or derivatives markets,
 - interbank lending agreements with a maximum repayment period of three months,
 - framework agreements relating to the contracts and agreements referred to in indents one to five of this point;
13. "emergency fiscal aid" shall mean state aid in terms of Article 107(1) of the Treaty on the Functioning of the European Union or other fiscal support at the supranational level that would be deemed state aid if it were allocated at the national level with the aim of maintaining or re-establishing the successful operations, liquidity or solvency of a bank or an individual financial undertaking in a group of which the bank is a part, or an entire group of which the bank is a part;
14. "Commission" shall mean the European Commission;
15. "model risk" shall mean potential losses that a bank could incur as a result of decisions that could, in principle, be based on the results of internal models due to errors in their development, implementation or use;

16. »nadzorni organ« je nadzorni organ, ki je pristojen za nadzor nad subjekti finančnega sektorja, in ni pristojni organ, in na območju Republike Slovenije pomeni Agencijo za zavarovalni nadzor ter Agencijo za trg vrednostnih papirjev;
17. »notranji pristop« pomeni pristop na podlagi notranjih bonitetnih ocen iz prvega odstavka 143. člena Uredbe (EU) št. 575/2013, pristop na podlagi notranjih modelov iz 221. člena Uredbe (EU) št. 575/2013, pristop na podlagi lastnih ocen iz 225. člena Uredbe (EU) št. 575/2013, pristop na podlagi naprednih pristopov za merjenje iz drugega odstavka 312. člena Uredbe (EU) št. 575/2013, metoda notranjih modelov iz 283. in 363. člena Uredbe (EU) št. 575/2013 ter pristop notranjega ocenjevanja iz tretjega odstavka 259. člena Uredbe (EU) št. 575/2013;
18. »Odbor za finančno stabilnost« pomeni Odbor za finančno stabilnost, ustanovljen na podlagi zakona, ki ureja makrobonitetni nadzor finančnega sistema;
19. »organ nadzora« pomeni v dvotirnem sistemu upravljanja nadzorni svet banke in v enotirnem sistemu upravljanja neizvršne članke upravnega odbora banke, ki so v skladu s tem zakonom pooblašeni za nadzorovanje in spremljanje vodenja poslov banke;
20. »organ vodenja« pomeni v dvotirnem sistemu upravljanja upravo banke in v enotirnem sistemu upravljanja izvršne direktorje banke, ki so v skladu s tem zakonom pooblašeni za vodenje poslov banke;
21. »ožji družinski član« pomeni osebo, ki je v razmerju do druge osebe:
 - njen zakonec ali oseba, s katero živi v življenjski skupnosti, ki ima po zakonu enake premoženjske posledice kot zakonska zveza, ali oseba, s katero živi v istospolni partnerski skupnosti po zakonu, ki ureja registracijo istospolne partnerske skupnosti,
 - otrok ali posvojenec te osebe ali osebe iz prejšnje alineje,
 - druga oseba, ki ji je dodeljena v skrbništvo, ali
 - starš ali posvojitelj te osebe ali osebe iz prve alineje te točke;
22. »pomembna banka« pomeni banko, ki jo kot pomembno opredeli Banka Slovenije na podlagi tega zakona v zvezi z uveljavljanem zahtev, ki jih za pomembne banke določa ta zakon;

16. "supervisory authority" shall mean an authority responsible for the supervision of financial sector entities other than a competent authority; in the Republic of Slovenia, this means the Insurance Supervision Agency and the Securities Market Agency;
17. "internal approach" shall mean the Internal Ratings Based Approach referred to in Article 143(1) of Regulation (EU) No 575/2013, the Internal Models Approach referred to in Article 221 of Regulation (EU) No 575/2013, the approach based on own estimates referred to in Article 225 of Regulation (EU) No 575/2013, the Advanced Measurement Approaches referred to in Article 312(2) of Regulation (EU) No 575/2013, the Internal Model Method referred to in Articles 283 and 363 of Regulation (EU) No 575/2013, and the Internal Assessment Approach referred to in Article 259(3) of Regulation (EU) No 575/2013;
18. "Financial Stability Board" shall mean the Financial Stability Board established pursuant to the Act governing macro-prudential supervision of the financial system;
19. "supervisory body" shall mean a bank's supervisory board in a two-tier governance system and, in a single-tier governance system, the non-executive members of a bank's board of directors who are authorised to supervise and monitor the management of a bank's operations in accordance with this Act;
20. "management body" shall mean a bank's management board in a two-tier governance system and, in a single-tier governance system, a bank's executive directors who are authorised to manage a bank's operations in accordance with this Act;
21. "immediate family member" shall mean a person in one of the following relationships with another person:
 - a spouse or a person with whom they live in a relationship that has the same rights in property as those arising out of a matrimonial relationship or a person with whom they live in a same-sex civil partnership according to the Act governing the civil partnership registration,
 - a child or adopted child of such a person or person referred to in the preceding indent,
 - other persons under such a person's guardianship, or
 - a parent or an adoptive parent of such a person or the person referred to in indent one of this point;
22. "significant bank" shall mean a bank defined as significant by the Bank of Slovenia on the basis of this Act, in connection with the enforcement of requirements determined for significant banks herein;

23. »pristojni organ« pomeni pristojni organ, kakor je opredeljen v 40. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013, ter Evropsko centralno banko, kadar je pristojna za izvajanje pooblastil in nalog bonitetnega nadzora nad kreditnimi institucijami v skladu z Uredbo (EU) št. 1024/2013, in na območju Republike Slovenije pomeni Banko Slovenije ali Evropsko centralno banko, kadar je pristojna za izvajanje pooblastil in nalog bonitetnega nadzora nad bankami v skladu z Uredbo (EU) št. 1024/2013;
24. »skupina« pomeni nadrejeno osebo in njene podrejene družbe;
25. »sistemsko pomembna banka« pomeni banko, ki bi v primeru propada ali slabega poslovanja lahko povzročila sistemsko tveganje in ima položaj:
- EU nadrejene banke,
 - podrejene banke EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu,
 - banke, ki ni podrejena subjektu iz prve in druge alineje te točke;
26. »sistemsko tveganje« pomeni tveganje motenj v finančnem sistemu, ki ima lahko resne negativne posledice za finančni sistem in realno gospodarstvo;
27. »subjekt v skupini« pomeni pravno osebo, ki je del skupine;
28. »tretja država« pomeni državo, ki ni država članica;
29. »upravljalni organ« pomeni organ vodenja ali nadzora banke;
30. »višje vodstvo« pomeni fizične osebe, ki v banki opravljajo izvršilne funkcije in so odgovorne organu vodenja za vsakodnevno izvajanje poslov banke.

(2) Pojmi elektronski denar, plačilna storitev in storitve upravljanja plačilnih sistemov imajo enak pomen, kakor je določen v zakonu, ki ureja plačilne storitve in sisteme.

(3) Banka Slovenije opredeli podrobnejša merila za določitev pomembne banke iz 22. točke prvega odstavka tega člena v zvezi z uveljavljanjem določenih zahtev, ki jih za pomembne banke določa ta zakon ali Uredba (EU) št. 575/2013. Pri določanju podrobnejših meril za pomembne banke Banka Slovenije upošteva:

1. velikost in notranjo organiziranost banke,

23. "competent authority" shall mean a competent authority as defined in Article 4(1)(40) of Regulation (EU) No 575/2013 and the European Central Bank whenever the latter is responsible for exercising powers and performing tasks relating to the prudential supervision of credit institutions in accordance with Regulation (EU) No 1024/2013; and in the territory of the Republic of Slovenia that authority is the Bank of Slovenia or the European Central Bank whenever the latter is responsible for exercising powers and performing tasks relating to the prudential supervision of banks in accordance with Regulation (EU) No 1024/2013;
24. "group" shall mean a parent undertaking and its subsidiaries;
25. "systemically important bank" shall mean a bank whose collapse or poor operations could result in systemic risk and that holds one of the following positions:
- EU parent bank,
 - subsidiary bank of an EU parent financial holding company or an EU parent mixed financial holding company,
 - bank that is not a subsidiary of the undertaking referred to in indents one and two of this point;
26. "systemic risk" shall mean the risk of disruptions in the financial system that could have serious negative effects on the functioning of the financial system and the real economy;
27. "entity in a group" shall mean a legal person that is part of a group;
28. "third country" shall mean any country other than a Member State;
29. "governing body" shall mean a bank's management or supervisory body;
30. "senior management" shall mean individuals who perform executive functions at a bank and are answerable to the management body for the daily execution of a bank's transactions.

(2) The terms electronic money, payment service and payment system administration services shall have the same meanings as defined in the Act governing payment services and systems.

(3) The Bank of Slovenia shall specify detailed criteria for designation of a significant bank as referred to in point 22 of paragraph one of this Article in connection with the enforcement of certain requirements set out for significant banks by this Act or Regulation (EU) No 575/2013. The Bank of Slovenia shall take into account the following when defining the detailed criteria for significant banks:

1. a bank's size and internal organisational structure,

2. naravo, obseg in zapletenosti dejavnosti, ki jih banka opravlja,
3. pomen banke za lokalni trg.

8. člen
(uporaba pojmov, ki so opredeljeni v Uredbi (EU) št. 575/2013)

(1) V tem zakonu se pojmi, ki so opredeljeni v 4. členu Uredbe (EU) št. 575/2013, z upoštevanjem drugega odstavka tega člena uporabljajo v enakem pomenu, kot je določen v tej uredbi.

(2) Za potrebe tega zakona se naslednje definicije iz Uredbe (EU) št. 575/2013 uporabljajo tako, da:

1. »družba za upravljanje« je družba za upravljanje, kakor je opredeljena v 19. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni družbo za upravljanje iz 6. točke 2. člena ZFK ali drugega upravitelja investicijskih skladov, vključno s subjekti iz tretjih držav, ki opravljajo podobne dejavnosti in so predmet zakonodaje tretje države, v kateri veljajo zahteve glede nadzora in regulativne zahteve, ki so vsaj enakovredne tistim, ki se uporabljajo v Evropski uniji;
2. »finančna institucija« je finančna institucija, kakor je opredeljena v 26. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni družbo, ki ni institucija in katere osnovna dejavnost je pridobivanje kapitalskih deležev ali opravljanje ene ali več dejavnosti iz 2. do 12. točke in 15. točke drugega odstavka 5. člena tega zakona, vključno s finančnimi holdingi, mešanimi finančnimi holdingi, plačilnimi institucijami iz zakona, ki ureja plačilne storitve in sisteme in družbami za upravljanje, ne vključuje pa zavarovalnih holdingov in mešanih zavarovalnih holdingov, kot jih določa zakon, ki ureja zavarovalništvo;
3. »finančni instrument« je finančni instrument, kakor je opredeljen v 50. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni karkoli od naslednjega:
 - pogodbe, ki eni stranki prinašajo finančno terjatev, drugi stranki pa finančno obveznost ali lastniški instrument,
 - finančni instrument iz drugega odstavka 7. člena ZTFI,
 - izvedeni finančni instrument,

2. the nature, scale and complexity of the activities performed by the bank, and
3. the importance of the bank for the local market.

Article 8
(Application of terms defined in Regulation (EU) No 575/2013)

(1) The terms defined in Article 4 of Regulation (EU) No 575/2013 shall have the same meanings in this Act, taking into account paragraph two of this Article.

(2) The following definitions referred to in Regulation (EU) No 575/2013 shall be used for the needs of this Act, such that:

1. "asset management company" shall mean an asset management company as defined in Article 4(1)(19) of Regulation (EU) No 575/2013 and shall mean as asset management company as referred to in point 6 of Article 2 of the ZFK or other investment fund manager, including third-country entities that carry out similar activities and that are subject to the laws of a third country which applies supervisory and regulatory requirements at least equivalent to those applied in the European Union;
2. "financial institution" shall mean a financial institution as defined in Article 4(1)(26) of Regulation (EU) No 575/2013 and shall mean an undertaking other than an institution and whose principle activity is to acquire holdings or to pursue one or more of the activities referred to in points 2 to 12 and point 15 of paragraph two of Article 5 of this Act, including financial holding companies, mixed financial holding companies, and the payment institutions referred to in the Act governing payment services and systems and management companies, but excluding insurance holding companies and mixed insurance holding companies as determined by the Act governing insurance;
3. "financial instrument" shall mean a financial instrument as defined in Article 4(1)(50) of Regulation (EU) No 575/2013 and shall mean any of the following:
 - a contract that gives rise to a financial asset of one party and a financial liability or equity instrument of another party,
 - a financial instrument referred to in paragraph two of Article 7 of the ZTFI,
 - a derivative financial instrument,

- primarni finančni instrument,
 - denarni instrument, pri čemer so instrumenti iz prve, druge in tretje alinee finančni instrumenti le, če njihova vrednost izhaja iz cene osnovnega finančnega instrumenta ali druge osnovne postavke, stopnje ali indeksa;
4. »investicijsko podjetje« je investicijsko podjetje, kakor je opredeljeno v 2. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni investicijsko podjetje iz prvega odstavka 11. člena ZTFI, razen:
- kreditnih institucij,
 - lokalnih podjetij,
 - podjetij, ki v skladu z ZTFI niso pooblaščen za opravljanje pomožnih investicijskih storitev iz 1. točke prvega odstavka 10. člena ZTFI in so upravičena opravljati le eno ali več investicijskih storitev in poslov iz 1., 2., 4. in 5. točke prvega odstavka 8. člena ZTFI ter ne smejo gospodariti z denarjem ali vrednostnimi papirji svojih strank in zato ne morejo nikoli stopiti v dolžniško razmerje z njimi;
5. »mešani finančni holding« je mešani finančni holding, kakor je opredeljen v 21. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni mešani finančni holding iz 7. člena ZFK;
6. »pozavarovalnica« je pozavarovalnica, kakor je opredeljena v 6. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni pozavarovalnico iz prve in druge alinee 3. točke 2. člena ZFK;
7. »reguliran trg« je reguliran trg, kakor je opredeljen v 92. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni organiziran trg iz prvega odstavka 14. člena ZTFI;
8. »subjekt finančnega sektorja« je subjekt finančnega sektorja, kakor je opredeljen v 27. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni:
- institucijo,
 - finančno institucijo,
 - družbo za pomožne storitve, vključeno v konsolidiran finančni položaj institucije,
 - zavarovalnico,
 - zavarovalnico tretje države,
 - pozavarovalnico,

- a primary financial instrument, or
 - a cash instrument, whereby the instruments referred to in indents one, two and three are only financial instruments if their value is derived from the price of an underlying financial instrument or another underlying item, a rate or an index;
4. "investment firm" shall mean an investment firm as defined in Article 4(1)(2) of Regulation (EU) No 575/2013 and shall mean an investment firm as referred to in paragraph one of Article 11 of the ZTFI, excluding the following:
- credit institutions,
 - local firms,
 - firms which are not authorised under the ZTFI to provide the ancillary investment services referred to in point 1 of paragraph one of Article 10 of the ZTFI and which are entitled to provide only one or more of the investment services and activities referred to in points 1, 2, 4 and 5 of paragraph one of Article 8 of the ZTFI and which are not permitted to manage the money or securities of their clients and for that reason may not at any time place themselves in debt with those clients;
5. "mixed financial holding company" shall mean a mixed financial holding company as defined in Article 4(1)(21) of Regulation (EU) No 575/2013 and shall mean the mixed financial holding company referred to in Article 7 of the ZFK;
6. "reinsurance undertaking" shall mean a reinsurance undertaking as defined in Article 4(1)(6) of Regulation (EU) No 575/2013 and shall mean the reinsurance undertaking referred to in indents one and two of point 3 of Article 2 of the ZFK;
7. "regulated market" shall mean a regulated market as defined in Article 4(1)(92) of Regulation (EU) No 575/2013 and shall mean the regulated market referred to in paragraph one of Article 14 of the ZTFI;
8. "financial sector entity" shall mean a financial sector entity as defined in Article 4(1)(27) of Regulation (EU) No 575/2013 and shall mean any of the following:
- an institution,
 - a financial institution,
 - an ancillary services undertaking included in the consolidated financial situation of an institution,
 - an insurance undertaking,
 - a third-country insurance undertaking,
 - a reinsurance undertaking,

- pozavarovalnico tretje države,
 - zavarovalni holding, kot je opredeljen v zakonu, ki ureja zavarovalništvo;
 - družbo, ki je v državi članici sedeža upravičena opravljati zavarovalne posle in se zanjo v skladu s predpisi te države, ki prenašajo 4. člen Direktive 2009/138/ES, ne uporabljajo zahteve te direktive,
 - družbo tretje države, katere glavna dejavnost je primerljiva s katerikoli subjektom prejšnjih alinej;
9. »udeležba« je udeležba, kakor je opredeljena v 35. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni udeležbo iz druge alineje 12. točke 2. člena ZFK ali neposredno ali posredno imetništvo 20 odstotkov ali več glasovalnih pravic ali kapitala družbe;
10. »zavarovalnica« je zavarovalnica, kakor je opredeljena v 5. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 in pomeni zavarovalnico iz prve in druge alineje 2. točke 2. člena ZFK.

2. POGLAVJE:

PRISTOJNI ORGAN IN SPLOŠNA NAČELA IZVAJANJA NADZORA

2.1. Pristojni organi

9. člen (pristojni organ v Republiki Sloveniji)

(1) Banka Slovenije je pristojna in odgovorna za izvajanje nadzora nad bankami v skladu s tem zakonom in Uredbo (EU) št. 1024/2013, razen glede nalog in pristojnosti bonitetnega nadzora, za katere je v skladu z Uredbo (EU) št. 1024/2013 pristojna in odgovorna Evropska centralna banka.

- a third-country reinsurance undertaking,
 - an insurance holding company as defined in the Act governing insurance,
 - an undertaking that is entitled to provide insurance services in the Member State of establishment and that is excluded from the scope of Directive 2009/138/EC in accordance with the regulations of that country that transpose Article 4 of the aforementioned Directive, or
 - a third-country undertaking whose main business is comparable to any of the entities referred to in the preceding indents;
9. "participation" shall mean participation as defined in Article 4(1)(35) of Regulation (EU) No 575/2013 and shall mean participation as referred to in indent two of point 12 of Article 2 of the ZFK or the direct or indirect ownership of 20% or more of the voting rights or capital of an undertaking;
10. "insurance undertaking" shall mean an insurance undertaking as defined in Article 4(1)(5) of Regulation (EU) No 575/2013 and shall mean the insurance undertakings referred to in indents one and two of point 2 of Article 2 of the ZFK.

CHAPTER 2:

COMPETENT AUTHORITY AND GENERAL PRINCIPLES OF CONDUCTING SUPERVISION

2.1. Competent authorities

Article 9 (Competent authority in the Republic of Slovenia)

(1) The Bank of Slovenia shall be competent and responsible for conducting supervision of banks in accordance with this Act and Regulation (EU) No 1024/2013, except with regard to the tasks and powers associated with prudential supervision, for which the European Central Bank is competent and responsible in accordance with Regulation (EU) No 1024/2013.

(2) Banka Slovenije pri opravljanju nalog in pristojnosti nadzora v skladu s tem zakonom in Uredbo (EU) št. 1024/2013 zagotavlja, da subjekti nadzora ravnaajo v skladu z:

1. določbami tega zakona in Uredbe (EU) št. 575/2013 ter predpisov, izdanih na njuni podlagi;
2. določbami regulativnih in izvedbenih tehničnih standardov, ki jih sprejme Komisija v skladu s 10. do 15. členom Uredbe (EU) št. 1093/2010;
3. smernicami, priporočili, uredbami in drugimi pravnimi akti, ki jih izda Evropska centralna banka v skladu z Uredbo EU št. 1024/2013;
4. smernicami, priporočili in drugimi pravnimi akti, ki jih izda Evropski bančni organ v skladu s 16. členom Uredbe (EU) št. 1093/2010;
5. opozorili in priporočili, ki jih izda Evropski odbor za sistemska tveganja v skladu s 16. členom Uredbe (EU) št. 1092/2010;
6. drugimi veljavnimi pravnimi akti, vključno z akti, ki jih izda Komisija ali drug organ Evropske unije na podlagi Direktive (EU) št. 2013/36 ali Direktive 2014/59/EU, ter mednarodnimi standardi in priporočili glede poslovanja kreditnih institucij in bonitetnega nadzora kreditnih institucij;
7. usmeritvami, ki jih izda Banka Slovenije glede izvajanja pravil iz 1. do 6. točke tega odstavka v skladu z 10. členom tega zakona.

10. člen (izdajanje usmeritev)

(1) Banka Slovenije izdaja usmeritve, ki vsebujejo splošna in podrobnejša pravila za enotno razlago in uporabo predpisov iz drugega odstavka 9. člena tega zakona ter oblikovanja dobre prakse.

(2) Usmeritve se objavijo na spletni strani Banke Slovenije.

(2) In performing its supervisory tasks and exercising its supervisory powers in accordance with this Act and Regulation (EU) No 1024/2013, the Bank of Slovenia shall ensure that entities subject to supervision act in accordance with:

1. the provisions of this Act and Regulation (EU) No 575/2013 and regulations issued on the basis thereof;
2. the provisions of regulatory and implementing technical standards adopted by the Commission in accordance with Articles 10 to 15 of Regulation (EU) No 1093/2010;
3. guidelines, recommendations, regulations and other legal acts issued by the European Central Bank in accordance with Regulation (EU) No 1024/2013;
4. guidelines, recommendations and other legal acts issued by the European Banking Authority in accordance with Article 16 of Regulation (EU) No 1093/2010;
5. warnings and recommendations issued by the European Systemic Risk Board in accordance with Article 16 of Regulation (EU) No 1092/2010;
6. other valid legal acts, including acts issued by the Commission or other authority of the European Union on the basis of Directive No 2013/36/EU or Directive No 2014/59/EU, and international standards and recommendations regarding the operations of credit institutions and the prudential supervision of credit institutions; and
7. guidelines issued by the Bank of Slovenia regarding the implementation of the rules referred to in points 1 to 6 of this paragraph pursuant to Article 10 of this Act.

Article 10 (Issuing guidelines)

(1) The Bank of Slovenia shall issue guidelines that contain general and more detailed rules for the uniform interpretation and application of the regulations referred to in paragraph two of Article 9 of this Act and for the formulation of best practice.

(2) Guidelines shall be published on the Bank of Slovenia's website.

11. člen
(pristojnost Banke Slovenije za makrobonitetni nadzor)

Banka Slovenije je pristojna za izvajanje 458. člena Uredbe (EU) št. 575/2013 za določanje ukrepov za omejevanje makrobonitetnega ali sistemskega tveganja v zvezi z bankami ter za določanje zahtev glede kapitalskih blažilnikov v obsegu in na način, določen v 7. poglavju tega zakona.

12. člen
(pristojnost Banke Slovenije za nadzor nad drugimi osebami)

(1) Banka Slovenije je pristojna in odgovorna za nadzor nad osebami, ki v nasprotju s prepovedjo, določeno v 96. členu tega zakona, opravljajo storitve sprejemanja depozitov ali drugih vračljivih sredstev od javnosti.

(2) Nadzor nad osebami iz prejšnjega odstavka se opravlja v obsegu, določenem v oddelku 9.4. tega zakona.

13. člen
(sodelovanje v Evropskem sistemu finančnega nadzora)

(1) Banka Slovenije si pri izvajanju nalog in pristojnosti v zvezi z nadzorom nad bankami v skladu s tem zakonom in Uredbo (EU) št. 575/2013, zlasti s sodelovanjem s pristojnimi organi držav članic in organi Evropske unije, prizadeva za oblikovanje in uveljavljanje enotnih nadzornih orodij in praks.

(2) Za namene iz prejšnjega odstavka Banka Slovenije sodeluje:

1. kot članica Evropskega sistema finančnega nadzora in zlasti zagotavlja pretok ustreznih in zanesljivih informacij med člani

Article 11
(Bank of Slovenia's powers with regard to macro-prudential supervision)

The Bank of Slovenia shall be competent for implementing Article 458 of Regulation (EU) No 575/2013 in terms of defining measures to mitigate macro-prudential or systemic risk associated with banks and in terms of defining capital buffer requirements to the extent and in the manner determined in Chapter 7 of this Act.

Article 12
(Bank of Slovenia's powers with regard to supervision of other persons)

(1) The Bank of Slovenia shall be competent and responsible for the supervision of persons that accept deposits or other repayable funds from the public in contravention of the prohibition determined in Article 96 of this Act.

(2) The supervision of the persons referred to in the preceding paragraph shall be carried out to the extent defined in Section 9.4. of this Act.

Article 13
(Participation in the European System of Financial Supervision)

(1) In performing its tasks and exercising its powers in connection with the supervision of banks pursuant to this Act and Regulation (EU) No 575/2013, the Bank of Slovenia shall strive to formulate and implement standard supervisory tools and practices, particularly through cooperation with the competent authorities of Member States and authorities of the European Union.

(2) For the purposes referred to in the preceding paragraph, the Bank of Slovenia shall:

1. serve as a member of the European System of Financial Supervision and, in particular, ensure the flow of relevant and reliable information

- sistema,
2. pri dejavnostih Evropskega bančnega organa in po potrebi v kolegijih nadzornikov,
 3. z Evropskim odborom za sistemska tveganja.

(3) Banka Slovenije odloči o uporabi smernic ali priporočil evropskega nadzornega organa, ki zadevajo banke, ter lahko v celoti ali delno zavrne uporabo posameznih smernic ali priporočil, če so za to utemeljeni razlogi. Sklep o uporabi smernic ali priporočil iz prejšnjega stavka se objavi v Uradnem listu Republike Slovenije.

(4) Pristojnosti Banke Slovenije po tem in drugih zakonih ne smejo vplivati na izvajanje njenih nalog iz prejšnjega odstavka.

2.2. Splošna načela v zvezi z izvajanjem nadzora

2.2.1. *Zaupne informacije*

14. člen (obveznost varovanja zaupnih informacij)

(1) Zaupne informacije po tem zakonu so vse informacije o posamezni banki, ki jih pri opravljanju nadzora nad banko pridobi Banka Slovenije od banke ali drugih oseb oziroma jih izdela Banka Slovenije za namene izvajanja nadzora nad posamezno banko, vključno z internimi ocenami in poročili Banke Slovenije o poslovanju posamezne banke.

(2) Če zakon ne določa drugače, ne sme Banka Slovenije razkriti zaupnih informacij o posamezni banki drugi osebi ali državnemu organu, razen v obliki povzetka, iz katerega ni mogoče prepoznati posameznih bank, na katere se nanašajo.

- between system participants;
2. participate in the activities of the European Banking Authority and supervisory colleges as and when required; and
 3. work with the European Systemic Risk Board.

(3) The Bank of Slovenia shall make decisions regarding the application of guidelines and recommendations issued by the European Banking Authority that relate to banks and may refuse in whole or part the application of individual guidelines or recommendations provided that reasonable grounds for such a decision exist. Decisions regarding the application of guidelines or recommendations referred to in the preceding sentence shall be published in the Official Gazette of the Republic of Slovenia.

(4) The Bank of Slovenia's powers under this and other Acts shall not affect the performance of its tasks referred to in the preceding paragraph.

2.2. General principles in connection with conducting supervision

2.2.1. *Confidential information*

Article 14 (Obligation to protect confidential information)

(1) Confidential information under this Act shall mean all pieces of information regarding an individual bank obtained by the Bank of Slovenia from a bank or from other persons in the course of supervision or information generated by the Bank of Slovenia for the purpose of supervision of an individual bank, including internal assessments and reports produced by the Bank of Slovenia regarding the operations of an individual bank.

(2) Unless otherwise provided by an Act, the Bank of Slovenia shall not disclose confidential information regarding an individual bank to another person or government authority, except in the form of a summary, from which the individual bank to which such confidential information relates cannot be recognised.

(3) Zaposleni pri Banki Slovenije, revizorji in drugi strokovnjaki, ki delajo ali so delali po pooblastilu Banke Slovenije, morajo vse informacije, ki so jih pridobili pri opravljanju nalog za Banko Slovenije, v zvezi z izvajanjem njenih nalog in pristojnosti nadzora, varovati kot zaupne in jih ne smejo razkriti nobeni drugi osebi ali državnemu organu, razen če ta zakon določa drugače.

(4) Prepoved iz drugega in tretjega odstavka tega člena ne velja:

1. za zaupne informacije, ki so potrebne za izvedbo kazenskega ali predkazenskega postopka;
2. v primeru stečaja banke ali prisilne likvidacije banke, glede zaupnih informacij, ki so potrebne za uveljavljanje terjatev upnikov do banke in za izvedbo drugih dejanj v stečajnem postopku ali postopku prisilne likvidacije ter s tema postopkoma povezanih pravnih postopkih, razen glede informacij, ki se nanašajo tudi na druge osebe, ki so bile udeležene pri poskusih reorganizacije banke;
3. za rezultate stresnih testov, ki jih izvede Banka Slovenije v skladu s petim odstavkom 172. člena tega zakona ali 32. členom Uredbe (EU) št. 1093/2010, kadar te rezultate objavi Banka Slovenije ali jih z namenom objave posreduje Evropskemu bančnemu organu;
4. za informacije o dovoljenjih za opravljanje bančnih, finančnih in dodatnih finančnih storitev, o dovoljenjih za izdajanje hipotekarnih in komunalnih obveznic, o dovoljenjih za pridobitev kvalificiranega deleža ter dovoljenjih za opravljanje funkcije člana uprave banke;
5. v drugih primerih, ko zakon izrecno določa, da Banka Slovenije ali oseba iz tretjega odstavka tega člena zaupne informacije lahko razkrije javnosti ali določenim prejemnikom.

(5) Obveznost varovanja zaupnih informacij iz tega člena velja tudi za informacije, ki jih Banka Slovenije oziroma osebe iz tretjega odstavka tega člena pridobijo v okviru izmenjave informacij z Evropskim bančnim organom, Evropskim organom za vrednostne papirje in trge, Evropskim odborom za sistemska tveganja, nadzornimi organi Republike Slovenije ali pristojnimi organi drugih držav članic, vključno z Evropsko centralno banko, kadar izvaja pooblastila pristojnega organa v skladu z

(3) Bank of Slovenia employees, auditors and other experts who act or have acted under the authorisation of the Bank of Slovenia shall protect as confidential all pieces of information obtained during the performance of tasks for the Bank of Slovenia in connection with the latter's supervisory tasks and powers and shall not disclose such information to another person or government authority, unless otherwise determined by this Act.

(4) The prohibition referred in paragraphs two and three of this Article shall not apply:

1. to confidential information necessary for conducting criminal or pre-trial proceedings;
2. in the event of bankruptcy or compulsory liquidation of a bank, with respect to confidential information required to enforce creditors' claims against the bank, and for conducting other actions in bankruptcy or compulsory liquidation proceedings and civil proceedings associated with these proceedings, except with regard to information that also relates to other persons involved in attempts to reorganise the bank;
3. to the results of stress tests carried out by the Bank of Slovenia in accordance with paragraph five of Article 172 of this Act or Article 32 of Regulation (EU) No 1093/2010, whenever those results are published by the Bank of Slovenia or forwarded to the European Banking Authority for the purpose of publication;
4. to information regarding authorisations to provide banking, financial and additional financial services, authorisations to issue mortgage and municipal bonds, authorisations to acquire a qualifying holding, and authorisations to perform the function of a member of a bank's management board; or
5. in other cases when an Act expressly states that the Bank of Slovenia or person referred to in paragraph three of this Article may disclose confidential information to the public or specified recipients.

(5) The obligation to protect confidential information referred to in this Article shall also apply to information obtained by the Bank of Slovenia or persons referred to in paragraph three of this Article as part of the exchange of information with the European Banking Authority, the European Securities and Markets Authority, the European Systemic Risk Board, supervisory authorities in the Republic of Slovenia, or competent authorities of other Member States, including the European Central Bank

Uredbo (EU) št. 575/2013, ter organi držav članic, ki upravljajo sisteme jamstva za vloge, v skladu s tem zakonom in Uredbo (EU) št. 575/2013.

(6) Banka Slovenije obdeluje osebne podatke, ki jih pridobi v okviru izvajanja nalog in pooblastil, določenih s tem zakonom ali Uredbo (EU) št. 575/2013, v skladu z zakonom, ki ureja varstvo osebnih podatkov ter Uredbo (EU) št. 45/2001.

15. člen **(uporaba in posredovanje zaupnih informacij)**

(1) Banka Slovenije sme zaupne informacije uporabiti samo za naslednje namene:

1. da preveri pogoje za izdajo dovoljenj in soglasij, o katerih odloča na podlagi tega zakona ali Uredbe (EU) št. 575/2013 in drugih zakonov, ter da zagotovi učinkovito spremljanje poslovanja bank na posamični in konsolidirani podlagi;
2. da izreka ukrepe nadzora ter odloča o drugih ukrepih, za katere je pooblaščen v skladu s tem ali drugim zakonom;
3. da izreka kazni za prekrške ter vložijo ovadbo zaradi suma storitve kaznivega dejanja;
4. v postopkih sodnega varstva proti odločbam, ki jih je izdala, in v drugih sodnih postopkih, ki se vodijo v zvezi z izvajanjem njenih nalog in pristojnosti na podlagi tega zakona ali predpisov EU.

(2) Banka Slovenije lahko zaupne informacije v zvezi s posamezno banko razkrije drugim osebam izključno pod pogoji, določenimi v zakonu.

(3) Določbe prejšnjega in tega člena ne preprečujejo razkritja zaupnih informacij Evropskemu parlamentu, kadar ta izvaja preiskovalne pristojnosti na podlagi 226. člena Pogodbe o delovanju Evropske unije.

(4) Ne glede na določbe tega člena se za zahteve, ki jih Banka

whenever the latter exercises the authorisations of a competent authority in accordance with Regulation (EU) No 575/2013, and the authorities of Member States that manage deposit guarantee schemes in accordance with this Act and Regulation (EU) No 575/2013.

(6) The Bank of Slovenia shall process the personal data that it obtains while performing its tasks and exercising its powers, as defined in this Act or Regulation (EU) No 575/2013, in accordance with the Act governing personal data protection and Regulation (EU) No 45/2001.

Article 15 **(Use and dissemination of confidential information)**

(1) The Bank of Slovenia may use confidential information solely for the following purposes:

1. to verify conditions for issuing authorisations and consents it decides about on the basis of this Act or Regulation (EU) No 575/2013 and other Acts and to ensure the effective monitoring of the operations of banks on an individual and consolidated basis;
2. to impose supervisory measures and to make decisions regarding other measures for which it is authorised in accordance with this or another Act;
3. to impose penalties for offences and to file complaints due to a suspicion of committing criminal offence; and
4. in judicial protection proceedings against decisions issued by the Bank of Slovenia and in other judicial proceedings conducted in relation to the performance of its tasks and the exercising of its powers on the basis of this Act or EU regulations.

(2) The Bank of Slovenia may only disclose confidential information relating to an individual bank to other persons exclusively under the conditions laid down in this Act.

(3) The provisions of the preceding Article and this Article shall not prevent the disclosure of confidential information to the European Parliament whenever the latter exercises its investigative powers on the basis of Article 226 of the Treaty on the Functioning of the European Union.

(4) Notwithstanding the provisions of this Article, provisions of

Slovenije prejme na podlagi zakona, ki ureja dostop do informacij javnega značaja, uporabljajo določbe zakona, ki ureja dostop do informacij javnega značaja.

16. člen (razkritje zaupnih informacij)

(1) Banka Slovenije lahko razkrije zaupne informacije nadzornim organom Republike Slovenije ali pristojnim organom drugih držav članic v zvezi z izvajanjem njihovih nalog in pristojnosti nadzora ter Evropski centralni banki, kadar izvaja pooblastila pristojnega organa v skladu z Uredbo (EU) št. 575/2013.

(2) Banka Slovenije lahko razkrije zaupne informacije tudi naslednjim subjektom Republike Slovenije, druge države članice ali Evropske unije, v zvezi z izvajanjem njihovih nalog in pristojnosti:

1. organom, pristojnim za nadzor drugih subjektov finančnega sektorja in za nadzor finančnih trgov;
2. organom, pristojnim za izvajanje makrobonitetnega nadzora;
3. organom, pristojnim za reševanje institucij, ter organom, odgovornim za ohranjanje stabilnosti finančnega sistema;
4. sodišču in drugim organom, ki opravljajo dejanja v postopku prisilne likvidacije ali stečaja banke ali v drugem podobnem postopku;
5. sodišču, državnemu tožilstvu ali policiji v skladu s predpisi, ki urejajo izvedbo kazenskega ali predkazenskega postopka;
6. revizorjem, ki opravljajo naloge revidiranja računovodskih izkazov kreditnih institucij, investicijskih podjetij, zavarovalnic in finančnih institucij;
7. subjektom ali organom, ki upravljajo sisteme jamstva za vloge, glede informacij, ki jih potrebujejo za izvajanje svojih nalog;
8. centralni banki Evropskega sistema centralnih bank, Evropski centralni banki ali drugemu organu s podobnimi nalogami in pristojnostmi kot monetarne oblasti, kadar so te informacije pomembne za opravljanje njihovih zakonsko predpisanih nalog, vključno z vodenjem monetarne politike in s tem povezanim zagotavljanjem likvidnosti, pregledom nad plačili in nad delovanjem klirinških in poravnalnih sistemov, ter zagotavljanjem stabilnosti

the Act governing public information access shall apply to requests received by the Bank of Slovenia on the basis of the aforementioned Act.

Article 16 (Disclosure of confidential information)

(1) The Bank of Slovenia may disclose confidential information to supervisory authorities of the Republic of Slovenia or to the competent authorities of other Member States in connection with conducting their supervisory tasks and powers and to the European Central Bank whenever the latter exercises the authorisations of a competent authority in accordance with Regulation (EU) No 575/2013.

(2) The Bank of Slovenia may also disclose confidential information to the following entities of the Republic of Slovenia, other Member States or the European Union in connection with exercising their tasks and powers:

1. authorities responsible for the supervision of other financial sector entities and for the supervision of financial markets;
2. authorities responsible for macro-prudential supervision;
3. authorities responsible for the resolution of institutions and authorities responsible for maintaining the stability of the financial system;
4. judicial and other authorities that perform actions in compulsory liquidation or bankruptcy proceedings involving a bank or in other similar proceedings;
5. the court, state prosecutor or police in accordance with regulations governing criminal or pre-trial proceedings;
6. auditors charged with auditing the financial statements of credit institutions, investment firms, insurance undertakings and financial institutions;
7. entities or authorities that manage deposit guarantee schemes, with respect to the information they require to perform their tasks;
8. a central bank in the European System of Central Banks, the European Central Bank, or other authority with similar tasks and powers as the central monetary authority, whenever this information is important for the performance of their legally prescribed tasks, including the pursuit of monetary policy and the associated provision of liquidity, the oversight of payments, and the functioning of clearing systems and settlement systems, and ensuring the stability of the

finančnega sistema;

9. pogodbenim ali institucionalnim shemam za zaščito vlog iz sedmega odstavka 113. člena Uredbe (EU) št. 575/2013;
10. organom, pristojnim za pregled nad delovanjem plačilnih sistemov;
11. Evropskemu bančnemu organu v obsegu, potrebnem za izvajanje njegovih pristojnosti in nalog v skladu z Uredbo (EU) št. 1093/2010, Evropskemu odboru za sistemska tveganja, kadar so te informacije pomembne za opravljanje njegovih nalog v skladu z Uredbo (EU) št. 1092/2010, Evropskemu organu za zavarovanja in poklicne pokojnine, kadar so te informacije pomembne za opravljanje njegovih nalog v skladu z Uredbo (EU) št. 1094/2010, in Evropskemu organu za vrednostne papirje in trge, kadar so te informacije pomembne za opravljanje njegovih nalog v skladu z Uredbo (EU) št. 1095/2010;
12. organom, ki so pristojni za nadzor nad organi, ki opravljajo dejanja v postopku prisilne likvidacije ali stečaja banke ali v drugem podobnem postopku;
13. organom, ki so pristojni za nadzor nad pogodbenimi ali institucionalnimi shemami za zaščito vlog iz sedmega odstavka 113. člena Uredbe (EU) št. 575/2013;
14. organom, ki so pristojni za nadzor nad revizorji, ki opravljajo naloge revidiranja računovodskih izkazov nadzorovanih finančnih družb;
15. organom, ki so pristojni za odkrivanje ali pregon dejanj, ki pomenijo kršitev predpisov o poslovanju gospodarskih družb, če jih potrebujejo v postopkih, ki jih vodijo v okviru svojih pristojnosti;
16. centralni klirinško-depotni družbi ali drugi klirinški družbi oziroma poravnalnemu sistemu po ZTFI, v zvezi z opravljanjem storitev izravnav in poravnave poslov, sklenjenih na enem od trgov v Republiki Sloveniji, če Banka Slovenije oceni, da so te informacije potrebne, da se zagotovi ustrezno ukrepanje te družbe glede neizpolnitve oziroma morebitne neizpolnitve obveznosti udeležencev teh trgov;
17. pritožbenemu organu ali sodišču, ki v zvezi s konkretno informacijo vodi postopek na področju dostopa do informacij javnega značaja;
18. državnemu organu, ki opravlja nadzor nad varstvom osebnih podatkov.

financial system;

9. contractual or institutional deposit protection schemes as referred to in Article 113(7) of Regulation (EU) No 575/2013;
10. authorities responsible for oversight of the functioning of payment systems;
11. the European Banking Authority to the extent required for it to exercise its powers and perform its tasks in accordance with Regulation (EU) No 1093/2010, the European Systemic Risk Board, whenever this information is important for the performance of its tasks in accordance with Regulation (EU) No 1092/2010, the European Insurance and Occupational Pensions Authority, whenever this information is important for the performance of its tasks in accordance with Regulation (EU) No 1094/2010, and the European Securities and Markets Authority, whenever this information is important for the performance of its tasks in accordance with Regulation (EU) No 1095/2010;
12. authorities responsible for supervising authorities that perform tasks in compulsory liquidation or bankruptcy proceedings involving a bank or in other similar proceedings;
13. authorities responsible for supervising contractual or institutional deposit protection schemes as referred to in Article 113(7) of Regulation (EU) No 575/2013;
14. authorities responsible for supervising auditors charged with auditing the financial statements of financial undertakings subject to supervision;
15. authorities responsible for detecting or prosecuting acts deemed to be breaches of regulations governing the operations of companies, provided that they require such information in proceedings they conduct in the scope of their powers;
16. the central clearing and depository house or other clearing house or settlement system pursuant to the ZTFI in connection with the execution of clearing and settlement transactions concluded on one of the markets in the Republic of Slovenia, if the Bank of Slovenia assesses that this information is necessary to ensure that appropriate action is taken by such a house due to the failure or potential failure of participants on these markets to fulfil their liabilities;
17. an appellate body or court that conducts proceedings regarding access to public information in connection with specific information; and
18. the government authority responsible for oversight of the protection of personal data.

(3) Banka Slovenije lahko subjektom iz prvega in drugega odstavka tega člena razkrije le tiste zaupne informacije, ki jih organ oziroma oseba potrebuje za izvajanje svojih nalog ali pristojnosti v skladu z veljavnimi predpisi, ki urejajo njihovo delovanje in pristojnosti. Če zaupne informacije vključujejo zaupne podatke o posamezni stranki, se ti podatki posredujejo subjektom iz prvega in drugega odstavka tega člena le, če bi zaupne podatke ob upoštevanju drugega ali tretjega odstavka 126. člena tega zakona lahko ti subjekti zahtevali tudi neposredno od banke.

(4) Kadar organi iz 12., 13. ali 14. točke drugega odstavka tega člena izvajajo pristojnosti odkrivanja in pregona kršitev predpisov s pomočjo oseb, ki so imenovane za izvajanje posameznih nalog in niso del javnega sektorja, lahko Banka Slovenije razkrije zaupne informacije tudi tem osebam.

(5) Subjekti, ki pridobijo zaupne informacije na podlagi tega člena, smejo te informacije uporabiti samo za izvajanje svojih pristojnosti nadzora oziroma nalog iz prvega odstavka tega člena in jih ne smejo razkriti drugi osebi ali državnemu organu, razen v primerih iz četrtega odstavka 14. člena tega zakona.

(6) Banka Slovenije sme zaupne informacije, ki jih je pridobila od pristojnega organa druge države članice ali pri opravljanju pregleda poslovanja podružnice banke države članice v skladu z oddelkom 9.2. tega zakona, razkriti subjektom iz 12. do 16. točke drugega odstavka tega člena s soglasjem pristojnega organa te države članice.

17. člen

(razkritje zaupnih informacij drugim organom Republike Slovenije)

(1) Banka Slovenije lahko zaupne informacije razkrije vladi oziroma drugemu državnemu organu Republike Slovenije, ki je odgovoren za pripravo zakonodaje glede nadzora nad bankami, investicijskimi podjetji, finančnimi institucijami in zavarovalnicami, kadar je takšno

(3) The Bank of Slovenia may only disclose to the entities referred to in paragraphs one and two of this Article the confidential information that an authority or person needs to perform their tasks or exercise their powers in accordance with the valid regulations governing their work and powers. If confidential information includes confidential data regarding an individual client, such data shall only be disseminated to the entities referred to in paragraphs one and two of this Article if those entities can also request that confidential data directly from the bank in question, taking into account paragraph two or three of Article 126 of this Act.

(4) Whenever the authorities referred to in points 12, 13 or 14 of paragraph two of this Article detect and prosecute breaches of regulations with the help of persons appointed to perform specific tasks and who are not public sector entities, the Bank of Slovenia may disclose confidential information to those persons.

(5) Entities who obtain confidential information on the basis of this Article may only use such information to exercise their supervisory powers or to perform the tasks referred to in paragraph one of this Article and may not disclose such information to another person or government authority, except in the cases referred to in paragraph four of Article 14 of this Act.

(6) The Bank of Slovenia may only disclose the confidential information that it has obtained from a competent authority of another Member State or during a review of the operations of a branch of a Member State bank in accordance with Section 9.2. of this Act to the entities referred to in points 12 to 16 of paragraph two of this Article with the consent of the competent authority of that Member State.

Article 17

(Disclosure of confidential information to other authorities of the Republic of Slovenia)

(1) The Bank of Slovenia may disclose confidential information to the government or another government authority in the Republic of Slovenia responsible for the drafting of legislation governing the supervision of banks, investment firms, financial institutions and insurance

razkritje nujno za izvedbo ukrepov za stabilizacijo banke.

(2) Banka Slovenije lahko zaupne informacije razkrije Državnemu zboru, kadar ta v skladu z zakonsko določenimi pooblastili izvaja nadzor nad delovanjem Banke Slovenije v zvezi z izvajanjem njenih nalog in pooblastil pri opravljanju nadzora, in le v obsegu, ko je posredovanje posameznih zaupnih informacij nujno za izvajanje pooblastil nadzora nad delovanjem Banke Slovenije.

(3) Subjekti, ki pridobijo zaupne informacije na podlagi prvega ali drugega odstavka tega člena, morajo te informacije varovati kot zaupne in jih ne smejo razkriti drugi osebi ali državnemu organu, razen v primerih iz četrtega odstavka 14. člena tega zakona.

(4) Banka Slovenije sme zaupne informacije, ki jih je pridobila od pristojnega organa druge države članice ali pri opravljanju pregleda poslovanja podružnice banke države članice v skladu z oddelkom 9.2. tega zakona, razkriti subjektom iz prvega in drugega odstavka tega člena samo s soglasjem pristojnega organa te države članice.

18. člen

(obveščanje v primeru kriznih razmer)

(1) Banka Slovenije v primeru kriznih razmer v Republiki Sloveniji, ki vključujejo tudi primere, določene v 18. členu Uredbe (EU) št. 1093/2010, ali ob drugih neugodnih trendih na finančnih trgih, ki lahko ogrozijo likvidnost trga ali stabilnost finančnega sistema v drugi državi članici, zlasti v primerih, ko so te razmere povezane s poslovanjem pomembne podružnice banke ali subjektov v skupini v drugi državi članici, o tem nemudoma obvesti pristojni organ te države članice, Evropski bančni organ, centralne banke ESCB ter Evropski odbor za sistemska tveganja.

(2) Kadar Banka Slovenije pridobi zaupne informacije v zvezi z okoliščinami iz prejšnjega odstavka od pristojnega organa druge države

undertakings whenever such disclosure is indispensable for the implementation of measures to stabilise banks.

(2) The Bank of Slovenia may disclose confidential information to the National Assembly whenever the latter, in accordance with its legally prescribed authorisations, supervises the functioning of the Bank of Slovenia in connection with the performance of the Bank of Slovenia's tasks and the exercising of the Bank of Slovenia's powers during supervision, and only to the extent when the dissemination of particular confidential information is indispensable to supervise the functioning of the Bank of Slovenia.

(3) Entities that obtain confidential information on the basis of paragraph one or two of this Article shall protect that information as such and may not disclose it to another person or government authority, except in the cases referred to in paragraph four of Article 14 of this Act.

(4) The Bank of Slovenia may only disclose confidential information it has obtained from a competent authority of another Member State or during a review of the operations of a branch of a Member State bank in accordance with Section 9.2. of this Act to the entities referred to in paragraphs one and two of this Article with the consent of the competent authority of that Member State.

Article 18

(Notification in emergency situations)

(1) In the event of emergency situations in the Republic of Slovenia, including the cases determined in Article 18 of Regulation (EU) No 1093/2010, or in the context of other unfavourable trends on financial markets that could jeopardise the liquidity of the market or the stability of the financial system in another Member State, particularly when such conditions relate to the operations of a significant bank branch or entities in a group in another Member State, the Bank of Slovenia shall immediately notify the competent authority of that Member State, the European Banking Authority, ESCB central banks and the European Systemic Risk Board.

(2) Whenever the Bank of Slovenia obtains confidential information regarding the circumstances referred to in the preceding

članice ali drugega organa iz prejšnjega odstavka, o tem nemudoma obvesti ministrstvo, pristojno za finance, kadar je takšno razkritje nujno, da se zagotovi učinkovit nadzor ter izvedejo ukrepi za reševanje ali prenehanje kreditnih institucij.

(3) Ne glede na četrty odstavek prejšnjega člena sme Banka Slovenije razkriti zaupne informacije, ki jih pridobi v zvezi z okoliščinami iz prvega odstavka tega člena, ministrstvu, pristojnemu za finance, tudi brez soglasja pristojnega organa države članice, če je razkritje nujno za izvedbo ukrepov za stabilizacijo banke.

19. člen

(posredovanje zaupnih informacij osebam tretje države)

(1) Banka Slovenije lahko razkrije zaupne informacije osebam iz tretje države, ki imajo v tretji državi položaj pristojnega organa ali subjekta iz 1. do 6. točke ter 12. do 14. točke drugega odstavka 16. člena tega zakona, če so izpolnjeni naslednji pogoji:

1. če je Republika Slovenija s tretjo državo sklenila dogovor o sodelovanju med navedenimi organi Republike Slovenije in tretje države, s katerim je dogovorjena medsebojna izmenjava zaupnih informacij;
2. če se za navedene osebe tretje države v tej državi uporabljajo pravila o obveznosti varovanja zaupnih informacij, z vsebino, določeno v 14. in 15. členu tega zakona;
3. če je informacija, ki je predmet razkritja osebi tretje države, namenjena samo potrebam izvajanja nalog pristojnega organa ali nalog subjektov iz 1. do 6. točke ter 12. do 14. točke drugega odstavka 16. člena tega zakona.

(2) Banka Slovenije sme zaupne informacije, ki jih je pridobila od pristojnega organa druge države članice ali pri opravljanju pregleda poslovanja podružnice banke države članice v skladu s tem zakonom, razkriti osebam iz prejšnjega odstavka samo s soglasjem pristojnega organa te države članice.

paragraph from the competent authority of another Member State or other authority referred to in the preceding paragraph, it shall notify the ministry responsible for finance without delay, if such disclosure is indispensable to ensure effective supervision and the implementation of measures to resolve or wind up credit institutions.

(3) Notwithstanding paragraph four of the preceding Article, the Bank of Slovenia may disclose confidential information it obtains regarding the circumstances referred to in paragraph one of this Article to the ministry responsible for finance even without the consent of the competent authority of another Member State if that disclosure is indispensable for the implementation of measures to stabilise a bank.

Article 19

(Dissemination of confidential information to persons from a third country)

(1) The Bank of Slovenia shall disclose confidential information to persons from a third country who hold the position of competent authority or the entity referred to in points 1 to 6 and points 12 to 14 of paragraph two of Article 16 of this Act if the following conditions are met:

1. the Republic of Slovenia has concluded a cooperation agreement with the third country on the mutual exchange of confidential information involving the aforementioned authorities from the Republic of Slovenia and that third country;
2. for the aforementioned persons from the third country, the rules regarding the obligation to protect confidential information apply in that country with the content laid down in Articles 14 and 15 of this Act; and
3. the information subject to disclosure to persons from the third country is intended solely for the purpose of performing the tasks of the competent authority or entities referred to in points 1 to 6 and points 12 to 14 of paragraph two of Article 16 of this Act.

(2) The Bank of Slovenia may only disclose confidential information it has obtained from a competent authority of another Member State or during a review of the operations of a branch of a Member State bank in accordance with this Act to the entities referred to in the preceding paragraph with the consent of the competent authority of that Member State.

2.2.2. Odgovornost za izvajanje nadzora

20. člen (odgovornost v zvezi z izvajanjem nadzora)

(1) Banka Slovenije in osebe, ki delujejo v njenem imenu ali po njenem pooblastilu, pri izvajanju pristojnosti nadzora na podlagi tega zakona ravnajo s skrbnostjo dobrega strokovnjaka.

(2) Šteje se, da je Banka Slovenije pri izrekanju ukrepov nadzora in izvajanju drugih pristojnosti na podlagi tega zakona ravnala z ustrezno skrbnostjo, če je ob upoštevanju dejstev in okoliščin, s katerimi je razpolagala v času odločanja, lahko upravičeno štela, da so izpolnjeni pogoji za izrekanje ukrepov nadzora ali za izvajanje drugih pristojnosti v skladu s tem zakonom in da so izrečeni ukrepi zakoniti.

(3) Banka Slovenije je odgovorna za ravnanja oseb, ki so pri izvajanju nadzora in drugih pristojnosti Banke Slovenije v skladu s tem zakonom delovale na podlagi pooblastila Banke Slovenije po pravilih, ki urejajo odgovornost delodajalcev za škodo, ki jo pri delu ali v zvezi z delom tretjim osebam povzročijo zaposleni. Če zaradi ravnanja osebe, ki je delovala na podlagi pooblastila Banke Slovenije, nastane škoda, lahko oškodovanec ne glede na določbe drugih zakonov zahteva povračilo škode izključno od Banke Slovenije.

(4) Šteje se, da je oseba, ki je delovala v imenu Banke Slovenije pri izvajanju pristojnosti nadzora v skladu s tem zakonom, ravnala z ustrezno skrbnostjo, če je ob upoštevanju dejstev in okoliščin, s katerimi je razpolagala v času svojega delovanja, ravnala kot dober strokovnjak.

2.2.3. Sodelovanje med nadzornimi organi

2.2.2. Responsibility for conducting supervision

Article 20 (Responsibility related to conducting supervision)

(1) The Bank of Slovenia and persons who work on its behalf or with its authorisation in exercising supervisory powers on the basis of this Act shall act in accordance with the diligence of a good expert.

(2) The Bank of Slovenia shall be deemed to have acted with the appropriate diligence in imposing supervisory measures and exercising other powers on the basis of this Act if, taking into account the facts and circumstances at its disposal at the time of its decision, it can justifiably state that the conditions for imposing supervisory measures or exercising other powers in accordance with this Act were met and that any imposed measures were legal.

(3) The Bank of Slovenia shall be responsible for the conduct of persons who, in the performance of supervisory tasks and the exercising of the other powers of the Bank of Slovenia in accordance with this Act, worked on the basis of Bank of Slovenia's authorisation according to the rules governing the responsibility of employers for damages caused to third parties by employees during or in connection with their work. If damage arises due to the conduct of a person who worked on the basis of the Bank of Slovenia's authorisation, the person suffering damage may only demand compensation for damages from the Bank of Slovenia, notwithstanding the provisions of other Acts.

(4) A person who worked on behalf of the Bank of Slovenia while exercising supervisory powers in accordance with this Act is deemed to have acted with the appropriate diligence if, taking into account the facts and circumstances at their disposal during the time of their work, they acted as a good expert.

2.2.3. Cooperation between supervisory authorities

21. člen **(sodelovanje med nadzornimi organi Republike Slovenije)**

(1) Banka Slovenije in nadzorni organi Republike Slovenije sodelujejo pri izvajanju svojih nalog in pooblastil pri opravljanju nadzora ter si skupno prizadevajo za učinkovit nadzor na ravni finančnega sistema.

(2) Banka Slovenije in nadzorni organi Republike Slovenije si v največji možni meri prizadevajo za poenotenje nadzorniških praks ter v tem okviru tudi za primerljivost metodološkega pristopa pri nadzoru upravljanja tveganj.

(3) Banka Slovenije in nadzorni organi Republike Slovenije morajo na zahtevo posameznega nadzornega organa posredovati temu organu vse podatke glede nadzorovanega subjekta, ki jih organ potrebuje v postopku opravljanja nalog nadzora, v postopku v zvezi z izdajo dovoljenj ali pri odločanju o drugih posamičnih zadevah v skladu z zakonom.

(4) Banka Slovenije in nadzorni organi Republike Slovenije morajo drug drugega na lastno pobudo obveščati o nepravilnostih ali drugih okoliščinah, ki jih ugotovijo pri opravljanju nadzora ali drugih svojih nalog in pristojnosti, če te ugotovitve vplivajo ali bi lahko vplivale na izvajanje nalog tega nadzornega organa pri opravljanju nadzora, zlasti informacije o:

1. ugotovljenih neugodnih trendih v poslovanju nadzorovanega subjekta, zlasti glede izpolnjevanja bonitetnih zahtev, ki bi lahko resno vplivali na druge nadzorovane subjekte;
2. pomembnejših kaznih in ukrepov nadzora, ki jih izreče nadzorni organ v okviru svojih pristojnosti.

(5) Podrobnejšo vsebino in način medsebojnega sodelovanja Banke Slovenije in nadzornih organov Republike Slovenije določi minister oziroma ministrica (v nadaljnjem besedilu: minister) pristojna za finance,

Article 21 **(Cooperation between supervisory authorities in the Republic of Slovenia)**

(1) The Bank of Slovenia and supervisory authorities of the Republic of Slovenia shall work together to perform their tasks and exercise their powers in the area of supervision and shall strive together for effective supervision at the level of the financial system.

(2) The Bank of Slovenia and supervisory authorities of the Republic of Slovenia shall strive to the greatest extent possible for the uniformity of supervisory practices and, within this framework, also for the comparability of the methodological approach used in the supervision of risk management.

(3) Upon the request of an individual supervisory authority, the Bank of Slovenia and other supervisory authorities of the Republic of Slovenia shall submit all data to that authority regarding the subject of supervision that the aforementioned authority needs in the procedure of performing its supervisory tasks, in the procedure related to issuing of authorisations or in making decisions regarding other individual matters in accordance with this Act.

(4) The Bank of Slovenia and supervisory authorities of the Republic of Slovenia shall notify each other on their own initiative of irregularities or other circumstances identified during supervision or the performance of their other tasks or the exercise of other powers, if these findings affect or could affect the performance of supervisory tasks by the supervisory authority in question, in particular information regarding:

1. identified unfavourable trends in the operations of an entity subject to supervision, especially with regard to the fulfilment of prudential requirements that could have a serious impact on other entities subject to supervision; and
2. significant sanctions and supervisory measures imposed by the supervisory authority within the scope of its powers.

(5) The detailed content and method of cooperation between the Bank of Slovenia and supervisory authorities of the Republic of Slovenia shall be defined by the minister responsible for finance on the

na podlagi predhodnega mnenja Banke Slovenije in nadzornih organov Republike Slovenije.

22. člen **(sodelovanje s pristojnimi organi držav članic in tretjih držav)**

(1) Banka Slovenije sodeluje s pristojnimi organi držav članic, ki so pristojni za nadzor kreditnih institucij, glede nadzora nad poslovanjem kreditnih institucij, ki poslujejo v Republiki Sloveniji in drugih državah članicah, v katerih nimajo sedeža, zlasti prek podružnice.

(2) Banka Slovenije sodeluje s pristojnimi organi drugih držav članic zlasti z izmenjavo vseh informacij, s katerimi bi se lahko olajšal nadzor nad kreditnimi institucijami, vključno s preverjanjem pogojev za izdajo dovoljenj, spremljanjem izpolnjevanja bonitetnih zahtev ter presojo ugleda in izkušenj članov upravljalnih organov ter primernosti imetnikov kvalificiranih deležev.

(3) Banka Slovenije pristojnemu organu v državi članici:

1. na njegovo zahtevo predloži informacije iz prejšnjega odstavka;
2. na lastno pobudo posreduje vse informacije, ki so po mnenju Banke Slovenije bistvene za izvajanje nalog nadzora tega pristojnega organa.

(4) Informacija se šteje za bistveno po prejšnjem odstavku, če bi lahko imela pomemben vpliv za oceno finančne trdnosti banke države članice.

(5) Banka Slovenije sklepa sporazume o sodelovanju s pristojnimi organi tretjih držav glede opravljanja nalog nadzora nad bankami, ki opravljajo storitve v tretji državi v skladu s tem zakonom, ter glede opravljanja nalog nadzora nad podružnicami bank iz tretje države, ki so pridobile dovoljenje za opravljanje storitev na območju Republike Slovenije v skladu s tem zakonom.

basis of a preliminary opinion of the Bank of Slovenia and supervisory authorities of the Republic of Slovenia.

Article 22 **(Cooperation with the competent authorities of Member States and third countries)**

(1) The Bank of Slovenia shall cooperate with the competent authorities of Member States responsible for the supervision of credit institutions regarding the supervision of the operations of credit institutions that operate in the Republic of Slovenia and other Member States in which they do not have a registered office, in particular via branches.

(2) The Bank of Slovenia shall cooperate with the competent authorities of other Member States, in particular by exchanging all pieces of information that could facilitate the supervision of credit institutions, including the verification of conditions for issuing authorisations, monitoring the fulfilment of prudential requirements, and assessing the reputation and experience of members of governing bodies and the suitability of holders of qualifying holdings.

(3) The Bank of Slovenia shall:

1. submit the information referred to in the preceding paragraph to a competent authority in a Member State upon its request; and
2. on its own initiative, submit all pieces of information that the Bank of Slovenia believes material for the performance of that competent authority's supervisory tasks.

(4) Information shall be deemed material under the preceding paragraph if it could have a significant impact on the assessment of the financial soundness of a Member State bank.

(5) The Bank of Slovenia shall conclude a cooperation agreement with the competent authorities of third countries with respect to the performance of supervisory tasks in banks that provide services in a third country in accordance with this Act and with respect to the performance of supervisory tasks in branches of third-country banks that have obtained authorisation to provide services in the territory of the Republic of Slovenia in accordance with this Act.

23. člen
(sodelovanje z Evropskim bančnim organom)

(1) Banka Slovenije v zvezi z izvajanjem nalog nadzora nad bankami sodeluje z Evropskim bančnim organom in mu predloži vse informacije, potrebne za izvajanje njegovih nalog v skladu z določbami 35. člena Uredbe (EU) št. 1093/2010.

(2) Banka Slovenije obvesti Evropski bančni organ v skladu s 19. členom Uredbe (EU) št. 1093/2010, če pristojni organ druge države članice Banki Slovenije ne predloži bistvenih informacij za izvajanje nadzora nad bankami in glede poslovanja bank držav članic v Republiki Sloveniji ali če zavrne zahtevo Banke Slovenije za sodelovanje, zlasti glede izmenjave pomembnih informacij v zvezi z opravljanjem nadzora, oziroma če se na takšno zahtevo Banke Slovenije ne odzove v razumnem roku.

24. člen
(obveščanje organov Evropske unije)

Banka Slovenije obvešča Komisijo, Evropski bančni odbor, Evropski bančni organ, Evropsko centralno banko in druge organe Evropske unije v skladu s predpisi Evropske unije.

3. POGLAVJE:

STATUSNI USTROJ BANKE

3.1. Splošne določbe

25. člen

Article 23
(Cooperation with the European Banking Authority)

(1) The Bank of Slovenia shall cooperate with the European Banking Authority in connection with performing tasks of supervision of banks and shall submit to the aforementioned authority all pieces of information necessary for the performance of the latter's tasks in accordance with the provisions of Article 35 of Regulation (EU) No 1093/2010.

(2) The Bank of Slovenia shall notify the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010 if the competent authority of another Member State fails to submit information to the Bank of Slovenia material for performing supervision of banks and with regard to the operations of Member State banks in the Republic of Slovenia or if it refuses the Bank of Slovenia's request for cooperation, in particular with regard to the exchange of essential information relating to performing supervision, or if it fails to respond to such a request from the Bank of Slovenia in a reasonable period.

Article 24
(Notification of authorities of the European Union)

The Bank of Slovenia shall notify the Commission, the European Banking Committee, the European Banking Authority, the European Central Bank and other authorities of the European Union in accordance with the regulations of the European Union.

CHAPTER 3:

LEGAL STATUS OF A BANK

3.1. General provisions

Article 25

(organiziranost kot delniška družba)

(1) Banka mora biti organizirana v pravnoorganizacijski obliki delniške družbe ali evropske delniške družbe.

(2) Za banko se uporabljajo določbe ZGD-1, ki veljajo za delniške družbe ali evropske delniške družbe, če ni s tem zakonom drugače določeno.

26. člen (uporaba imena)

(1) V sodni register se ne sme vpisati firma, ki vsebuje besede »banka«, »kreditna institucija« ali »hranilnica« ali izpeljanke iz teh besed, če pravna oseba ni pridobila dovoljenja pristojnega organa za opravljanje bančnih storitev.

(2) Če uporaba firme ali druge oznake banke države članice, ki opravlja storitve v Republiki Sloveniji ustvarja ali bi lahko ustvarila zmedo med uporabniki, lahko Banka Slovenije od te banke zahteva, da uporabi dodatne znake, s katerimi se odpravijo nejasnosti.

3.2. Ustanovni kapital in delnice banke

27. člen (ustanovni kapital banke)

(1) Najnižji znesek ustanovnega kapitala banke je 5.000.000 eurov.

(2) Ustanovni kapital banke vključuje eno ali več postavk iz točk (a) do (e) prvega odstavka 26. člena Uredbe (EU) št. 575/2013.

28. člen (delnice banke)

(1) Delnice banke se lahko glasijo le na ime.

(Organisation as a public limited company)

(1) A bank shall be organised as a public limited company or a European public limited company.

(2) The provisions of the ZGD-1 that apply to public limited companies or European public limited companies shall apply to banks, unless otherwise provided by this Act.

Article 26 (Use of names)

(1) Legally registered names in the court register may not include the words "bank", "credit institution" or "savings bank" or derivatives thereof if the legal person in question has failed to obtain authorisation from the competent authority to provide banking services.

(2) If the use of the legally registered name or other mark of a Member State bank that provides services in the Republic of Slovenia creates or could create confusion among users, the Bank of Slovenia may request that the bank in question use additional marks to eliminate ambiguities.

3.2. Initial capital and shares of a bank

Article 27 (Initial capital of a bank)

(1) The minimum amount of a bank's initial capital shall be EUR 5,000,000.

(2) A bank's initial capital shall include one or more items referred to in Article 26(1)(a) to (e) of Regulation (EU) No 575/2013.

Article 28 (Shares of a bank)

(1) Shares of a bank may only be issued as registered shares.

(2) Delnice banke se lahko vplačajo samo v denarju.

(3) Prejšnji odstavek se ne uporablja v primeru:

1. ustanovitve banke ali povečanja osnovnega kapitala banke zaradi izvedbe združitve ali delitve;
2. povečanja osnovnega kapitala banke iz sredstev banke;
3. povečanja osnovnega kapitala banke na podlagi ukrepov zgodnjega posredovanja v skladu s tem zakonom;
4. povečanja osnovnega kapitala banke na podlagi ukrepov za reševanje banke, v skladu z zakonom, ki ureja reševanje in postopke prenehanja bank.

(4) Kot stvarni vložek pri povečanju osnovnega kapitala banke se za namen tega zakona ne šteje:

1. izročitev zamenljivih kapitalskih instrumentov, ki jih je izdala banka in ki izpolnjujejo pogoje v skladu z določbami Uredbe (EU) št. 575/2013, če so bili kapitalski instrumenti vplačani v denarju;
2. denarne terjatve, ki pripadajo zaposlenim iz naslova izplačila variabilnega dela prejemkov, ki jim jih zagotavlja banka v skladu s tem zakonom.

(5) Delnice banke morajo biti v celoti vplačane pred vpisom ustanovitve oziroma povečanja osnovnega kapitala v sodni register.

(6) Za delnice banke, ki so delnice z nominalnim zneskom, se ne uporablja določba drugega odstavka 172. člena ZGD-1, ki določa, da se morajo delnice z nominalnim zneskom glasiti najmanj na en euro ali njegov večkratnik, za kosovne delnice banke pa se ne uporablja določba tretjega odstavka 172. člena ZGD-1, ki določa, da znesek v osnovnem kapitalu, ki pripada posamezni kosovni delnici, ne sme biti nižji od enega eura.

(7) Banka Slovenije predpiše merila za stvarne vloške, ki se lahko upoštevajo pri povečanju osnovnega kapitala banke v skladu s 3. točko tretjega odstavka tega člena.

(8) Statut banke lahko določi pooblastilo upravi za povečanje

(2) Shares of a bank may be paid only in cash.

(3) The preceding paragraph shall not apply in the following cases:

1. the establishment of a bank or an increase in a bank's share capital due to a merger or division;
2. an internally funded increase in a bank's share capital;
3. an increase in a bank's share capital based on early intervention measures in accordance with this Act; and
4. an increase in a bank's share capital based on measures aimed at resolving a bank in accordance with the Act governing the resolution and winding up of banks.

(4) For the purposes of this Act, the following shall not be deemed non-cash contributions aimed at increasing bank's share capital:

1. the delivery of convertible equity instruments issued by a bank that meet conditions in accordance with the provisions of Regulation (EU) No 575/2013, if the equity instruments were paid up in cash or
2. monetary claims to which employees are entitled from the payment of the variable component of remuneration provided by a bank in accordance with this Act.

(5) A bank's shares shall be paid up in full prior to the entry of a bank's establishment or an increase in its share capital in the court register.

(6) The provision of paragraph two of Article 172 of the ZGD-1, which states that the value of nominal value shares must be at least one euro or a multiple thereof, shall not apply to a bank's nominal value shares, while the provision of paragraph three of Article 172 of the ZGD-1, which states that the amount of share capital attributable to one no-par value share may not be less than one euro, shall not apply to a bank's no-par value shares.

(7) The Bank of Slovenia shall prescribe the criteria for non-cash contributions that can be taken into account when increasing a bank's share capital in accordance with point 3 of paragraph three of this Article.

(8) A bank's articles of association may authorise the

osnovnega kapitala banke (odobreni kapital), pri čemer se ne uporabljata zahtevi iz ZGD-1, da znesek odobrenega kapitala ne sme preseči polovice osnovnega kapitala, ki je obstajal v času, ko je bil statut spremenjen. Statut banke lahko določi tudi pogoje povečanja osnovnega kapitala z odobrenim kapitalom.

(9) Ne glede na določbe ZGD-1 sme pri pogojnem povečanju osnovnega kapitala banke najmanjši emisijski znesek delnic, izdanih v postopku pogojnega povečanja osnovnega kapitala, preseči polovico osnovnega kapitala, ki obstaja med sklepanjem o pogojnem povečanju kapitala.

29. člen **(ničnost skupščinskih sklepov)**

(1) Poleg primerov, določenih v ZGD-1, je sklep skupščine ničen, če je v nasprotju z ukrepom, ki ga na podlagi tega zakona ali Uredbe (EU) št. 1024/2013 banki izreče Banka Slovenije ali Evropska centralna banka kot pristojni organ, ali v primeru, če se s skupščinskim sklepom zmanjšujejo učinki ali zaobide namen takšnega ukrepa.

(2) Ničnost skupščinskega sklepa zaradi razlogov iz prejšnjega odstavka lahko v šestih mesecih od vpisa sklepa skupščine v sodni register uveljavlja Banka Slovenije v zvezi z ukrepi nadzora na podlagi tega zakona ali Evropska centralna banka, kadar je izrekla ukrepe nadzora na podlagi Uredbe (EU) št. 1024/2013.

(3) Za banke se ne uporablja 399. člen ZGD-1.

3.3. Dejavnost banke

30. člen **(opravljanje storitev)**

(1) Banka lahko opravlja bančne storitve, finančne storitve in

management board to increase a bank's share capital (authorised capital), whereby the requirements referred to in the ZGD-1, which state that the amount of authorised capital may not exceed one half of the share capital that existed at the time the articles of association were amended, shall not apply. A bank's articles of association may also set out the conditions for increasing share capital via authorised capital.

(9) Notwithstanding the provisions of the ZGD-1, during a conditional increase in a bank's share capital, the minimum issue value of shares issued in the procedure of conditional increase in share capital may exceed one half of the share capital that exists at the time of conclusion on the conditional increase in share capital.

Article 29 **(Nullity of general meeting resolutions)**

(1) In addition to the cases determined in the ZGD-1, a general meeting resolution shall be null and void if it is in contravention of a measure imposed on a bank by the Bank of Slovenia or European Central Bank on the basis of this Act or Regulation (EU) No 1024/2013 or if the general meeting resolution reduces the effects or circumvents the purpose of such a measure.

(2) A general meeting resolution may be nullified for the reasons referred to in the preceding paragraph, within six months of the entry of the resolution in the court register, either by the Bank of Slovenia in connection with supervisory measures issued on the basis of this Act or by the European Central Bank whenever the latter has issued supervisory measures on the basis of Regulation (EU) No 1024/2013.

(3) Article 399 of the ZGD-1 shall not apply to banks.

3.3. Activities of a bank

Article 30 **(Provision of services)**

(1) A bank may provide banking services, financial services

dodatne finančne storitve.

(2) Banka lahko začne opravljati storitve iz prejšnjega odstavka, ko pridobi dovoljenje za opravljanje teh storitev v skladu s tem zakonom in Uredbo (EU) št. 1024/2013.

(3) Banka lahko poleg storitev iz prvega odstavka tega člena opravlja tudi pomožne storitve.

(4) Pomožne storitve so upravljanje premoženja banke, vodenje zbirk podatkov, vključno z osebnimi podatki, ali opravljanje podobnih poslov, ki se izvajajo kot podpora opravljanju storitev ene ali več kreditnih institucij.

(5) Banka ne sme opravljati drugih dejavnosti in storitev, razen storitev iz prvega in tretjega odstavka tega člena.

31. člen (prepoved kreditiranja in fiktivni posli)

(1) Banka ne sme posredno ali neposredno kreditirati in dajati jamstev za nakup lastnih delnic ali delnic oziroma deležev družb, v katerih je banka udeležena z najmanj 20-odstotnim deležem v kapitalu ali glasovalnih pravicah.

(2) Za kreditiranje iz prejšnjega odstavka se štejejo tudi drugi pravni posli, ki so po svojem ekonomskem namenu enaki kreditu.

(3) Prepoved iz prvega odstavka tega člena velja tudi za kapitalske in druge instrumente, katerih izdajatelj je banka oziroma družba, v kateri je banka udeležena z najmanj 20-odstotnim deležem v kapitalu ali glasovalnih pravicah in ki se glede na svoje lastnosti lahko upoštevajo pri izračunu kapitala banke oziroma teh družb.

(4) Za terjatve delničarja do banke iz naslova vloge na podlagi pogodbe o vodenju transakcijskega računa, hranilne vloge, denarnega depozita ali drugih pozitivnih stanj, ki so posledica običajnih bančnih transakcij in na podlagi katerih mora banka delničarju vrniti denarna

and additional financial services.

(2) A bank may begin providing the services referred to in the preceding paragraph when it obtains authorisation to provide those services in accordance with this Act and Regulation (EU) No 1024/2013.

(3) In addition to the services referred to in paragraph one of this Article, a bank may also provide ancillary services.

(4) Ancillary services shall include the management of the bank's assets, the administration of databases, including personal data, or performing similar operations as support for the provision of services by one or more credit institutions.

(5) A bank may not perform other activities and provide other services except those referred to in paragraphs one and three of this Article.

Article 31 (Prohibition on lending and fictitious transactions)

(1) A bank may not indirectly or directly provide loans and issue guarantees for the purchase of treasury shares or shares in undertakings in which it holds a participating interest or voting rights of at least 20%.

(2) The lending activities referred to in the preceding paragraph shall also include other legal transactions whose economic purpose is the same as a loan.

(3) The prohibition referred to in paragraph one of this Article shall also apply to capital and other instruments issued by a bank or undertaking in which a bank holds a participating interest or voting rights of at least 20% and which, given their nature, may be included in the calculation of the capital of the bank or those undertakings.

(4) Paragraph four of Article 227 of the ZGD-1 shall not apply to a shareholder's claims against a bank arising from a deposit based on an agreement on the management of a current account, a savings deposit, a cash deposit or other positive balances that are the result of ordinary

sredstva, ki jih je pri banki vplačal delničar banke ali tretja oseba za račun delničarja, se ne uporablja četrti odstavek 227. člena ZGD-1.

32. člen **(sodelovanje banke pri finančnem prestrukturiranju)**

(1) Banka, ki v okviru finančnega prestrukturiranja z dolžnikom, ki je pravna oseba, sklene dogovor o delnem odpustu dolga, lahko v postopku zaradi insolventnosti, ki je začel zoper tega dolžnika v 12 mesecih po sklenitvi dogovora o odpustu dolga, uveljavlja poplačilo celotnega dolga, kot da dogovor o odpustu dolga ne bi bil sklenjen.

(2) Posojilo, ki ga banka zagotovi dolžniku, v katerem je pridobila delež v kapitalu z namenom finančnega prestrukturiranja, se v kasnejšem stečajnem postopku ali postopku prisilne poravnave nad tem dolžnikom, ne šteje kot premoženje družbe.

3.4. Sistem upravljanja banke

3.4.1. Skupne določbe za upravljalni organ banke

33. člen **(sistem upravljanja banke)**

(1) Banka lahko izbere dvotirni sistem upravljanja banke z upravo in nadzornim svetom ali enotirni sistem upravljanja banke z upravnim odborom.

(2) Za upravni odbor banke z enotirnim sistemom upravljanja se smiselno uporabljajo določbe tega zakona o nadzornem svetu banke, za izvršne direktorje pa določbe tega zakona o upravi banke.

(3) Za banke z enotirnim sistemom upravljanja veljajo naslednja posebna pravila:

banking transactions based on which the bank must repay funds to the shareholder that were paid to the bank by the latter or by a third party on the shareholder's behalf.

Article 32 **(Participation of a bank in financial restructuring)**

(1) A bank that concludes an agreement with a debtor that is a legal entity on partial debt forgiveness in the scope of financial restructuring may, in insolvency proceedings initiated against the debtor within 12 months of the conclusion of the debt forgiveness agreement, claim the repayment of the debt in full as if the aforementioned agreement had not been concluded.

(2) A loan provided by a bank to a debtor in which the bank obtained a participating interest for the purpose of financial restructuring shall not be deemed assets of the company in subsequent bankruptcy proceedings or compulsory composition proceedings against that debtor.

3.4. Governance system of a bank

3.4.1. Common provisions for a bank's governing body

Article 33 **(Governance system of a bank)**

(1) A bank may choose a two-tier governance system with a management board and supervisory board or a single-tier governance system with a board of directors.

(2) The provisions of this Act regarding a bank's supervisory board shall apply *mutatis mutandis* to a bank's board of directors in a single-tier governance system, while the provisions of this Act regarding a bank's management board shall apply *mutatis mutandis* to executive directors.

(3) The following special rules shall apply to banks with a single-tier governance system:

1. upravni odbor banke mora imenovati najmanj dva izvršna direktorja izmed članov upravnega odbora, pri čemer se izvršni direktor oziroma direktorica (v nadaljnjem besedilu: izvršni direktor) lahko imenuje samo od članov upravnega odbora;
2. za izvršne direktorje je lahko imenovana največ polovica članov upravnega odbora banke;
3. člani upravnega odbora, ki niso izvršni direktorji, ne smejo voditi poslov banke;
4. predsednik oziroma predsednica upravnega odbora (v nadaljnjem besedilu: predsednik upravnega odbora) ne more biti imenovan za izvršnega direktorja v isti banki, Banka Slovenije pa lahko na zahtevo banke dovoli, da funkcijo izvršnega direktorja v banki opravlja predsednik upravnega odbora, če so za to podani utemeljeni razlogi na strani banke.

(4) ([razveljavljen](#))

34. člen **(sestava upravljalnega organa)**

(1) Upravljalni organ banke mora biti sestavljen tako, da ima kot celota ustrezno znanje, veščine in izkušnje, ki so potrebni za poglobljeno razumevanje dejavnosti banke in tveganj, ki jim je izpostavljena.

(2) Organi banke, ki so pristojni za izbor in imenovanje članov upravljalnega organa, morajo vzpostaviti in izvajati ustrezno politiko izbora primernih kandidatov, ki zagotavlja:

1. da upravljalni organ kot celota upošteva ustrezno širok nabor znanja, veščin in izkušenj članov upravljalnega organa banke;
2. spodbude za doseganje raznolikosti v okviru upravljalnega organa, vključno z ustrezno zastopanostjo obeh spolov v upravljalnem organu, vključno s politikami, da se za doseg te ciljev poveča število predstavnikov premalo zastopanega spola v upravljalnem organu;
3. opredelitev pogojev za opravljanje posamezne funkcije, vključno z zahtevanim profilom članov upravljalnega organa, še preden so ti imenovani.

(3) Banka mora politiko izbora primernih kandidatov in njeno

1. a bank's board of directors shall appoint at least two executive directors from among its members, whereby the appointment of executive directors is limited exclusively to the members of the board of directors;
2. no more than one half of the members of a bank's board of directors may be appointed executive directors;
3. members of the board of directors other than executive directors may not manage a bank's operations; and
4. the chairman or chairwoman of the board of directors (hereinafter: the chairperson of the board of directors) may not be appointed as an executive director at the same bank. Upon the bank's request, the Bank of Slovenia may permit the chairperson of the board of directors to serve as executive director, provided that the bank in question provides justifiable grounds.

(4) (**Abrogated**)

Article 34 **(Composition of a governing body)**

(1) A bank's governing body shall be composed in such a manner that it possesses the relevant knowledge, skills and experience as a whole as are required for the in-depth understanding of the bank's activities and the risks to which it is exposed.

(2) A bank's bodies responsible for selection and appointment of members of the governing body shall draw up and implement an appropriate policy on the selection of suitable candidates that ensures:

1. that the governing body as a whole takes into account the wide range of knowledge, skills and experience of its members;
2. initiatives to achieve diversity within the governing body, including the appropriate representation of both genders in the governing body, including policies to achieve these objectives by increasing the number of members of an under-represented gender on the governing body; and
3. the definition of conditions for the performance of an individual function, including the required profile of members of the governing body before they are appointed.

(3) A bank's policy on the selection of suitable candidates and

izvajanje v skladu s prejšnjim odstavkom ustrezno dokumentirati in objaviti v skladu s točko (c) drugega odstavka 435. člena Uredbe (EU) št. 575/2013.

(4) Banka Slovenije zbira informacije iz prejšnjega odstavka z namenom primerjave praks glede raznolikosti v upravljalnih organih bank ter te podatke posreduje Evropskemu bančnemu organu.

(5) Banka mora zagotoviti ustrezne kadrovske in finančne pogoje za uvajanje in usposabljanje članov upravljalnega organa.

35. člen

(ocenjevanje primernosti članov upravljalnega organa)

(1) Banka mora vzpostaviti in izvajati proces ocenjevanja primernosti članov upravljalnega organa pred imenovanjem in po imenovanju, če nastopijo okoliščine, zaradi katerih je treba izvesti ponovno ocenjevanje primernosti, najmanj pa enkrat letno.

(2) Kadar pri izvedbi ocenjevanja iz prejšnjega odstavka sodeluje posameznik, ki je zaposlen v banki, mora banka zagotoviti ustrezno zaščito te osebe pred morebitnimi povračilnimi ukrepi.

(3) Banka mora v petih dneh po sprejetju sklepa nadzornega sveta o imenovanju ali razrešitvi članov uprave oziroma o potrditvi ustreznosti kandidatov za člane nadzornega sveta banke, o tem obvestiti Banko Slovenije ali Evropsko centralno banko, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz točke (e) prvega odstavka 4. člena te uredbe. V zvezi z imenovanjem člana uprave ali nadzornega sveta mora banka predložiti oceno primernosti kandidatov, ki jo je izvedla.

36. člen

(nezdružljivost opravljanja drugih direktorskih funkcij)

(1) Banka mora pri določanju števila direktorskih funkcij, ki jih

the implementation of that policy in accordance with the preceding paragraph shall be appropriately documented and published pursuant to Article 435(2)(c) of Regulation (EU) No 575/2013.

(4) The Bank of Slovenia shall collect the information referred to in the preceding paragraph with the aim of comparing practices in the area of diversity in banks' governing bodies and forward that information to the European Banking Authority.

(5) A bank shall ensure the appropriate staff and financial conditions for the initiation and training of members of its governing body.

Article 35

(Assessment of the suitability of members of a governing body)

(1) A bank shall establish and implement a process for assessing the suitability of members of its governing body both prior to their appointment and afterwards should circumstances arise that require the reassessment of suitability and a minimum of once a year.

(2) Whenever a bank employee is a party to the assessment referred to in the preceding paragraph, the bank shall provide for the protection of that person against potential retaliatory measures.

(3) Within five days following the adoption of a resolution by its supervisory board on the appointment or dismissal of members of the management board or regarding confirmation of the suitability of candidates as members of its supervisory board, a bank shall notify the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation. The bank shall submit the assessment of the suitability of candidates that it has carried out in connection with the appointment of members of the management board or supervisory board.

Article 36

(Incompatibility of holding other directorships)

(1) When defining the number of directorships a member of the

lahko istočasno opravlja posamezni član upravljalnega organa v drugih družbah in organizacijah hkrati z opravljanjem funkcije člana upravljalnega organa banke, upoštevati posamične okoliščine v zvezi z banko in članom, zlasti z vidika časa, ki ga mora ta nameniti opravljanju svoje funkcije, ter naravo, obseg in zapletenost dejavnosti, ki jih opravlja banka.

(2) Kot direktorska funkcija v drugi družbi in organizaciji se za namene tega člena šteje:

1. funkcija vodenja, v okviru katere je oseba pooblaščen za vodenje poslov in zastopanje družbe, vključno s samostojnim podjetnikom posameznikom, prokuristom ter funkcijami višjega vodstva (v nadaljnjem besedilu: izvršna direktorska funkcija);
2. funkcija nadzora, v okviru katere je oseba pooblaščen in odgovorna za nadzorovanje in spremljanje vodenja poslov družbe (v nadaljnjem besedilu: neizvršna direktorska funkcija).

(3) Člani upravljalnega organa pomembne banke lahko istočasno opravljajo več direktorskih funkcij v drugih družbah in organizacijah z upoštevanjem zahteve iz prvega odstavka tega člena, če gre za eno od naslednjih kombinacij:

1. izvršna direktorska funkcija z največ dvema neizvršnima direktorskima funkcijama ali
2. največ štiri neizvršne direktorske funkcije.

(4) Za namene iz prejšnjega odstavka se kot ena sama direktorska funkcija štejejo:

1. izvršne ali neizvršne direktorske funkcije v družbah znotraj iste skupine;
2. izvršne ali neizvršne direktorske funkcije v:
 - kreditnih institucijah, ki so članice iste institucionalne sheme za zaščito vlog, če so izpolnjeni pogoji iz sedmega odstavka 113. člena Uredbe (EU) št. 575/2013, ali
 - družbah, vključno z nefinančnimi subjekti, v katerih ima banka kvalificiran delež.

(5) Za namene iz tretjega odstavka tega člena se ne upoštevajo direktorske funkcije, ki jih posamezni član upravljalnega organa banke opravlja v družbah in organizacijah, katerih prevladujoča dejavnost je

governing body may hold at the same time in other undertakings and organisations while serving as a member of a bank's governing body, a bank shall take into account individual circumstances involving the bank and the member in question, particularly in terms of the time the latter shall devote to performing their function and the nature, scale and complexity of the bank's activities.

(2) The following shall be deemed a directorship at another undertaking and organisation for the purposes of this Article:

1. a management function in which the person in question is authorised to manage operations and to represent an undertaking, including a sole trader, and procurator and senior management functions (hereinafter: executive directorships);
2. a supervisory function in which the person in question is authorised and responsible for supervising and monitoring the management of an undertaking's operations (hereinafter: non-executive directorships).

(3) The members of the governing body of a significant bank may hold several directorships at the same time in other undertakings and organisations, taking into account the requirements referred to in paragraph one of this Article, if one of the following combinations are involved:

1. one executive directorship with a maximum of two non-executive directorships or
2. a maximum of four non-executive directorships.

(4) For the purposes referred to in the preceding paragraph, the following shall be deemed a single directorship:

1. executive or non-executive directorships at undertakings in the same group; and
2. executive or non-executive directorships at:
 - credit institutions that are members of the same institutional deposit protection scheme, provided that the conditions referred to in Article 113(7) of Regulation (EU) No 575/2013 are met, or
 - undertakings including non-financial entities in which a bank holds a qualifying holding.

(5) Directorships held by an individual member of a bank's governing body in undertakings and organisations that pursue a primarily non-profit activity shall not be taken into account for the purposes referred

nepridobitne narave.

(6) Na podlagi zahteve posameznega člana in ob soglasju banke lahko Banka Slovenije z upoštevanjem prvega odstavka tega člena temu članu dovoli opravljati dodatno neizvršno direktorsko funkcijo. Banka Slovenije o vsakem dovoljenju za opravljanje dodatne neizvršne direktorske funkcije obvesti Evropski bančni organ.

(7) Član oziroma članica upravljalnega organa (v nadaljnjem besedilu: član upravljalnega organa) mora pred imenovanjem in ves čas trajanja opravljanja funkcije člana upravljalnega organa banko pisno obveščati o vseh direktorskih funkcijah, ki jih opravlja oziroma jih je začel opravljati v drugih družbah in organizacijah ter o prenehanju opravljanja teh funkcij.

3.4.2. Uprava banke

37. člen (sestava uprave)

(1) Uprava banke mora imeti najmanj dva člana, ki banko skupaj zastopata in predstavljata v pravnem prometu.

(2) Posamezni član oziroma članica uprave (v nadaljnjem besedilu: član uprave) ali prokurist ne sme biti pooblaščen za samostojno zastopanje banke za celoten obseg poslov iz dejavnosti banke.

(3) Člani uprave morajo opravljati posle vodenja banke na podlagi pogodbe o zaposlitvi, sklenjene za polni delovni čas.

(4) Najmanj en član uprave mora imeti zadostno znanje slovenskega jezika, primerno za opravljanje dolžnosti člana uprave banke.

(5) Uprava banke mora voditi posle banke v Republiki Sloveniji.

to in paragraph three of this Article.

(6) Based on the request of an individual member and with a bank's consent, the Bank of Slovenia may authorise that member to hold an additional non-executive directorship, taking into account paragraph one of this Article. The Bank of Slovenia shall notify the European Banking Authority of every authorisation it issues to hold an additional non-executive directorship.

(7) Before their appointment and for the duration of serving as member of the governing body, each member shall notify the bank in writing about all directorships they hold or began to hold in other undertakings and organisations and when they cease to hold such functions.

3.4.2. Management board of a bank

Article 37 (Composition of a management board)

(1) A bank's management board shall comprise at least two members who shall jointly act on behalf of and represent the bank in legal transactions.

(2) No member of a bank's management board or its procurator may be authorised to act independently on behalf of the bank with respect to the entire scope of the bank's activities.

(3) Members of a bank's management board shall manage a bank on the basis of a full-time employment contract.

(4) At least one member of the management board shall have sufficient knowledge of the Slovenian language to properly perform their duties as members of a bank's management board.

(5) The bank's management board shall manage a bank's operations in the Republic of Slovenia.

38. člen
(pogoji za imenovanje člana uprave)

(1) Za člana uprave banke je lahko imenovana oseba:

1. ki ima znanje, veščine in izkušnje za vodenje poslov banke ali družbe primerljive velikosti in dejavnosti kot banka oziroma drugih primerljivih poslov;
2. ki ima ugled in lastnosti za vodenje poslov banke ter njeno ravnanje ne vzbuja dvoma o njeni zmožnosti za zagotovitev varnega in skrbnega vodenja poslov banke v skladu s pravili o upravljanju tveganj, profesionalno skrbnostjo in najvišjimi etičnimi standardi ter preprečevanja nasprotja interesov;
3. ki ne krši 36. člena tega zakona ali so bila dana zagotovila, da se bo kandidat oziroma kandidatka (v nadaljnjem besedilu: kandidat) uskladi s temi zahtevami v roku iz drugega odstavka 43. člena tega zakona.

(2) Šteje se, da oseba nima ugleda in lastnosti za vodenje poslov banke, če je bila:

1. pravnomočno obsojena zaradi kaznivega dejanja in obsodba še ni bila izbrisana; ali
2. zoper to osebo vložena pravnomočna obtožnica zaradi kaznivega dejanja, ki se preganja po uradni dolžnosti in za katera se lahko izreče kazen zapora eno leto ali več.

39. člen
(opravljanje funkcije člana uprave)

(1) Funkcijo člana uprave banke lahko opravlja le oseba, ki pridobi dovoljenje za opravljanje funkcije člana uprave te banke v skladu s tem zakonom.

(2) Nadzorni svet mora odločiti o imenovanju določene osebe za člana uprave banke, preden ta oseba vloži zahtevo za izdajo dovoljenja za opravljanje te funkcije, pri čemer se mora seznaniti tudi z

Article 38
(Conditions for appointment as member of a management board)

(1) A person may be appointed as a member of a bank's management board if:

1. they possess the knowledge, skills and experience required to manage the operations of a bank or an undertaking of similar size and activity to those of a bank or other similar transactions;
2. they enjoy the reputation and possess the traits required to manage a bank's operations, and their conduct does not raise doubt about their ability to ensure the safe and prudent management of a bank's operations in accordance with risk management rules, professional diligence and the highest ethical standards and the prevention of conflicts of interest; and
3. they are not in breach of Article 36 of this Act, or assurances have been given that the candidate will comply with these requirements by the time limit referred to in paragraph two of Article 43 of this Act.

(2) A person is deemed to fail to enjoy the reputation and to possess the traits required to manage a bank's operations if:

1. they have been convicted by a final judgment for a criminal offence and the conviction has not yet been expunged from the records or
2. final charges have been brought against them for a criminal offence prosecuted *ex officio* and for which a prison sentence of a year or more may be imposed.

Article 39
(Performance of the function of member of a management board)

(1) The function of a member of a bank's management board may only be performed by a person who has obtained the authorisation to perform the function of a member of a management board of this bank in accordance with this Act.

(2) The supervisory board shall make a decision regarding the appointment of an individual as a member of a bank's management board before that person files an application for authorisation to perform that

oceno komisije za imenovanja glede primernosti te osebe za člana uprave banke.

(3) Sklep nadzornega sveta o imenovanju določene osebe za člana uprave učinkuje:

1. pod odložnim pogojem, ki nastopi, če ta oseba pridobi dovoljenje za opravljanje te funkcije; in
2. pod razveznim pogojem, ki nastopi:
 - če ta oseba v 15 dneh po prejemu sklepa o imenovanju za člana uprave banke ne vloži zahteve za izdajo dovoljenja za opravljanje te funkcije ali če tako zahtevo umakne ali
 - če je zahteva za izdajo dovoljenja za opravljanje funkcije člana uprave te banke zavržena ali zavrnjena.

(4) Član uprave banke se lahko vpiše v sodni register, ko pridobi dovoljenje za opravljanje funkcije člana uprave banke, razen če je imenovan kot nadomestni član uprave v skladu s petim odstavkom tega člena.

(5) V primeru, ko posameznemu članu uprave preneha funkcija ali ko zaradi drugih okoliščin ne opravlja ali verjetno ne bo opravljal funkcije člana uprave skupno več kakor dva meseca in uprava banke zato deluje ali bo delovala le z enim članom uprave, mora nadzorni svet nemudoma imenovati novega člana uprave ali osebo, ki pri vodenju in zastopanju banke nadomesti manjkajočega člana oziroma članico uprave (v nadaljnjem besedilu: nadomestni član uprave). Pri imenovanju nadomestnega člana uprave mora nadzorni svet upoštevati pogoje iz prejšnjega člena.

(6) Ne glede na prvi odstavek tega člena lahko nadomestni član uprave opravlja funkcijo člana uprave banke brez dovoljenja za opravljanje funkcije člana uprave banke največ šest mesecev od dneva imenovanja.

function. To that end, the supervisory board shall also be briefed on the assessment of the nomination committee regarding the suitability of the person to serve as a member of the bank's management board.

(3) A resolution by the supervisory board on the appointment of an individual as a member of the management board shall enter into force:

1. under the suspensive condition that arises if such a person obtains authorisation to perform that function and
2. under the resolutive condition that arises:
 - if the person in question fails to file an application for authorisation to perform that function within 15 days following the receipt of the resolution on appointment as a member of a bank's management board or if this person withdraws the application or
 - if the application for authorisation to perform the function as a member of a bank's management board is discarded or rejected.

(4) A member of a bank's management board may be entered in the court register when they obtain authorisation to perform the function of a member of a bank's management board, except if they are appointed as an alternate member of the management board in accordance with paragraph five of this Article.

(5) When an individual management board member's function ceases or if due to other circumstances they fail to or are likely to fail to perform their function as a member of a bank's management board for a period of more than two months in total and the bank's management board therefore functions or will function with only one member, the supervisory board shall appoint a new member to the management board without delay or a person who replaces the missing member of the management board in the management and representation of the bank (hereinafter: alternate member of the management board). The supervisory board shall take into account the conditions referred to in the preceding Article when appointing an alternate member of the management board.

(6) Notwithstanding paragraph one of this Article, an alternate member of a management board may perform the function of a member of a bank's management board without the authorisation to perform the function of a member of a bank's management board for a maximum of six months from the day of appointment.

(7) Za člana uprave, ki ga je v skladu z 256. členom ZGD-1 imenovalo sodišče, se smiselno uporabljajo določbe četrtega do šestega odstavka tega člena.

40. člen
(zahteva za izdajo dovoljenja za opravljanje funkcije člana uprave
banke)

(1) Zahtevi za izdajo dovoljenja za opravljanje funkcije člana uprave banke mora kandidat priložiti:

1. dokaze o izpolnjevanju pogojev iz 38. člena tega zakona in
2. strategijo vodenja poslov banke.

(2) Zahteva za izdajo dovoljenja za opravljanje funkcije člana uprave banke se vloži pri Banki Slovenije. Kadar pristojnosti in naloge nadzora iz točke (e) prvega odstavka 4. člena Uredbe (EU) št. 1024/2013 v zvezi s to banko izvaja Evropska centralna banka, se postopek nadaljuje v skladu s to uredbo.

(3) Podatke glede opravljanja drugih direktorskih funkcij iz 36. člena tega zakona ter podatke o okoliščinah iz drugega odstavka 38. člena tega zakona pridobi Banka Slovenije od kandidata za člana organa vodenja banke, lahko pa jih pridobi od pristojnih državnih organov in iz uradnih evidenc.

(4) Banka Slovenije lahko na podlagi zahteve za izdajo dovoljenja za opravljanje funkcije člana uprave banke od banke zahteva, da v določenem roku predloži Banki Slovenije oceno glede primernosti kandidata.

41. člen
(ustni razgovor)

(1) Banka Slovenije lahko odloči, da se v postopku izdaje dovoljenja za opravljanje funkcije člana uprave banke opravi ustni

(7) The provisions of paragraphs four to six of this Article shall apply *mutatis mutandis* to a member of a management board appointed by the court in accordance with Article 256 of the ZGD-1.

Article 40
(Application for authorisation to perform the function of a member of
a bank's management board)

(1) A candidate shall attach the following to their application for authorisation to perform the function of a member of a bank's management board:

1. evidence regarding the fulfilment of conditions referred to in Article 38 of this Act and
2. the strategy for managing the bank's operations.

(2) An application for authorisation to perform the function of a member of a bank's management board shall be submitted to the Bank of Slovenia. Whenever the supervisory powers and tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 relating to the bank in question are exercised and performed by the European Central Bank, the procedure shall continue in accordance with that regulation.

(3) The Bank of Slovenia shall obtain data regarding the performance of other directorships referred to in Article 36 of this Act and data regarding the circumstances referred to in paragraph two of Article 38 of this Act from a candidate for member of a bank's management body or from the competent government authorities and official records.

(4) Based on an application for authorisation to perform the function of a member of a bank's management board, the Bank of Slovenia may request that a bank submit to it an assessment of a candidate's suitability within the time limit specified.

Article 41
(Oral interview)

(1) During the procedure of issuing authorisation to perform the function of a member of a bank's management board, the Bank of

razgovor, na katerem se kandidata za člana uprave povabi, da podrobneje predstavi okoliščine, ki so po mnenju Banke Slovenije pomembne za odločitev o izdaji dovoljenja.

(2) Razgovor se zvočno snema. Pred začetkom razgovora komisija kandidata seznani, da se razgovor zvočno snema. Posnetek mora vsebovati naslednje podatke: uradno osebo, sestavo komisije, kraj, datum in uro razgovora, zadevo ter podatke za identifikacijo kandidata ter drugih oseb, ki so prisotne na razgovoru. Iz posnetka se mora jasno prepoznati, kdo je dal posamezno izjavo.

(3) Na podlagi zvočnega posnetka uradna oseba sestavi zapisnik, ki vsebuje povzetek razgovora. V zapisniku je treba zapisati, da je bil razgovor posnet z napravo za zvočno snemanje, da so bili kandidat in drugi udeleženci obveščeni o snemanju, da je bil posnetek na zahtevo kandidata reproduciran, in kraj hrambe posnetka, če ni priložen zapisniku.

(4) Uradna oseba iz prejšnjega odstavka sestavi zapisnik v osmih dneh po razgovoru. Kandidat ima v nadaljnjih treh dneh pravico do vpogleda v zapisnik in pravico do pisnega ugovora zoper morebitno nepravilnost zapisa.

(5) O ugovoru kandidata zoper zapisnik odloči Svet Banke Slovenije s sklepom. Zoper sklep o ugovoru ni posebnega sodnega varstva.

(6) Banka Slovenije hrani zvočne posnetke razgovora do pravnomočnosti odločitve o zahtevi za izdajo dovoljenja za opravljanje funkcije člana uprave banke.

42. člen

(odločanje o zahtevi za opravljanje funkcije člana uprave)

Slovenia may decide to conduct an oral interview, at which it invites a candidate for a management board member to present detailed circumstances that the Bank of Slovenia deems important for a decision to issue authorisation.

(2) An audio recording shall be made of the interview. The commission shall inform the candidate that the interview will be recorded before the interview begins. The recording shall include the following data: the name of the attending official, the composition of the commission, the place, date and time of the interview, the matter at hand, and data used to identify the candidate and other persons present during the interview. It shall be clear from the recording who gave each particular statement.

(3) Based on the audio recording, the attending official shall draw up minutes that include a summary of the interview. The minutes shall state that the interview was recorded using an audio recording device, that the candidate and other participants were informed of the recording, that a copy of the recording was made upon the candidate's request and the place where the recording is stored if it does not accompany the report.

(4) The attending official referred to in the preceding paragraph shall draw up the minutes within eight days following the interview. The candidate shall have the right to review the minutes and to object in writing to possible inaccuracies therein during the next three days.

(5) The Governing Board of the Bank of Slovenia shall decide on a candidate's objection against the minutes in the form of a procedural decision. There is no special judicial protection against a procedural decision on such an objection.

(6) The Bank of Slovenia shall keep the audio recording of the interview until a decision regarding the application for authorisation to perform the function of a member of a bank's management board is final.

Article 42

(Decision-making regarding an application to perform the function of member of a management board)

(1) Banka Slovenije na podlagi zahteve in dokumentacije ter predstavitve kandidata za člana uprave oceni izpolnjevanje pogojev iz prvega odstavka 34. člena, prvega odstavka 36. člena in 38. člena tega zakona, zlasti glede ustreznosti postopka izbora in imenovanja kandidata, ki ga je izvedla banka, ter glede strategije vodenja poslov banke, ki jo je predložil kandidat, za varno in skrbno upravljanje banke.

(2) Banka Slovenije podatke, ki jih potrebuje v postopku odločanja o izdaji dovoljenja za opravljanje funkcije člana uprave, po uradni dolžnosti brezplačno pridobi od pristojnih državnih organov oziroma nosilcev javnih pooblastil. Za presojo ugleda in izkušenj posameznega kandidata Banka Slovenije pridobi tudi informacije, ki jih obdeluje Evropski bančni organ glede morebitnih ukrepov in sankcij, ki so jih izrekli drugi pristojni organi.

(3) Banka Slovenije se o zahtevi za izdajo dovoljenja za opravljanje funkcije člana uprave banke, ki je v skladu s tem zakonom vključena v nadzor banke države članice na konsolidirani podlagi, posvetuje s pristojnimi organi držav članic, ki sodelujejo pri nadzoru na konsolidirani podlagi, če odločitev o zahtevi za izdajo dovoljenja vpliva ali bi lahko vplivala na izvajanje nalog pristojnega organa druge države članice v zvezi z banko države članice.

(4) Če Banka Slovenije na podlagi obvestila banke iz tretjega odstavka 35. člena tega zakona v zvezi z imenovanjem člana uprave banke ugotovi, da banka v postopku izbora in ocenjevanja primernosti kandidata ni ravnala v skladu s tem zakonom ali pravili banke, Banka Slovenije zavrže zahtevo kandidata za člana uprave banke in odredi banki, da ponovi postopek izbora kandidata za člana uprave.

43. člen

(zavrnitev zahteve za izdajo dovoljenja za opravljanje funkcije člana

(1) Based on an application, documentation and a presentation of a candidate for a member of a management board, the Bank of Slovenia shall assess the fulfilment of conditions referred to in paragraph one of Article 34, paragraph one of Article 36 and Article 38 of this Act, in particular with regard to the appropriateness of the candidate selection and appointment process conducted by the bank, and with regard to the strategy for managing the bank's operations submitted by the candidate for the secure and prudent management of the bank's operations.

(2) The Bank of Slovenia shall obtain the data it requires for its decision regarding the issue of authorisation to perform the function of a member of a management board *ex officio* from the competent government authorities or bearers of public authority free of charge. In order to assess the reputation and experience of a specific candidate, the Bank of Slovenia shall also obtain information processed by the European Banking Authority regarding possible measures and sanctions imposed by other competent authorities.

(3) With regard to an application for authorisation to perform the function of a member of a management board of a bank that is included in the supervision of a Member State bank on a consolidated basis in accordance with this Act, the Bank of Slovenia shall consult with the competent authorities of Member States participating in supervision on a consolidated basis if the decision regarding the application for authorisation affects or could affect the performance of tasks by another Member State's competent authority in connection with a Member State's bank.

(4) If the Bank of Slovenia establishes, based on the notification from a bank referred to in paragraph three of Article 35 of this Act in connection with the appointment of a member to a bank's management board, that a bank has failed to comply with this Act or bank rules during the selection and assessment of the suitability of a candidate, the Bank of Slovenia shall reject the candidate's application to serve as a member of the bank's management board and order the bank to repeat the selection process for a member of a management board.

Article 43

(Rejection of an application for authorisation to perform the function

uprave)

(1) Banka Slovenije zavrne zahtevo za izdajo dovoljenja za opravljanje funkcije člana uprave banke, če kandidat ne izpolnjuje pogojev za imenovanje za člana uprave iz 38. člena tega zakona.

(2) Če pri kandidatu za člana v času odločanja o izdaji dovoljenja za opravljanje funkcije člana uprave niso podani razlogi za zavrnitev zahteve iz prejšnjega odstavka, vendar pa so pri kandidatu ovire za opravljanje funkcije člana uprave banke iz 36. člena tega zakona zaradi opravljanja direktorskih funkcij v drugih družbah in organizacijah, Banka Slovenije izda dovoljenje za opravljanje funkcije člana uprave banke in določi rok, ki ne sme biti krajši od 30 dni in ne daljši od treh mesecev, v katerem se mora član uprave uskladiti z zahtevami iz 36. člena tega zakona.

(3) Član uprave lahko v primeru iz prejšnjega odstavka začne opravljati funkcijo člana uprave, ko se uskladi z zahtevami iz 36. člena tega zakona in o tem obvesti Banko Slovenije.

44. člen

(prenehanje dovoljenja za opravljanje funkcije člana uprave banke)

(1) Dovoljenje za opravljanje funkcije člana uprave banke preneha veljati, če:

1. osebi preneha funkcija člana uprave banke, na katero se dovoljenje nanaša ali
2. se član uprave v roku, določenem v odločbi o izdaji dovoljenja za opravljanje funkcije člana uprave, ne uskladi z zahtevami iz 36. člena tega zakona.

of member of a management board)

(1) The Bank of Slovenia shall reject an application for authorisation to perform the function of a member of a bank's management board if the candidate in question fails to fulfil the conditions for appointment to a member of a management board referred to in Article 38 of this Act.

(2) If no reasons are given at a candidate for the rejection of an application referred to in the preceding paragraph during the process of deciding on whether to issue authorisation to perform the function of a member of a bank's management board but the obstacles to performing the function of a member of a bank's management board referred to in Article 36 of this Act exist because the candidate in question holds directorships at other undertakings and organisations, the Bank of Slovenia shall issue authorisation to perform the function of a member of a bank's management board and set a time limit of at least 30 days and no more than three months by which the member of the management board shall comply with the requirements referred to in Article 36 of this Act.

(3) In the case referred to in the preceding paragraph, a member of a management board may begin to perform the function of a member of a management board when the requirements referred to in Article 36 of this Act have been met and the Bank of Slovenia has been notified accordingly.

Article 44

(Termination of authorisation to perform the function of member of a bank's management board)

(1) Authorisation to perform the function of a member of a bank's management board shall be terminated if:

1. a person's function as a member of a bank's management board to which the authorisation relates is terminated or
2. the member of the management board does not comply with the requirements referred to in Article 36 of this Act by the time limit determined in the decision on the issuing of authorisation to perform the function of a management board member.

(2) Banka mora v primerih iz prejšnjega odstavka o tem, da je osebi prenehala funkcija člana uprave banke, v petih delovnih dneh po prenehanju obvestiti Banko Slovenije ali Evropsko centralno banko, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz točke (e) prvega odstavka 4. člena te uredbe.

(3) Banka Slovenije v primerih iz prvega odstavka tega člena izda ugotovitveno odločbo.

45. člen **(dolžnosti in odgovornost člana uprave)**

(1) Član uprave banke mora ves čas opravljanja funkcije izpolnjevati pogoje iz 38. člena tega zakona ter:

1. ravnati v skladu s profesionalno skrbnostjo in zlasti zagotoviti, da uprava banke deluje v skladu s 136. členom tega zakona;
2. ravnati odkrito, pošteno in neodvisno, da lahko učinkovito oceni in presoja odločitve višjega vodstva v zvezi z vodenjem banke;
3. ravnati v skladu z najvišjimi etičnimi standardi upravljanja, upoštevajoč preprečevanje nasprotja interesov;
4. opravljanju funkcije člana uprave nameniti dovolj časa, da lahko to funkcijo učinkovito opravlja, z upoštevanjem zahtev iz 36. člena tega zakona.

(2) Član uprave banke mora zagotoviti, da banka posluje v skladu:

1. z akti iz drugega odstavka 9. člena tega zakona;
2. z drugimi akti, ki urejajo opravljanje storitev in poslov, ki jih opravlja banka, in predpisi, izdanimi na njihovi podlagi;
3. s profesionalno skrbnostjo in z najvišjimi etičnimi standardi ter pravili dobre poslovne prakse in zaščite potrošnikov.

(2) In the cases referred to in the preceding paragraph, the bank shall notify the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 during the supervision of the bank in accordance with the same regulation, within five working days, that a person's function as a member of its management board has been terminated.

(3) The Bank of Slovenia shall issue a declaratory decision in the cases referred to in paragraph one of this Article.

Article 45 **(Duties and responsibilities of a member of a management board)**

(1) A member of a bank's management board shall fulfil the conditions referred to in Article 38 of this Act at all times while performing their function and:

1. act in accordance with professional due diligence and, in particular, ensure that the bank's management board functions in accordance with Article 136 of this Act;
2. act in an open, fair and independent manner in order to effectively assess the decisions of senior management in connection with the management of the bank;
3. act in accordance with the highest ethical standards of governance, taking into account the prevention of conflicts of interest; and
4. dedicate sufficient time to perform their function as management board member, so that they may perform that function effectively, taking into account the requirements referred to in Article 36 of this Act.

(2) A member of a bank's management board shall ensure that the bank operates in accordance with:

1. the acts referred to in paragraph two of Article 9 of this Act;
2. other acts governing the provision of services and the execution of transactions by the bank and regulations issued on the basis thereof; and
3. the requisite professional diligence and the highest level of ethical standards and rules governing best business practice and consumer protection.

(3) Člani uprave banke solidarno odgovarjajo banki za škodo, ki je nastala kot posledica kršitve njihovih dolžnosti iz prvega odstavka tega člena, razen če dokažejo, da so se pri izpolnjevanju svojih dolžnosti izogibali nasprotju interesov ter ravnali v skladu s predpisi in profesionalno skrbnostjo pri vodenju poslov banke.

46. člen **(obveščanje nadzornega sveta in uprave)**

(1) Član uprave banke mora nadzorni svet in Banko Slovenije ali Evropsko centralno banko, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz točke (e) prvega odstavka 4. člena te uredbe, za namene preverjanja pogojev iz 36. člena tega zakona nemudoma pisno obvestiti o tem, da je bil imenovan ali da mu je prenehala direktorska funkcija v drugih družbah in organizacijah.

(2) Član uprave banke mora upravo in nadzorni svet nemudoma obvestiti o okoliščinah, zaradi katerih obstaja nasprotje interesov pri izvajanju funkcije člana uprave banke, ter o drugih okoliščinah, ki bi lahko vplivale na izpolnjevanje pogojev za imenovanje za člana uprave banke v skladu s tem zakonom, vključno z vsako pomembno spremembo, ki vpliva ali bi lahko vplivala na oceno banke glede njegove primernosti kot člana uprave.

47. člen **(preverjanje izpolnjevanja pogojev za opravljanje funkcije člana uprave banke)**

(1) Banka Slovenije lahko z namenom preverjanja, ali član uprave v času opravljanja funkcije izpolnjuje pogoje iz 38. člena in dolžnosti iz 45. člena tega zakona, odloči, da se opravi ustni razgovor, na kateri člana uprave povabi, da predstavi okoliščine, ki so po mnenju Banke Slovenije pomembne za presojo glede izpolnjevanja predpisanih

(3) Members of a bank's management board shall be jointly and severally liable for any damage that arises as a result of a breach of their duties referred to in paragraph one of this Article, unless they can prove that they avoided conflicts of interest and acted in accordance with regulations and due professional diligence while discharging their duties in the management of the bank's operations.

Article 46 **(Notification of the supervisory board and management board)**

(1) A member of a bank's management board shall notify the supervisory board and the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 during the supervision of the bank in accordance with the same regulation, in writing and without delay, of their appointment to or termination of a directorship at another undertaking and organisation for purposes of verifying the conditions referred to in Article 36 of this Act.

(2) A member of a bank's management board shall notify the management board and supervisory board without delay about circumstances that could result in conflicts of interest during the performance of the function of a member of the bank's management board and about other circumstances that could affect the fulfilment of conditions for appointment as a member of the bank's management board in accordance with this Act, including every significant change that affects or could affect the bank's assessment of their suitability as a member of the management board.

Article 47 **(Verification of fulfilment of conditions to perform the function of member of a bank's management board)**

(1) For the purpose of verifying whether a member of a management board fulfils the conditions referred to in Article 38 of this Act and carries out the duties referred to in Article 45 of this Act while performing the function, the Bank of Slovenia may decide to conduct an oral interview, at which it invites the member of the management board to

pogojev in dolžnosti.

(2) Za ustni razgovor se v primerih iz prejšnjega odstavka uporablja 41. člen tega zakona.

3.4.3. Nadzorni svet

48. člen (pristojnosti nadzornega sveta banke)

Poleg pristojnosti, ki jih ima nadzorni svet v skladu z ZGD-1, ima nadzorni svet banke tudi naslednje pristojnosti:

1. daje soglasje upravi k določitvi poslovne politike banke;
2. daje soglasje upravi k določitvi finančnega načrta banke;
3. daje soglasje upravi k določitvi organizacije sistema notranjih kontrol;
4. daje soglasje upravi k določitvi okvirnega letnega programa dela službe notranje revizije;
5. nadzira primernost postopkov in učinkovitost delovanja službe notranje revizije;
6. daje soglasje k imenovanju in razrešitvi vodje službe notranje revizije;
7. sprejema in nadzira izvajanje splošnih načel politik prejemkov;
8. obravnava ugotovitve Banke Slovenije ali Evropske centralne banke, kadar v skladu z Uredbo (EU) št. 1024/2013 izvaja pooblastila in naloge nadzora nad banko, ugotovitve drugih organov, kadar se te ugotovitve nanašajo na banko, ugotovitve davčne inšpekcije in drugih nadzornih organov v postopkih nadzora nad banko;
9. preverja letna in druga finančna poročila in o tem izdela pisno poročilo skupščini delničarjev banke;

present circumstances that the Bank of Slovenia deems important for assessing the fulfilment of prescribed conditions and duties.

(2) Article 41 of this Act shall apply to the oral interview in the cases referred to in the preceding paragraph.

3.4.3. Supervisory board

Article 48 (Competences of a bank's supervisory board)

In addition to the competences that a supervisory board has in accordance with the ZGD-1, a bank's supervisory board shall also have the following competences:

1. the granting of consent to the management board with regard to defining the bank's business policy;
2. the granting of consent to the management board with regard to defining the bank's financial plan;
3. the granting of consent to the management board with regard to defining the organisation of an internal control system;
4. the granting of consent to the management board with regard to defining the indicative annual work programme of the internal audit department;
5. supervision of the suitability of procedures and the effectiveness of the work of the internal audit department;
6. the granting of consent for the appointment and dismissal of the head of the internal audit department;
7. the adoption and supervision of implementation of the basic principles of remuneration policies;
8. discussion of the findings of the Bank of Slovenia, or the European Central Bank whenever the latter exercises its powers and performs tasks relating to the supervision of a bank in accordance with Regulation (EU) No 1024/2013, of the findings of other government authorities when those findings relate to a bank and of the findings of tax inspectors and other supervisory authorities during the supervision procedures of a bank;
9. the verification of annual and other financial reports and the drafting of the related written report to the bank's general meeting of shareholders;

10. obrazloži skupščini delničarjev svoje mnenje k letnemu poročilu službe notranje revizije in mnenje k letnemu poročilu uprave;
11. odloča o drugih zadevah, določenih s tem zakonom.

49. člen **(komisije nadzornega sveta)**

(1) Nadzorni svet banke mora imenovati revizijsko komisijo in komisijo za tveganja.

(2) Banka Slovenije lahko na zahtevo banke, ki ni opredeljena kot pomembna banka, dovoli, da združi funkciji komisije za tveganja in revizijske komisije v eno komisijo, če imajo člani združene komisije znanje, veščine in izkušnje, ki se zahtevajo za člane revizijske komisije in komisije za tveganja.

(3) Komisija za tveganja mora imeti predsednika oziroma predsednico (v nadaljnjem besedilu: predsednik komisije za tveganja) in najmanj dva člana, ki so člani nadzornega sveta. Predsednik komisije za tveganja in člani komisije za tveganja morajo imeti ustrezno znanje, veščine in izkušnje za celovito razumevanje in spremljanje strategije upravljanja tveganj ter nagnjenosti banke k prevzemanju tveganj.

(4) Nadzorni svet pomembne banke mora imenovati tudi komisijo za prejemke in komisijo za imenovanja.

(5) Komisije nadzornega sveta morajo imeti predsednika oziroma predsednico in najmanj dva člana. Ne glede na določbe ZGD-1, so člani komisij nadzornega sveta le člani nadzornega sveta banke.

(6) Uprava banke mora zagotoviti, da imajo komisije nadzornega sveta zadostne kadrovske in finančne vire za izvajanje svojih nalog, vključno z možnostjo uporabe zunanjih svetovalcev.

50. člen

10. the explanation to the general meeting of shareholders with respect to its opinions regarding the annual internal audit report and regarding the management board's annual report; and
11. decisions regarding other matters determined under this Act.

Article 49 **(Supervisory board committees)**

(1) A bank's supervisory board shall appoint an audit committee and a risk committee.

(2) Upon request of a bank that is not deemed a significant bank, the Bank of Slovenia may permit the merging of the risk committee and the audit committee into a single committee, provided that the members of the merged committee have the knowledge, skills and experience required for members of an audit committee and a risk committee.

(3) A risk committee shall have a chairperson (hereinafter: chairperson of the risk committee) and at least two members who serve as members of the supervisory board. The chairperson and members of the risk committee shall possess the requisite knowledge, skills and experience for the comprehensive understanding and monitoring of the bank's risk management strategy and its propensity to assume risks.

(4) The supervisory board of a significant bank shall also appoint a remuneration committee and a nomination committee.

(5) The supervisory board's committees shall comprise a chairperson and at least two members. Notwithstanding the provisions of the ZGD-1, only members of a bank's supervisory board shall serve as members of the latter's committees.

(6) A bank's management board shall ensure that the supervisory board's committees are adequately staffed and receive sufficient financial resources to perform their tasks, including the possibility of hiring external advisers.

Article 50

(naloge komisije za imenovanja)

(1) Komisija za imenovanja je posvetovalno telo nadzornega sveta ter izvaja naslednje naloge:

1. opredeli in priporoči nadzornemu svetu kandidate za člane uprave ter opredeli in priporoči skupščini banke kandidate za člane nadzornega sveta z upoštevanjem politik glede izbora primernih kandidatov iz drugega odstavka 34. člena tega zakona;
2. opredeli naloge in zahtevane pogoje za določeno imenovanje, vključno z oceno časa, ki se predvidoma zahteva za izvrševanje funkcije;
3. določi cilj zastopanosti spola, ki je v upravi in nadzornem svetu premalo zastopan, ter pripravi politiko glede tega, kako bi za doseg tega cilja povečali število predstavnikov premalo zastopanega spola v upravi in nadzornem svetu;
4. vsaj enkrat na leto oceni strukturo, velikost, sestavo in uspešnost delovanja uprave in nadzornega sveta ter pripravi priporočila v zvezi z morebitnimi spremembami;
5. vsaj enkrat na leto oceni znanje, veščine in izkušnje posameznih članov uprave in nadzornega sveta ter organa kot celote ter o tem ustrezno poroča nadzornemu svetu in upravi;
6. redno pregleduje politiko uprave glede izbire in imenovanja primernih kandidatov za člane višjega vodstva banke ter pripravi priporočila v zvezi z morebitnimi spremembami;
7. dejavno prispeva k izpolnjevanju odgovornosti banke za sprejetje ustreznih politik o ocenjevanju primernosti članov upravljalnega organa.

(2) Komisija za imenovanja pri opravljanju svojih nalog v največji možni meri upošteva, da pri odločanju v okviru upravljalnega organa posameznik ali ožja skupina posameznikov ne prevlada na način, ki bi škodil interesom banke.

(3) V banki, ki nima komisije za imenovanja, naloge iz prvega odstavka tega člena opravlja nadzorni svet.

(Tasks of the nomination committee)

(1) The nomination committee shall serve as an advisory body to the supervisory board and perform the following tasks:

1. selecting and recommending to the supervisory board candidates for members of the management board and selecting and recommending to a bank's general meeting of shareholders candidates for members of the supervisory board, taking into account policies on the selection of suitable candidates as referred to in paragraph two of Article 34 of this Act;
2. defining the tasks and required conditions for a specific appointment, including an assessment of the time envisaged for the performance of the function in question;
3. defining the target number of an under-represented gender on the management board and supervisory board and drawing up a policy on how to increase the number of members of the management board and supervisory board of an under-represented gender to achieve that target;
4. assessing the structure, size, composition and performance of the management board and supervisory board at least once a year and drawing up recommendations in connection with potential changes;
5. assessing the knowledge, skills and experience of individual members of the management board and supervisory board and the governing body as a whole at least once a year and reporting to the supervisory board and management board accordingly;
6. regularly reviewing the management board's policy on the selection and appointment of suitable candidates for the bank's senior management and drawing up recommendations in connection with potential changes; and
7. actively contributing to the fulfilment of the bank's responsibility to adopt appropriate policies on the assessment of the suitability of members of the governing body.

(2) In performing its tasks, the nomination committee shall take into account to the widest extent possible that an individual or a core group of individuals does not prevail in such a manner that would harm the interests of the bank when making decisions in the scope of the governing body.

(3) The tasks referred to in paragraph one of this Article shall be performed by the supervisory board of a bank without a nomination

committee.

51. člen (naloge komisije za tveganja)

Komisija za tveganja je posvetovalno telo nadzornega sveta ter izvaja naslednje naloge:

1. svetuje glede splošne sedanje in prihodnje nagnjenosti banke k prevzemanju tveganj in glede strategije upravljanja tveganj;
2. pomaga pri izvajanju nadzora nad višjim vodstvom glede izvajanja strategije upravljanja tveganj;
3. brez poseganja v naloge komisije za prejemke preverja, ali so v spodbudah, ki jih zagotavlja sistem prejemkov, upoštevani tveganje, kapital, likvidnost ter verjetnost in časovni razpored prihodkov banke, z namenom oblikovanja preudarnih politik in praks prejemkov;
4. preverja, ali so cene produktov banke v celoti združljive s poslovnim modelom in strategijo upravljanja tveganj banke, ter v primeru ugotovljenih neskladij oblikuje predlog ukrepov za njihovo odpravo in ga predloži upravi in nadzornemu svetu banke.

52. člen (naloge komisije za prejemke)

(1) Komisija za prejemke je posvetovalno telo nadzornega sveta ter izvaja naslednje naloge:

1. izvaja strokovne in neodvisne ocene politik in praks prejemkov ter na tej podlagi oblikovanje pobud za ukrepe v zvezi z izboljšanjem upravljanja tveganj banke, kapitala in likvidnosti banke;
2. pripravlja predloge odločitev upravljalnega organa v zvezi s prejemki, vključno s tistimi, ki vplivajo na tveganje in upravljanje tveganj banke;
3. nadzoruje prejemke višjega vodstva, ki opravljajo funkcije upravljanja tveganj in zagotavljanja skladnosti poslovanja.

Article 51 (Tasks of the risk committee)

The risk committee shall serve as an advisory body to the supervisory board and perform the following tasks:

1. providing advice regarding the bank's current and future propensity to assume risks and regarding its risk management strategy;
2. providing assistance in conducting supervision of senior management with respect to the implementation of the risk management strategy;
3. verifying, without encroaching on the tasks of the remuneration committee, whether the forms of stimulation provided for by the remuneration system take into account the risks, capital, liquidity and likelihood and time schedule of the bank's revenue with the aim of formulating prudent remuneration policies and practices; and
4. verifying whether the prices of the bank's products are fully compatible with the bank's business model and risk management strategy and formulating proposed measures for the elimination of any discrepancies identified and submitting these measures to the bank's management board and supervisory board.

Article 52 (Tasks of the remuneration committee)

(1) The remuneration committee shall serve as an advisory body to the supervisory board and perform the following tasks:

1. carrying out technical and independent assessments of remuneration policies and practices and formulating initiatives for measures on the basis thereof in connection with improving the management of the risks to which the bank is exposed, its capital and the liquidity of the bank.
2. drawing up proposals for decisions of the governing body regarding remuneration, including remuneration that impacts the risks and the management of the risks to which the bank is exposed; and
3. controlling the remuneration of members of senior management who perform risk management functions and ensuring the compliance of operations.

(2) Pri pripravi odločitev iz prejšnjega odstavka komisija za prejemke upošteva dolgoročne interese delničarjev, vlagateljev in drugih zainteresiranih strani.

(3) V banki, ki nima komisije za prejemke, naloge iz prvega odstavka tega člena opravlja nadzorni svet.

53. člen **(pogoji za imenovanje člana nadzornega sveta banke)**

(1) Za člana oziroma članico nadzornega sveta banke (v nadaljnjem besedilu: član nadzornega sveta banke) je lahko imenovana oseba:

1. ki ima znanje, veščine in izkušnje za nadzor in spremljanje vodenja poslov banke ali družbe primerljive velikosti in dejavnosti kot banka oziroma drugih primerljivih poslov;
2. ki ima ugled in lastnosti za nadzor nad vodenjem poslov banke ter njeno ravnanje ne vzbuja dvoma o njeni zmožnosti za zagotovitev varnega in skrbnega nadzora nad vodenjem poslov banke v skladu s profesionalno skrbnostjo in najvišjimi etičnimi standardi ter preprečevanjem nasprotja interesov;
3. ki ne krši tretjega odstavka 36. člena tega zakona ali so bila dana zagotovila, da se bo kandidat uskladi s temi zahtevami v šestih mesecih od vpisa sklepa skupščine o imenovanju člana nadzornega sveta v sodni register.

(2) Šteje se, da oseba nima ugleda in lastnosti za nadzor nad vodenjem poslov banke, če je bila:

1. pravnomočno obsojena zaradi kaznivega dejanja in obsodba še ni bila izbrisana; ali
2. zoper to osebo vložena pravnomočna obtožnica zaradi kaznivega dejanja, ki se preganja po uradni dolžnosti in za katera se lahko izreče kazen zapora eno leto ali več.

(2) In drafting the decisions referred to in the preceding paragraph, the remuneration committee shall take into account the long-term interests of shareholders, investors and other stakeholders.

(3) The tasks referred to in paragraph one of this Article shall be performed by the supervisory board of a bank without a remuneration committee.

Article 53 **(Conditions for appointment as member of a bank's supervisory board)**

(1) A person may be appointed as a member of a bank's supervisory board if:

1. they possess the knowledge, skills and experience required to supervise and monitor the management of operations of a bank or an undertaking of similar size and activity to those of a bank or other comparable transactions;
2. they enjoy the reputation and possess the traits required to supervise the management of a bank's operations, and their conduct does not raise doubt about their ability to ensure the safe and prudent supervision of the management of a bank's operations in accordance with professional due diligence and the highest ethical standards and the prevention of conflicts of interest; and
3. they are not in breach of paragraph three of Article 36 of this Act, or assurances have been given that the candidate will meet these requirements within six months of the entry of the general meeting resolution on the appointment of a member of the supervisory board in the court register.

(2) A person is deemed to fail to enjoy the reputation and fail to possess the traits required to supervise the management of bank's operations if:

1. they have been convicted by a final judgment for a criminal offence and the conviction has not yet been expunged from the records or
2. final charges have been brought against them for a criminal offence prosecuted *ex officio* and for which a prison sentence of a year or more may be imposed.

54. člen

(obvestilo o imenovanju člana nadzornega sveta banke)

Banka mora v petih dneh po imenovanju člana nadzornega sveta banke na skupščini o tem obvestiti Banko Slovenije ali Evropsko centralno banko, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz točke (e) prvega odstavka 4. člena te uredbe.

55. člen

(dolžnosti in odgovornost člana nadzornega sveta banke)

(1) Član nadzornega sveta banke mora ves čas opravljanja funkcije izpolnjevati pogoje za imenovanje iz 53. člena tega zakona ter:

1. ravnati v skladu s profesionalno skrbnostjo in zlasti zagotoviti, da nadzorni svet deluje v skladu s 137. členom tega zakona;
2. ravnati odkrito, pošteno in neodvisno, da lahko učinkovito spremlja in nadzira odločitve uprave in višjega vodstva v zvezi z vodenjem banke;
3. ravnati v skladu najvišjimi etičnimi standardi upravljanja, upoštevajoč preprečevanje nasprotja interesov;
4. opravljanju funkcije člana nadzornega sveta banke nameniti dovolj časa, da lahko to funkcijo učinkovito opravlja, z upoštevanjem zahtev iz 36. člena tega zakona.

(2) Člani nadzornega sveta banke solidarno odgovarjajo banki za škodo, ki je nastala kot posledica kršitve njihovih dolžnosti, razen če dokažejo, da so pri izpolnjevanju svojih dolžnosti izogibali nasprotju interesov ter ravnali v skladu s predpisi in profesionalno skrbnostjo glede izvajanja nadzora nad vodenjem poslov banke.

Article 54

(Notification regarding the appointment of member of a bank's supervisory board)

Within five days following the appointment of a member of its supervisory board at the general meeting of shareholders, a bank shall notify the Bank of Slovenia or the European Central Bank accordingly, whenever the latter performs the tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 during the supervision of the bank in accordance with the same regulation.

Article 55

(Duties and responsibilities of members of a bank's supervisory board)

(1) A member of a bank's supervisory board shall fulfil the conditions for appointment referred to in Article 53 of this Act at all times while performing their function and shall:

1. act in accordance with the requisite professional diligence and, in particular, ensure that the bank's supervisory board functions in accordance with Article 137 of this Act;
2. act in an open, fair and independent manner in order to effectively monitor and supervise the decisions of management board and senior management in connection with the management of the bank;
3. act in accordance with the highest ethical standards of governance, taking into account the prevention of conflicts of interest; and
4. dedicate sufficient time to performing their function as a supervisory board member, such that they may perform that function effectively, taking into account the requirements referred to in Article 36 of this Act.

(2) Members of a bank's supervisory board shall be jointly and severally liable for any damage that arises as a result of a breach of their duties, unless they can prove that they avoided conflicts of interest and acted in accordance with regulations and due professional diligence while discharging their duties in conducting supervision of the management of the bank's operations.

56. člen
(obveščanje s strani člana nadzornega sveta banke)

(1) Član nadzornega sveta banke mora banko, nadzorni svet in Banko Slovenije ali Evropsko centralno banko, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz točke (e) prvega odstavka 4. člena te uredbe, za namene preverjanja pogojev iz 36. člena tega zakona nemudoma pisno obvestiti o tem, da je bil imenovan ali da mu je prenehala direktorska funkcija v drugih družbah in organizacijah.

(2) Član nadzornega sveta mora nadzorni svet nemudoma obvestiti o okoliščinah, zaradi katerih obstaja nasprotje interesov pri izvajanju funkcije člana nadzornega sveta banke, ter o drugih okoliščinah, ki bi lahko vplivale na izpolnjevanje pogojev za imenovanje za člana nadzornega sveta banke v skladu s tem zakonom, vključno z vsako pomembno spremembo, ki vpliva ali bi lahko vplivala na oceno banke glede njegove primernosti kot člana nadzornega sveta banke.

57. člen
(preverjanje pogojev za opravljanje funkcije člana nadzornega sveta banke)

(1) Banka Slovenije lahko z namenom preverjanja, ali član nadzornega sveta banke izpolnjuje pogoje in dolžnosti iz 55. člena tega zakona, odloči, da se opravi ustni razgovor, na kateri člana nadzornega sveta banke povabi, da podrobneje predstavi okoliščine, ki so po mnenju Banke Slovenije pomembne za presojo glede izpolnjevanja pogojev in dolžnosti člana nadzornega sveta banke.

(2) Za ustni razgovor se v primerih iz prejšnjega odstavka uporablja 41. člen tega zakona.

3.4.4. Podzakonski predpisi v zvezi z delovanjem upravljalnega organa

Article 56
(Notifications from a member of a bank's supervisory board)

(1) A member of a bank's supervisory board shall notify the bank, supervisory board and Bank of Slovenia or European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 during the supervision of the bank in accordance with the same regulation, in writing and without delay, of their appointment to or termination of a directorship at another undertaking and organisation with the aim of verifying the conditions referred to in Article 36 of this Act.

(2) A member of a bank's supervisory board shall notify the supervisory board without delay about circumstances that could result in conflicts of interest during the performance of their function as a member of the bank's supervisory board and about other circumstances that could affect the fulfilment of conditions for appointment as a member of the bank's supervisory board in accordance with this Act, including every significant change that affects or could affect the bank's assessment of this person's suitability as a member of the bank's supervisory board.

Article 57
(Verification of conditions to perform the function of member of a bank's supervisory board)

(1) For the purpose of verifying whether a member of a bank's supervisory board fulfils the conditions and duties referred to in Article 55 of this Act, the Bank of Slovenia may decide to conduct an oral interview, at which it invites the member of the supervisory board to present in detail circumstances that the Bank of Slovenia deems important for assessing the fulfilment of conditions and duties of a member of a bank's supervisory board.

(2) Article 41 of this Act shall apply to the oral interview in the cases referred to in the preceding paragraph.

3.4.4. Implementing regulations regarding the functioning of a governing

58. člen
(predpisi o upravljalnem organu)

Banka Slovenije predpiše:

1. podrobnejša pravila glede delovanja upravljalnega organa in njegovih komisij ter ravnanja njegovih članov v skladu s standardi ustrezne profesionalne skrbnosti in najvišjimi etičnimi standardi ter preprečevanja nasprotja interesov;
2. podrobnejšo vsebino meril za ocenjevanje ustreznosti kandidata za opravljanje funkcije člana uprave in podrobnejšo vsebino dokumentacije, ki jo predloži kandidat za člana uprave banke zahtevi za izdajo dovoljenja za opravljanje funkcije člana uprave banke v zvezi z izpolnjevanjem pogojev iz 38. člena tega zakona;
3. podrobnejšo vsebino meril za ocenjevanje ustreznosti kandidata za opravljanje funkcije člana nadzornega sveta banke in podrobnejšo vsebino dokumentacije, ki jo je treba priložiti zahtevi za imenovanje člana nadzornega sveta banke v zvezi z izpolnjevanjem pogojev iz 53. člena tega zakona.

3.5. Delničarski sporazumi in kvalificirani deleži

59. člen
(delničarski sporazum)

Delničarji banke, ki so skupno imetniki delnic, na podlagi katerih ne dosegaajo kvalificiranega deleža v banki, in ki sklenejo sporazum o usklajenem izvrševanju upravljavskih pravičenj iz teh delnic (v nadaljnjem besedilu: delničarski sporazum), morajo v osmih dneh po sklenitvi sporazuma o tem obvestiti Banko Slovenije.

60. člen

Article 58
(Regulations on governing bodies)

The Bank of Slovenia shall prescribe:

1. detailed rules regarding the functioning of a governing body and its committees and regarding the conduct of its members in accordance with the standards of relevant professional diligence, the highest ethical standards and the prevention of conflicts of interest;
2. the detailed content of criteria for assessing the suitability of candidates to perform the function of a member of a management board and the detailed content of documentation submitted by a candidate for a member of a bank's management board with their application for authorisation to perform the function of a member of a bank's management board in connection with the fulfilment of the conditions referred to in Article 38 of this Act; and
3. the detailed content of criteria for assessing the suitability of candidates to perform the function of a member of a bank's supervisory board and the detailed content of documentation that must be submitted together with an application for the appointment of a member of a bank's supervisory board in connection with the fulfilment of the conditions referred to in Article 53 of this Act.

3.5. Shareholders' agreements and qualifying holdings

Article 59
(Shareholders' agreement)

A bank's shareholders who jointly hold shares which fall short of a qualifying holding in the bank and who enter into an agreement on the coordinated exercise of management entitlements deriving from such shares (hereinafter: shareholders' agreement) shall notify the Bank of Slovenia accordingly within eight days following the conclusion of such an agreement.

Article 60

(pridobitev kvalificiranega deleža)

(1) Oseba, ki namerava pridobiti delnice banke, na podlagi katerih bi dosegla ali presegla kvalificirani delež (v nadaljnjem besedilu: bodoči kvalificirani imetnik), mora pred pridobitvijo takega deleža pridobiti dovoljenje za pridobitev kvalificiranega deleža v banki (v nadaljnjem besedilu: dovoljenje za pridobitev kvalificiranega deleža) v skladu s tem zakonom.

(2) Osebe, ki so se sporazumele, da bodo delovale usklajeno pri pridobivanju delnic banke z namenom sklenitve delničarskega sporazuma (v nadaljnjem besedilu: bodoči skupni kvalificirani imetniki) in nameravajo pridobiti delež, na podlagi katerega bi skupno dosegle ali presegle kvalificirani delež, morajo pred pridobitvijo takega deleža pridobiti dovoljenje za pridobitev kvalificiranega deleža.

(3) Delničarji banke, ki so skupno že imetniki delnic banke, na podlagi katerih dosegajo ali presegajo kvalificirani delež v banki, in ki nameravajo skleniti delničarski sporazum (v nadaljnjem besedilu: kvalificirani delničarski sporazum), morajo pred sklenitvijo takega sporazuma pridobiti dovoljenje za pridobitev kvalificiranega deleža.

(4) Udeleženci kvalificiranega delničarskega sporazuma, ki imajo dovoljenje za pridobitev kvalificiranega deleža, morajo pred vsako nadaljnjo pridobitvijo delnic banke, na podlagi katere skupni delež udeležencev delniškega sporazuma preseže razpon iz 70. člena tega zakona, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, pridobiti novo dovoljenje za pridobitev kvalificiranega deleža.

(5) Prejšnji odstavek se smiselno uporablja tudi, če namerava k delničarskemu sporazumu pristopiti nov udeleženec.

(6) Šteje se, če se ne dokaže drugače, da delujejo kot bodoči skupni kvalificirani imetniki ali so sklenili delničarski sporazum:

1. člani organa vodenja ali nadzora s pravnimi osebami, v katerih opravljajo to funkcijo;
2. osebe, ki so med seboj povezane kot ožji družinski člani;
3. družba za upravljanje in investicijski skladi, ki jih upravlja ta družba za upravljanje;

(Acquisition of a qualifying holding)

(1) Any person intending to acquire bank shares on the basis of which they would achieve or exceed a qualifying holding (hereinafter: future qualifying holder) shall obtain authorisation to acquire a qualifying holding in a bank prior to acquiring such a holding (hereinafter: authorisation to acquire a qualifying holding) in accordance with this Act.

(2) Persons who have agreed to act in concert to acquire bank shares with the aim of concluding a shareholders' agreement (hereinafter: future joint qualifying holders) and who intend to acquire a holding on the basis of which they would together achieve or exceed a qualifying holding shall obtain authorisation to acquire a qualifying holding prior to the acquisition thereof.

(3) A bank's shareholders who jointly already hold bank shares on the basis of which they achieve or exceed a qualifying holding in a bank and who intend to conclude a shareholders' agreement (hereinafter: qualifying shareholders' agreement) shall obtain authorisation to acquire a qualifying holding prior to concluding such an agreement.

(4) Parties to a qualifying shareholders' agreement with authorisation to acquire a qualifying holding shall obtain new authorisation to acquire a qualifying holding prior to any further acquisition of bank shares based on which the joint holding of parties to the shareholders' agreement exceeds the range referred to in Article 70 of this Act to which a previously issued authorisation to acquire a qualifying holding relates.

(5) The preceding paragraph shall also apply *mutatis mutandis* when a new party intends to join a shareholders' agreement.

(6) Unless proven otherwise, the following entities are deemed to act as future joint qualifying holders or are deemed to have concluded a shareholders' agreement:

1. members of a management or supervisory body with legal persons at which they perform such a function;
2. persons who are mutually related as immediate family members;
3. a management company and investment funds managed by that management company; and

4. osebe, ki so na skupščini banke:
- predlagale sprejetje sklepa o imenovanju ali odpoklicu članov upravljalnega organa ali drugega sklepa, ki se po ZGD-1 sprejema z večino najmanj treh četrtin pri sklepanju zastopanega osnovnega kapitala, in
 - z uresničevanjem glasovalnih pravic ali na drug način dosegle sprejetje tega sklepa.

(7) Določbe tega zakona, ki urejajo dovoljenje za pridobitev kvalificiranega deleža ter pravice in obveznosti posameznega kvalificiranega imetnika, se smiselno uporabljajo tudi za bodoče skupne kvalificirane imetnike in za delničarje, ki nameravajo skleniti kvalificirani delničarski sporazum.

61. člen

(drugi primeri pridobitve kvalificiranega deleža banke)

(1) Oseba, ki namerava skleniti podjetniško pogodbo korporacijskega prava ali drug pravni posel, na podlagi katerega bo pridobila položaj nadrejene osebe banke, mora pred sklenitvijo tega pravnega posla pridobiti dovoljenje za pridobitev kvalificiranega deleža, in sicer ne glede na to, ali je hkrati delničar banke oziroma kakšen delež delnic banke ima.

(2) Določbe tega zakona, ki urejajo dovoljenje za pridobitev kvalificiranega deleža ter pravice in obveznosti posameznega kvalificiranega imetnika, se smiselno uporabljajo tudi za osebo iz prejšnjega odstavka.

62. člen

(ugotavljanje kvalificiranega deleža)

(1) Kot osnova za ugotavljanje kvalificiranega deleža na podlagi glasovalnih pravic se upoštevajo vse delnice banke z glasovalno pravico, vključno z lastnimi delnicami in delnicami, pri katerih je uresničevanje glasovalne pravice omejeno na podlagi zakona ali statuta banke v skladu z zakonom.

4. persons attending a bank's general meeting:
- who proposed the adoption of a resolution on the appointment or dismissal of members of the governing body or another resolution adopted in accordance with the ZGD-1 with a majority of at least three-quarters of represented share capital and
 - who achieved the adoption of such a resolution by exercising their voting rights or in some other manner.

(7) The provisions of this Act governing authorisation to acquire a qualifying holding and the rights and obligations of an individual qualifying holder shall also apply *mutatis mutandis* to future joint qualifying holders and to shareholders who intend to conclude a qualifying shareholders' agreement.

Article 61

(Other cases involving the acquisition of a qualifying holding in a bank)

(1) A person who intends to conclude a business agreement based on corporate law or another legal transaction on the basis of which it will become the parent entity of a bank shall obtain authorisation to acquire a qualifying holding, regardless of whether they are already one of the bank's shareholders or notwithstanding the proportion of the bank's shares that they hold, prior to concluding that legal transaction.

(2) The provisions of this Act governing authorisation to acquire a qualifying holding and the rights and obligations of an individual qualifying holder shall also apply *mutatis mutandis* to the person referred to in the preceding paragraph.

Article 62

(Establishing a qualifying holding)

(1) All bank shares with voting rights shall be taken into account as the basis for determining a qualifying holding based on voting rights, including own shares and shares for which the exercising of voting rights is limited based on an Act or a bank's articles of association in accordance with an Act.

(2) Pri ugotavljanju kvalificiranega deleža posamezne osebe (v nadaljnjem besedilu: morebitni kvalificirani imetnik) na podlagi glasovalnih pravic se upoštevajo glasovalne pravice, vsebovane v delnicah:

1. katerih imetnik je morebitni kvalificirani imetnik za svoj račun;
2. katerih imetnik je tretja oseba, s katero je morebitni kvalificirani imetnik sklenil pogodbo, ki pogodbeni stranki zavezuje, da z usklajenim uresničevanjem glasovalnih pravic, katerih imetnici sta, izvajata trajno skupno politiko upravljanja banke;
3. katerih imetnik je tretja oseba, s katero je morebitni kvalificirani imetnik sklenil pogodbo, na podlagi katere je na to osebo odplačno začasno prenesel uresničevanje glasovalnih pravic;
4. ki so začasno prenesene na morebitnega kvalificiranega imetnika kot zavarovanje, če nadzoruje glasovalne pravice, vsebovane v teh delnicah, in izrazi namero, da jih bo uresničeval;
5. glede katerih ima morebitni kvalificirani imetnik pravico užitka;
6. katerih imetnik je podrejena družba morebitnega kvalificiranega imetnika ali iz katerih lahko podrejena družba morebitnega kvalificiranega imetnika uresničuje glasovalne pravice v pomenu iz 2. do 5. točke tega odstavka;
7. katerih imetnik je morebitni kvalificirani imetnik za račun tretje osebe in iz katerih lahko uresničuje glasovalno pravico po lastni presoji, če ne prejme ustreznih navodil te tretje osebe;
8. katerih imetnik je tretja oseba v svojem imenu in za račun morebitnega kvalificiranega imetnika;
9. iz katerih lahko morebitni kvalificirani imetnik uresničuje glasovalne pravice kot pooblaščenec in ki jih ta lahko uresničuje po lastni presoji, če ne prejme ustreznih navodil od njihovega imetnika.

(3) Kot osnova za ugotavljanje kvalificiranega deleža na podlagi deleža v kapitalu se upoštevajo vse delnice, na katere je razdeljen osnovni kapital banke, vključno z lastnimi delnicami.

(4) Pri ugotavljanju kvalificiranega deleža posameznega kvalificiranega imetnika na podlagi udeležbe v kapitalu se smiselno uporabljajo 1., 2., 3., 5., 6. in 8. točka drugega odstavka tega člena.

(2) When establishing the qualifying holding of an individual (hereinafter: potential qualifying holder) based on voting rights, the voting rights attached to the following shares shall be taken into account:

1. those whose holder is a potential qualifying holder for their own account;
2. those whose holder is a third party with whom a potential qualifying holder concluded an agreement that binds the contracting parties to implement a bank's permanent common governance policy through the coordinated exercising of voting rights;
3. those whose holder is a third party with whom a potential qualifying holder concluded an agreement based on which the exercising of voting rights was temporarily transferred to that person in return for payment;
4. those that were temporarily transferred to a potential qualifying holder as collateral, if they control the voting rights attached to these shares and if they express the intention to exercise those rights;
5. those with regard to which a potential qualifying holder has the right to usufruct;
6. those whose holder is the subsidiary of a potential qualifying holder or based on which the subsidiary of a potential qualifying holder may exercise voting rights within the meaning referred to in points 2 to 5 of this paragraph;
7. those whose holder is a potential qualifying holder for the account of a third party and based on which they may exercise their voting right at their own discretion if they fail to receive appropriate instructions from that third party;
8. those whose holder is a third party on their own behalf and for the account of a potential qualifying holder; and
9. those based on which a potential qualifying holder may exercise voting rights as an authorised person and which this person may exercise at their own discretion if they fail to receive appropriate instructions from their holder.

(3) All shares to which a bank's share capital is allocated, including own shares, shall be taken into account as the basis for establishing a qualifying holding based on participation in capital.

(4) Points 1, 2, 3, 5, 6 and 8 of paragraph two of this Article shall apply *mutatis mutandis* in establishing the qualifying holding of an individual qualifying holder on the basis of participation in capital.

63. člen
(izjeme pri ugotavljanju kvalificiranega deleža)

(1) Pri ugotavljanju kvalificiranega deleža se ne upoštevajo:

1. delnice, ki jih je morebitni kvalificirani imetnik pridobil izključno za poravnavo znotraj običajno kratkega poravnalnega obdobja;
2. delnice, ki jih je morebitni kvalificirani imetnik pridobil za račun tretje osebe v zvezi z opravljanjem skrbniških storitev, če lahko iz teh delnic uresničuje glasovalne pravice samo na podlagi navodil, ki mu jih da oseba, za račun katere jih ima, v pisni obliki ali z uporabo elektronskega načina.

(2) Pri ugotavljanju kvalificiranega deleža družbe, ki je nadrejena družbi za upravljanje, se ne upoštevajo deleži iz naložb kolektivnih naložbenih podjetij v delnice banke, ki jih pod pogoji, določenimi v zakonu, ki ureja upravljanje investicijskih skladov, oziroma v aktu matične države članice družbe za upravljanje, s katerim se v pravni red te države prenaša Direktiva 2009/65/ES, upravlja družba za upravljanje, če družba za upravljanje uresničuje glasovalne pravice iz teh deležev neodvisno od nadrejene družbe.

(3) Prejšnji odstavek se ne uporablja, če:

1. je nadrejena družba ali tej podrejena družba imetnik delnic banke z glasovalno pravico, ki jih upravlja družba za upravljanje;
2. družba za upravljanje ne more uresničevati glasovalnih pravic iz teh delnic po lastni presoji, temveč samo po neposrednih ali posrednih navodilih nadrejene družbe ali tej podrejene družbe.

(4) Pri ugotavljanju kvalificiranega deleža družbe, ki je nadrejena investicijskemu podjetju, ki je v skladu z ZTFI oziroma aktom matične države članice investicijskega podjetja, s katerim se v pravni red te države prenaša Direktiva 2004/39/ES, upravičeno opravljati investicijske storitve in posle, se ne upoštevajo deleži iz naložb v delnice banke, ki jih upravlja to investicijsko podjetje pri opravljanju storitev gospodarjenja s finančnimi instrumenti v pomenu, opredeljenem v ZTFI, če so izpolnjeni naslednji pogoji:

Article 63
(Exceptions in the establishing of a qualifying holding)

(1) The following shares shall not be taken into account when establishing a qualifying holding:

1. shares that a potential qualifying holder has acquired exclusively for settlement within a typically short settlement period and
2. shares that a potential qualifying holder has acquired for the account of a third party in connection with the provision of custody services, if they may exercise the voting rights attached to these shares based solely on instructions in writing or electronic form provided by the person for the account of whom they hold them.

(2) When establishing the qualifying holding of an undertaking that is the parent undertaking of a management company, the holdings from investments of collective undertakings in bank shares which, under the conditions provided by the Act governing management of investment funds or by an act of the home Member State of the management company by which Directive 2009/65/EC was transposed into the legal order of that country, are managed by the management company shall not be taken into account if the management company exercises the voting rights attached to these holdings independently of the parent company.

(3) The preceding paragraph shall not apply if:

1. the parent undertaking or its subsidiary is a holder of bank shares with voting rights managed by a management company;
2. the management company may not exercise voting rights attached to these shares at its own discretion, but only according to the direct or indirect instructions of the parent company or its subsidiary.

(4) When establishing a qualifying holding of a company that is the parent undertaking of an investment firm which, in accordance with the ZTFI or an act of the home Member State of the investment firm by which Directive 2004/39/EC was transposed into the legal order of that country, is entitled to provide investment services and activities, the holdings from investments in bank shares managed by this investment firm in the provision of portfolio management services within the meaning defined in the ZTFI shall not be taken into account when the following

1. investicijsko podjetje ima ustrezno dovoljenje pristojnega organa za opravljanje investicijske storitve gospodarjenja s finančnim instrumenti; in
2. investicijsko podjetje:
 - bodisi lahko uresničuje glasovalne pravice iz naložb v delnice banke z glasovalno pravico samo na podlagi navodil, ki mu jih da stranka, za račun katere gospodari z njimi, v pisni obliki ali z uporabo elektronskega sredstva,
 - bodisi je z uporabo ustreznih ukrepov zagotovilo pogoje, enakovredne pogojem, določenim v zakonu, ki ureja upravljanje investicijskih skladov, da se storitve gospodarjenja s finančnimi instrumenti opravljajo neodvisno od drugih storitev in poslov, ki jih opravlja investicijsko podjetje; in
3. investicijsko podjetje uresničuje glasovalne pravice neodvisno od nadrejene družbe.

(5) Prejšnji odstavek se ne uporablja, če:

1. je nadrejena družba ali tej podrejena družba imetnik delnic banke z glasovalno pravico, ki jih upravlja investicijsko podjetje;
2. investicijsko podjetje ne more uresničevati glasovalnih pravic iz teh delnic po lastni presoji, temveč samo po neposrednih ali posrednih navodilih nadrejene družbe ali tej podrejene družbe.

(6) Pri ugotavljanju kvalificiranega deleža banke, banke države članice ali investicijskega podjetja se ne upoštevajo delnice, ki jih je ta banka, banka države članice ali investicijsko podjetje pridobilo pri opravljanju storitve izvedbe prve ali nadaljnje prodaje finančnih instrumentov z obveznostjo odkupa v skladu z ZTFI oziroma aktom druge države članice, s katerim se v pravni red matične države članice prenaša Direktiva 2004/39/ES, če so izpolnjeni naslednji pogoji:

1. banka, banka države članice ali investicijsko podjetje je v skladu z ZTFI oziroma aktom druge države članice, s katerim se v pravni red matične države članice prenaša Direktiva 2004/39/ES, upravičena opravljati investicijske storitve;
2. banka, banka države članice ali investicijsko podjetje ne uresničuje glasovalnih pravic, vsebovanih v delnicah, in ne izvršuje drugih upravljavskih upravičenj iz delnic tako, da bi s tem vplivalo na vodenje poslov banke;
3. banka, banka države članice ali investicijsko podjetje delnice odtuji v enem letu po pridobitvi.

conditions are met:

1. the investment firm has the requisite authorisation from the competent authority to provide the investment service of portfolio management and
2. the investment firm:
 - may either exercise the voting rights attached to investments in bank shares with voting rights based solely on instructions in writing or electronic form provided by a client for whose account it manages them or
 - through the application of appropriate measures, it has ensured conditions that are equal to the conditions determined in the Act governing management of investment funds in order to provide portfolio management services independently from other services and activities provided by the investment firm; and
3. the investment firm exercises voting rights independently of the parent company.

(5) The preceding paragraph shall not apply if:

1. the parent undertaking or its subsidiary is a holder of bank shares with voting rights managed by an investment firm and
2. the investment firm may not exercise voting rights attached to these shares at its own discretion, but only according to the direct or indirect instructions of the parent company or its subsidiary.

(6) When establishing a qualifying holding of a bank, Member State bank or investment firm, the shares that this bank, Member State bank or investment firm has acquired from the initial or subsequent placing of financial instruments on a firm commitment basis in accordance with the ZTFI or an act of another Member State by which Directive 2004/39/EC is transposed into the legal order of that Member State shall not be taken into account when the following conditions are met:

1. the bank, Member State bank or investment firm is entitled to provide investment services in accordance with the ZTFI or an act of another Member State by which Directive 2004/39/EC is transposed into the legal order of that Member State;
2. the bank, Member State bank or investment firm fails to exercise the voting rights attached to the shares and fails to exercise other management entitlements arising from the shares in a manner that would affect the management of bank's operations; and
3. the bank, Member State bank or investment firm disposes of the shares within one year following acquisition.

64. člen

(zahteva za izdajo dovoljenja za pridobitev kvalificiranega deleža)

(1) Zahteva za izdajo dovoljenja za pridobitev kvalificiranega deleža se vloži pri Banki Slovenije in mora obsegati:

1. višino deleža glasovalnih pravic ali deleža v kapitalu banke, ki ga namerava pridobiti bodoči kvalificirani imetnik;
2. dokumentacijo in informacije o tem, da bodoči kvalificirani imetnik ustreza merilom, predpisanim s tem zakonom.

(2) Banka Slovenije izda sklep o odpravi pomanjkljivosti zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža v dveh delovnih dneh po prejemu zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža.

(3) Banka Slovenije mora v dveh delovnih dneh vložniku zahteve izdati potrdilo o prejemu popolne zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža.

(4) Rok iz prejšnjega odstavka teče:

1. če Banka Slovenije v roku iz drugega odstavka tega člena ni izdala sklepa o odpravi pomanjkljivosti – od prejema zahteve;
2. če je Banka Slovenije v roku iz drugega odstavka tega člena izdala sklep o odpravi pomanjkljivosti in je vložnik v roku, določenem s sklepom, zahtevo dopolnil oziroma popravil v skladu s tem sklepom – od prejema dopolnitve oziroma poprave zahteve.

(5) Banka Slovenije lahko od vložnika zahteva, da predloži dodatne informacije ali dokumente, potrebne za presojo primernosti bodočega kvalificiranega imetnika (v nadaljnjem besedilu: zahteva za dodatne informacije ali dokumente). Banka Slovenije lahko zahteva dodatne informacije ali dokumente od vložnika najpozneje do 50. delovnega dne po poteku roka iz tretjega odstavka tega člena.

Article 64

(Application for authorisation to acquire a qualifying holding)

(1) An application for authorisation to acquire a qualifying holding shall be filed with the Bank of Slovenia and shall include the following:

1. the level of participation in voting rights or in the capital of a bank that the future qualifying holder intends to acquire and
2. documentation and information confirming that the future qualifying holder complies with the criteria prescribed by this Act.

(2) The Bank of Slovenia shall issue a procedural decision on the elimination of deficiencies in an application for authorisation to acquire a qualifying holding within two working days following the receipt thereof.

(3) The Bank of Slovenia shall issue an applicant confirmation of the receipt of a complete application for authorisation to acquire a qualifying holding within two working days.

(4) The time limit referred to in the preceding paragraph shall start to run:

1. from the receipt of an application if the Bank of Slovenia failed to issue a procedural decision on the elimination of deficiencies by the time limit referred to in paragraph two of this Article or
2. from the receipt of an amended or corrected application if the Bank of Slovenia issued a procedural decision on the elimination of deficiencies by the time limit referred to in paragraph two of this Article and the applicant amended or corrected the application in accordance with that decision by the time limit stated therein.

(5) The Bank of Slovenia may request that an applicant submit additional information or documents necessary for assessing the suitability of a future qualifying holder (hereinafter: request for additional information or documents). The Bank of Slovenia may request additional information or documents from an applicant not later than until the 50th working day following the expiry of the time limit referred to in paragraph three of this Article.

(6) Banka Slovenije mora vložniku zahteve v dveh delovnih dneh po prejemu dodatnih informacij ali dokumentov na podlagi zahteve za dodatne informacije ali dokumente izdati potrdilo o prejemu teh dodatnih informacij ali dokumentov.

(7) Banka Slovenije mora v potrdilu iz tretjega oziroma šestega odstavka tega člena navesti dan, s katerim poteče rok iz prvega odstavka 67. člena tega zakona.

(8) Banka Slovenije zahtevo za izdajo dovoljenja za pridobitev kvalificiranega deleža, vključno z dodatnimi informacijami in dokumentacijo iz petega odstavka tega člena, posreduje Evropski centralni banki v skladu s 15. členom in točko (c) prvega odstavka 4. člena Uredbe (EU) št. 1024/2013 in o tem obvesti stranke postopka. Postopek odločanja o zahtevi se nadaljuje v skladu z Uredbo (EU) št. 1024/2013.

65. člen

(posvetovanje s pristojnimi in nadzornimi organi)

(1) Banka Slovenije se v zvezi s presojo primernosti kvalificiranega imetnika na podlagi zahteve iz prejšnjega člena posvetuje s pristojnim organom posamezne države članice, če je bodoči kvalificirani imetnik:

1. banka te države članice;
2. zavarovalnica, pozavarovalnica, investicijsko podjetje ali družba za upravljanje te države članice;
3. nadrejena oseba osebam iz 1. ali 2. točke tega odstavka; ali
4. pravna ali fizična oseba, ki obvladuje osebe iz 1. ali 2. točke tega odstavka.

(2) Banka Slovenije se v zvezi s presojo primernosti kvalificiranega imetnika na podlagi zahteve iz prejšnjega člena posvetuje z nadzornim organom Republike Slovenije ali druge države članice, če je bodoči kvalificirani imetnik:

1. zavarovalnica, pozavarovalnica, borzoposredniška družba ali družba

(6) The Bank of Slovenia shall issue an applicant confirmation of the receipt of additional information or documents within two working days following the receipt thereof based on the former's request for additional information or documents.

(7) In the confirmation referred to in paragraph three or six of this Article, the Bank of Slovenia shall state the date on which the time limit referred to in paragraph one of Article 67 of this Act expires.

(8) The Bank of Slovenia shall submit an application for authorisation to acquire a qualifying holding, including the additional information and documentation referred to in paragraph five of this Article, to the European Central Bank in accordance with Article 15 and Article 4(1)(c) of Regulation (EU) No 1024/2013 and notify the parties to the procedure accordingly. The decision-making process with respect to the application shall continue in accordance with Regulation (EU) No 1024/2013.

Article 65

(Consultation with competent and supervisory authorities)

(1) In connection with the assessment of the suitability of a qualifying holder based on the application referred to in the preceding Article, the Bank of Slovenia shall consult with the competent authority of an individual Member State if the future qualifying holder is:

1. a bank in that Member State;
2. an insurance undertaking, reinsurance undertaking, investment firm or management company in that Member State;
3. a parent entity to the entities referred to in point 1 or 2 of this paragraph; or
4. a legal person or natural person who controls the entities referred to in point 1 or 2 of this paragraph.

(2) In connection with the assessment of the suitability of a qualifying holder based on the application referred to in the preceding Article, the Bank of Slovenia shall consult with a supervisory authority in the Republic of Slovenia or in another Member State if the future qualifying holder is:

1. an insurance undertaking, reinsurance undertaking, brokerage

- za upravljanje Republike Slovenije;
2. nadrejena oseba osebam iz prejšnje točke; ali
 3. pravna ali fizična oseba, ki obvladuje osebe iz 1. točke tega odstavka.

(3) Banka Slovenije se s pristojnimi in nadzornimi organi posvetuje in izmenjuje informacije glede primernosti kvalificiranih imetnikov ter ugleda, znanja, veščin in izkušenj članov uprav družb znotraj iste skupine in druge informacije, ki so nujne ali pomembne za presojo, ali bodoči kvalificirani imetnik ustreza merilom, predpisanim s tem zakonom.

(4) Če je bodoči kvalificirani imetnik nadzorovan subjekt finančnega sektorja tretje države, mora zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža priložiti tudi soglasje oziroma mnenje pristojnega oziroma nadzornega organa ali obvestilo, da v skladu s predpisi, ki veljajo za bodočega kvalificiranega imetnika v državi njegovega sedeža, tako soglasje oziroma mnenje ni potrebno.

66. člen

(presoja primernosti bodočega kvalificiranega imetnika)

(1) Da bi se zagotovilo varno in skrbno upravljanje banke, v kateri namerava bodoči kvalificirani imetnik pridobiti kvalificirani delež, mora Banka Slovenije ob upoštevanju vpliva, ki bi ga verjetno imel bodoči kvalificirani imetnik na upravljanje banke, če pridobi kvalificirani delež, ki je predmet zahteve, presojati primernost bodočega kvalificiranega imetnika na podlagi naslednjih meril:

1. ugled bodočega kvalificiranega imetnika;
2. ugled, znanje, veščine in izkušnje vseh članov organov vodenja ali nadzora in vseh članov višjega vodstva, ki bodo imeli možnost upravljati banko ali drugače vplivati na poslovanje banke, če bodoči kvalificirani imetnik pridobi kvalificirani delež, ki je predmet zahteve;
3. finančne trdnosti bodočega kvalificiranega imetnika, zlasti v zvezi z vrstami poslov, ki jih opravlja ali načrtuje banka;

- company or management company in the Republic of Slovenia;
2. a parent entity to the entities referred to in the preceding point; or
 3. a legal person or natural person who controls the entities referred to in point 1 of this paragraph.

(3) The Bank of Slovenia shall consult and exchange information with the competent and supervisory authorities regarding the suitability of qualifying holders and the reputation, knowledge, skills and experience of members of the management boards of undertakings within the same group and other information necessary or important for determining whether a future qualifying holder meets the criteria prescribed by this Act.

(4) If a future qualifying holder is a third-country financial sector entity subject to supervision, an application for authorisation to acquire a qualifying holding shall also be accompanied by the consent or opinion of the competent or supervisory authority or by notification that no such consent or opinion is required in accordance with regulations applicable for the future qualifying holder in its country of establishment.

Article 66

(Assessment of the suitability of a future qualifying holder)

(1) To ensure the secure and prudent management of the bank in which a future qualifying holder intends to acquire a qualifying holding, the Bank of Slovenia shall assess the suitability of the future qualifying holder on the basis of the following criteria, taking into account the influence that the future qualifying holder would be likely to have on the management of the bank if the holder acquires a qualifying holding that is the subject of the application:

1. the reputation of the future qualifying holder;
2. the reputation, knowledge, skills and experience of all members of management or supervisory bodies and all senior management staff who will be afforded the opportunity to manage the bank or to otherwise influence the bank's operations if the future qualifying holder acquires the qualifying holding that is the subject of the application;
3. the financial soundness of the future qualifying holder, particularly in connection with the types of transactions that the bank executes or is planning; and

4. verjetnih posledic, če bodoči kvalificirani imetnik pridobi kvalificirani delež, ki je predmet zahteve, za sposobnosti banke ravnati v skladu s pravili o upravljanju tveganj ter izpolnjevati zahteve in omejitve v skladu s pravili, ki jih določa ta zakon, Uredba (EU) št. 575/2013 ter drugi predpisi, ki se uporabljajo za banko.

(2) Banka Slovenije mora pri presoji primernosti bodočega kvalificiranega imetnika na podlagi merila iz 4. točke prejšnjega odstavka presoditi tudi organizacijski ustroj, procese in sisteme znotraj skupine, katere del bo postala banka, če bodoči kvalificirani imetnik pridobi kvalificirani delež, ki je predmet zahteve, in verjetne posledice za možnost izvajanja učinkovitega nadzora, učinkovite izmenjave informacij med pristojnimi nadzornimi organi in razmejitve pristojnosti in odgovornosti za nadzor med pristojnimi nadzornimi organi.

(3) Banka Slovenije mora pri presoji primernosti bodočega kvalificiranega imetnika presoditi tudi, ali obstajajo razlogi za sum:

1. da je bilo ali bo v zvezi s pridobitvijo kvalificiranega deleža, ki je predmet zahteve, storjeno dejanje pranja denarja ali financiranja terorizma, kot sta opredeljena v ZPPDFT, ali izveden poskus tega dejanja; ali
2. da bo ta pridobitev povečala tveganje pranja denarja ali financiranja terorizma, kot je opredeljeno v ZPPDFT.

(4) Banka Slovenije ne sme presojati primernosti bodočega kvalificiranega imetnika z vidika gospodarskih potreb trga.

(5) Če Banka Slovenije hkrati obravnava dve ali več zahtev za pridobitev kvalificiranega deleža v isti banki, mora vse bodoče kvalificirane imetnike obravnavati nediskriminatorno.

67. člen

(rok za odločitev o zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža)

- (1) Ne glede na druge določbe tega zakona mora biti odločba o

4. the likely consequences, should the future qualifying holder acquire the qualifying holding that is the subject of the application, for the bank's ability to act in accordance with risk management rules and to meet the requirements and restrictions referred to in this Act, Regulation (EU) No 575/2013 and other regulations that apply to the bank.

(2) When assessing the suitability of a future qualifying holder based on the criterion referred to in point 4 of the preceding paragraph, the Bank of Slovenia shall also assess the organisational structure, processes and systems within the group that the bank will become part of when the qualifying holding that is the subject of the application is acquired by the future qualifying holder and the likely consequences for the possibility of exercising effective supervision, the efficient exchange of information between the competent supervisory authorities, and the segregation of supervisory powers and responsibilities between the competent supervisory authorities.

(3) When assessing the suitability of a future qualifying holder, the Bank of Slovenia shall also assess whether there are any reasons to suspect:

1. that an act of money laundering or the financing of terrorism, as defined in the ZPPDFT, was or will be committed or an attempt to commit such an act was or will be carried out in connection with the acquisition of a qualifying holding or
2. that the acquisition in question will increase the risk of money laundering or the financing of terrorism as defined in the ZPPDFT.

(4) The Bank of Slovenia shall not assess the suitability of a future qualifying holder in the light of the economic needs of the market.

(5) If the Bank of Slovenia processes two or more applications to acquire a qualifying holding in the same bank at the same time, it shall treat all future qualifying holders in a non-discriminatory manner.

Article 67

(Time limit for a decision regarding an application for authorisation to acquire a qualifying holding)

- (1) Notwithstanding other provisions of this Act, a decision

zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža izdana v 60 delovnih dneh.

(2) Rok iz prejšnjega odstavka teče, če:

1. je Banka Slovenije v roku iz tretjega odstavka 64. člena tega zakona izdala potrdilo – od izdaje potrdila;
2. Banka Slovenije v roku iz tretjega odstavka 64. člena tega zakona ni izdala potrdila – od poteka roka za izdajo potrdila iz tretjega odstavka 64. člena tega zakona.

(3) Če je Banka Slovenije pred iztekom roka iz prvega odstavka tega člena vložnika pozvala, da se izjasni o razlogih za zavrnitev zahteve, rok iz prvega odstavka tega člena ne teče od vročitve poziva do izteka roka za izjavo oziroma do prejema izjave, če je bila ta posredovana v roku, določenem s pozivom.

(4) Če Banka Slovenije izda zahtevo za dodatne informacije ali dokumente v skladu s petim odstavkom 64. člena tega zakona, se tek roka iz prvega odstavka tega člena zadrži za čas od izdaje zahteve za dodatne informacije ali dokumente do dneva, ko vložnik predloži dodatne informacije ali dokumente, vendar največ za 20 delovnih dni od izdaje prve zahteve. Druga in naslednje zahteve Banke Slovenije v skladu s petim odstavkom 64. člena tega zakona ne zadržijo teka roka iz prejšnjega odstavka.

(5) Ne glede na prejšnji odstavek lahko Banka Slovenije s prvo zahtevo iz petega odstavka 64. člena tega zakona za predložitev dodatnih informacij ali dokumentov odloči, da se tek roka iz prvega odstavka tega člena zadrži za več kot 20 delovnih dni, vendar največ za 30 delovnih dni od izdaje te zahteve, če:

1. je bodoči kvalificirani imetnik oseba tretje države ali
2. bodoči kvalificirani imetnik nima položaja kreditne institucije, investicijskega podjetja, družbe za upravljanje, kolektivnega

regarding an application for authorisation to acquire a qualifying holding shall be issued within 60 working days.

(2) The time limit referred to in the preceding paragraph shall run:

1. from the issue of confirmation if the Bank of Slovenia issued that confirmation by the time limit referred to in paragraph three of Article 64 of this Act or
2. from the expiry of the time limit for issuing confirmation referred to in paragraph three of Article 64 of this Act if the Bank of Slovenia failed to issue confirmation by the time limit referred to in paragraph three of Article 64 of this Act.

(3) If prior to the expiry of the time limit referred to in paragraph one of this Article, the Bank of Slovenia called on an applicant to make a statement regarding reasons for the rejection of its application, the time limit referred to in paragraph one of this Article shall not run from the delivery of the Bank of Slovenia's call until the expiry of the time limit for the submission of the aforementioned statement or until the receipt of that statement if it was submitted by the time limit defined in the call.

(4) If the Bank of Slovenia issues a request for additional information or documents in accordance with paragraph five of Article 64 of this Act, the running of the time limit referred to in paragraph one of this Article shall be suspended for the period from the issue of the request for additional information or documents until the day the applicant submits the requested additional information or documents, but for a maximum of 20 working days from the issuing of the initial request. A second and subsequent requests of the Bank of Slovenia in accordance with paragraph five of Article 64 of this Act shall not result in the suspension of the running of the time limit referred to in the preceding paragraph.

(5) Notwithstanding the preceding paragraph, the Bank of Slovenia may decide in its first request for submission of additional information or documents, referred to in paragraph five of Article 64 of this Act, to suspend the running of the time limit referred to in paragraph one of this Article for more than 20 working days, but for a maximum of 30 working days from issue of this request, if:

1. the future qualifying holder is a third-country entity or
2. the future qualifying holder is not a credit institution, investment firm, management company, collective investment undertaking, insurance

naložbenega podjetja, zavarovalnice ali pozavarovalnice.

68. člen

(razlogi za zavrnitev zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža)

Zahteva za izdajo dovoljenja za pridobitev kvalificiranega deleža se zavrne, če:

1. bodoči kvalificirani imetnik ne ustreza merilom iz 66. člena tega zakona;
2. je verjetno, da bo zaradi pridobitve kvalificiranega deleža, ki je predmet zahteve, ogrožena sposobnost banke ravnati v skladu s pravili o upravljanju tveganj ter izpolnjevati zahteve, določene s tem zakonom, Uredbo (EU) št. 575/2013 ter drugimi predpisi, ki se uporabljajo za banko;
3. je verjetno, da bo zaradi pridobitve kvalificiranega deleža, ki je predmet zahteve, ovirano ali oteženo izvajanje učinkovitega nadzora, učinkovite izmenjave informacij med pristojnimi in nadzornimi organi oziroma razmejitve pristojnosti in odgovornosti za nadzor med pristojnimi in nadzornimi organi;
4. v zvezi z nameravano pridobitvijo obstaja sum, da bo storjeno kaznivo dejanje pranja denarja ali financiranja terorizma, kot sta opredeljena v ZPPDFT, ali bo izveden poskus tega dejanja ali da bo zaradi pridobitve povečano tveganje pranja denarja ali financiranja terorizma;
5. je verjetno, da bodo v zvezi z bodočim kvalificiranim imetnikom tretje države, ob upoštevanju predpisov države te osebe oziroma ob upoštevanju prakse države te osebe pri uporabi in izvrševanju teh predpisov, ovirani oziroma oteženi izvajanje učinkovitega nadzora, učinkovita izmenjava informacij med pristojnimi in nadzornimi organi in razmejitve pristojnosti in odgovornosti za nadzor med pristojnimi nadzornimi organi;
6. bodoči kvalificirani imetnik v roku, ki ga v skladu s tem zakonom določi Banka Slovenije, ne predloži vse dokumentacije in informacij, potrebnih za presojo njegove primernosti.

undertaking or reinsurance undertaking.

Article 68

(Reasons for rejection of an application for authorisation to acquire a qualifying holding)

An application for authorisation to acquire a qualifying holding shall be rejected if:

1. the future qualifying holder fails to comply with the criteria referred to in Article 66 of this Act;
2. it is likely that the bank's ability to act in accordance with risk management rules and to meet the requirements determined in this Act, Regulation (EU) No 575/2013 and other regulations that apply to the bank will be compromised due to the acquisition of the qualifying holding that is the subject of the request;
3. it is likely that conducting effective supervision, the efficient exchange of information between the competent authorities and supervisory authorities, or the segregation of supervisory powers and responsibilities between the competent authorities and supervisory authorities will be hindered or made more difficult due to the acquisition of the qualifying holding that is the subject of the application;
4. in connection with the intended acquisition, it is suspected that a criminal offence of money laundering or the financing of terrorism, as defined in the ZPPDFT, will be committed or an attempt to commit such an act will be carried out or that the risk of money laundering or the financing of terrorism will increase due to the acquisition;
5. it is likely that exercising effective supervision, the efficient exchange of information between the competent authorities and supervisory authorities, and the segregation of supervisory powers and responsibilities between the competent supervisory authorities will be hindered or made more difficult in connection with a third-country future qualifying holder, taking into account the regulations in that person's country or taking into account the practices in that person's country in the application and implementation of these regulations; and
6. the future qualifying holder fails to submit all documentation and information necessary for the assessment of their suitability by the time limit set by the Bank of Slovenia in accordance with this Act.

69. člen

(odločitev o zahtevi za izdajo dovoljenja za kvalificirani delež)

(1) Odločitev o zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža mora obsegati tudi utemeljitev glede morebitnih stališč in pomislov organov iz 65. člena tega zakona.

(2) Najpozneje v dveh delovnih dneh po odločitvi o zahtevi za izdajo dovoljenja za kvalificirani delež in najpozneje do poteka roka iz prvega odstavka 67. člena tega zakona, ob upoštevanju morebitnega zadržanja po četrtem ali petem odstavku 67. člena tega zakona, se izda in odpravi pisni odpravek odločitve o izdaji dovoljenja ali o zavrnitvi zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža.

(3) Če do poteka roka iz prvega odstavka 67. člena tega zakona, ob upoštevanju morebitnega zadržanja po četrtem ali petem odstavku 67. člena tega zakona, ni izdan pisni odpravek odločitve skladu s prejšnjim odstavkom, se šteje, da je z dnem, s katerim poteče ta rok, vložniku izdano dovoljenje za pridobitev kvalificiranega deleža.

(4) Ne glede na druge določbe tega zakona se na podlagi zahteve vložnika na javnih spletnih straneh objavi izvleček odločitve Evropske centralne banke o zavrnitvi zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža s povzetkom razlogov za tako odločitev. Izvleček odločitve Evropske centralne banke ne vsebuje zaupnih informacij in zaupnih podatkov v zvezi z drugimi osebami.

70. člen

(dovoljenje za pridobitev kvalificiranega deleža)

(1) V dovoljenju za pridobitev kvalificiranega deleža se določi

Article 69

(Decision regarding an application for authorisation to acquire a qualifying holding)

(1) A decision regarding an application for authorisation to acquire a qualifying holding shall also include justification with respect to the possible positions and concerns of the authorities referred to in Article 65 of this Act.

(2) A written copy of a decision regarding the issue of authorisation or the rejection of an application for authorisation to acquire a qualifying holding shall be issued and sent not later than within two working days following the decision on the application for authorisation to acquire a qualifying holding, but by no later than the expiry of the time limit referred to in paragraph one of Article 67 of this Act, taking into account the possible suspension in accordance with paragraph four or five of Article 67 of this Act.

(3) If a written copy of the decision in accordance with the preceding paragraph fails to be issued by the expiry of the time limit referred to in paragraph one of Article 67 of this Act, taking into account the possible suspension in accordance with paragraph four or five of Article 67 of this Act, it shall be deemed that the authorisation to acquire a qualifying holding is issued to the applicant on the day of expiry of that time limit.

(4) Notwithstanding other provisions of this Act, a summary of the European Central Bank's decision to reject an application for authorisation to acquire a qualifying holding, including a summary of the reasons for that decision, shall be made available on a public website at the applicant's request. The summary of the European Central Bank's decision shall not include confidential information and data relating to other persons.

Article 70

(Authorisation to acquire a qualifying holding)

(1) Authorisation to acquire a qualifying holding shall set out the

višina deleža glasovalnih pravic ali deleža v kapitalu banke, za pridobitev katerega se izdaja dovoljenje, kot eden od naslednjih razponov:

1. delež glasovalnih pravic ali delež v kapitalu banke, ki je enak ali večji od kvalificiranega deleža in manjši od 20 odstotkov;
2. delež glasovalnih pravic ali delež v kapitalu banke, ki je enak ali večji od 20 odstotkov in manjši od 1/3;
3. delež glasovalnih pravic ali delež v kapitalu banke, ki je enak ali večji od 1/3 in manjši od 50 odstotkov;
4. delež glasovalnih pravic ali delež v kapitalu banke, ki je enak ali večji od 50 odstotkov;
5. delež, na podlagi katerega bodoči kvalificirani imetnik postane nadrejena oseba banke.

(2) Kvalificirani imetnik mora pred vsako nadaljnjo pridobitvijo delnic, na podlagi katere bi presegel razpon, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, pridobiti novo dovoljenje za pridobitev kvalificiranega deleža.

(3) Skupni kvalificirani imetniki, ki imajo veljavno dovoljenje za pridobitev kvalificiranega deleža, morajo pred vsako nadaljnjo pridobitvijo delnic banke, na podlagi katere njihov skupni delež preseže razpon, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, pridobiti novo dovoljenje za pridobitev kvalificiranega deleža.

71. člen

(rok za pridobitev deleža, na katerega se nanaša dovoljenje)

(1) Z odločitvijo o izdaji dovoljenja za pridobitev kvalificiranega deleža ali po izdaji dovoljenja se lahko kvalificiranemu imetniku naloži, da mora v roku, ki sme biti krajši od šestih mesecev, pridobiti delnice banke, na podlagi katerih doseže razpon, za katerega je izdano dovoljenje za pridobitev kvalificiranega deleža.

(2) Na zahtevo bodočega kvalificiranega imetnika se lahko rok iz prejšnjega odstavka podaljša, če je zahteva vložena pred potekom roka.

level of participation in the voting rights or capital of a bank for which authorisation is issued in one of the following ranges:

1. participation in the voting rights or capital of a bank that is equal to or greater than the qualifying holding and less than 20%;
2. participation in the voting rights or capital of a bank that is equal to or greater than 20% and less than 1/3;
3. participation in the voting rights or capital of a bank that is equal to or greater than 1/3 and less than 50%;
4. participation in the voting rights or capital of a bank that is equal to or greater than 50%; or
5. participation based on which a future qualifying holder becomes the parent entity of a bank.

(2) A qualifying holder shall obtain new authorisation to acquire a qualifying holding prior to any further acquisition of shares based on which the holder would exceed the range that applies to a previously issued authorisation to acquire a qualifying holding.

(3) Joint qualifying holders with valid authorisation to acquire a qualifying holding shall obtain new authorisation to acquire a qualifying holding prior to any further acquisition of bank shares based on which their joint holding would exceed the range that applies to a previously issued authorisation to acquire a qualifying holding.

Article 71

(Time limit for the acquisition of a holding to which authorisation applies)

(1) A decision to issue authorisation to acquire a qualifying holding may impose a time limit, which shall not be shorter than six months, on a qualifying holder to acquire the bank shares based on which the holder achieves the range for which authorisation to acquire a qualifying holding has been issued. That obligation may also be issued following the issue of authorisation.

(2) The time limit referred to in the preceding paragraph may be extended upon the request of the future qualifying holder provided that the application is filed prior to the expiry of the time limit.

72. člen
(prenehanje veljavnosti dovoljenja za pridobitev kvalificiranega deleža)

(1) Če je v skladu s prvim odstavkom prejšnjega člena določen rok za pridobitev delnic banke in bodoči kvalificirani imetnik v tem roku ne pridobi delnic banke, na podlagi katerih bi dosegel kvalificirani delež, dovoljenje preneha veljati v celoti.

(2) Če je v skladu s prvim odstavkom prejšnjega člena določen rok za pridobitev delnic banke in kvalificirani imetnik v tem roku doseže kvalificirani delež, ne doseže pa razpona, za katerega je izdano dovoljenje, dovoljenje preneha veljati v delu, ki presega razpon, ki ga je imetnik dosegel.

(3) Če kvalificirani imetnik po pridobitvi deleža v razponu, za katerega je bilo izdano dovoljenje, odsvoji delnice banke tako, da njegov delež glasovalnih pravic ali delež v kapitalu banke ne dosega več razpona, za katerega je bilo izdano dovoljenje, dovoljenje preneha veljati v delu, ki presega razpon, ki ga imetnik dosega po odsvojitvi.

(4) Prejšnji odstavek se smiselno uporablja tudi, če se delež kvalificiranega imetnika zmanjša zaradi povečanja osnovnega kapitala ali drugih korporacijskih dejanj banke.

(5) O prenehanju ali delnem prenehanju veljavnosti dovoljenja za pridobitev kvalificiranega deleža se izda ugotovitvena odločba.

73. člen
(glasovalne pravice neupravičenega imetnika)

(1) Imetnik iz delnic banke, ki jih je pridobil ali ki jih ima v nasprotju s tem zakonom (v nadaljnjem besedilu: neupravičeni imetnik), ker ni pridobil dovoljenja za pridobitev kvalificiranega deleža v skladu s

Article 72
(Cessation of the validity of authorisation to acquire a qualifying holding)

(1) If a time limit has been set for the acquisition of bank shares in accordance with paragraph one of the preceding Article and the future qualifying holder fails to acquire the bank shares based on which the holder would achieve a qualifying holding by the aforementioned time limit, authorisation shall cease to be valid in its entirety.

(2) If a time limit has been set for the acquisition of bank shares in accordance with paragraph one of the preceding Article and the qualifying holder achieves a qualifying holding by that time limit but fails to achieve the range for which the authorisation has been issued, that authorisation shall cease to be valid in the part that exceeds the range achieved by the holder.

(3) If the qualifying holder, after having acquired a holding in the range for which authorisation was issued, disposes of bank shares so that the holder's participation in the voting rights or capital of the bank no longer achieves the range for which the authorisation was issued, that authorisation shall cease to be valid in the part that exceeds the range that is achieved by the holder after such a disposal of shares.

(4) The preceding paragraph shall also apply *mutatis mutandis* if the holding of the qualifying holder is reduced due to an increase in share capital or other corporate actions by the bank.

(5) A declaratory decision shall be issued on the total or partial cessation of the validity of the authorisation to acquire a qualifying holding.

Article 73
(Voting rights of an ineligible holder)

(1) The holder of bank shares that were acquired or which they hold in contravention of this Act (hereinafter: ineligible holder), because the holder failed to obtain authorisation to acquire a qualifying holding in

tem zakonom ali ker mu je dovoljenje prenehalo ali mu je bilo odvzeto, iz teh delnic nima glasovalnih pravic.

(2) Število delnic, iz katerih neupravičeni imetnik lahko uresničuje glasovalne pravice, se izračuna:

1. če imetnik na podlagi delnic dosega ali presega kvalificirani delež, ne da bi imel dovoljenje za pridobitev kvalificiranega deleža, ali če je bilo imetniku dovoljenje za pridobitev kvalificiranega deleža odvzeto: tako, da se od števila delnic, ki pomeni kvalificirani delež, odšteje ena delnica;
2. če imetnik na podlagi delnic presega razpon, za katerega velja dovoljenje za pridobitev kvalificiranega deleža: tako, da je število enako številu delnic, ki pomeni zgornjo mejo razpona, za katerega ima imetnik veljavno dovoljenje.

(3) Glasovalne pravice, ki jih neupravičeni imetnik ni upravičen uresničevati, se prištejejo glasovalnim pravicam drugih delničarjev v sorazmerju z njihovo udeležbo v vseh glasovalnih pravicah iz delnic banke.

(4) Če neupravičeni imetnik v enem mesecu od pridobitve vloži zahtevo za dovoljenje za pridobitev kvalificiranega deleža in če je dovoljenje izdano, imetnik pridobi glasovalne pravice iz delnic do števila delnic, ki pomenijo zgornjo mejo razpona, za katerega je izdano to dovoljenje.

(5) Banka neupravičenemu imetniku ne sme omogočiti uresničevanja glasovalnih pravic iz prvega odstavka tega člena.

(6) Določbe prvega do petega odstavka tega člena se smiselno uporabljajo tudi, če se delež kvalificiranega imetnika poveča zaradi zmanjšanja osnovnega kapitala ali drugih korporacijskih dejanj banke. Pri smiselni uporabi določb iz prejšnjega stavka enomesečni rok za vložitev zahteve za dovoljenje za pridobitev kvalificiranega deleža teče od dneva, ko kvalificirani imetnik izve ali bi lahko izvedel, da se je njegov delež povečal zaradi korporacijskega dejanja banke.

74. člen **(obvestila v zvezi s kvalificiranimi deleži)**

accordance with this Act or the authorisation ceased to be valid or was revoked, shall have no voting rights with respect to those shares.

(2) The number of shares for which an ineligible holder may exercise their voting rights shall be calculated as follows:

1. by subtracting one share from the number of shares that represents a qualifying holding if based on those shares the holder achieves or exceeds a qualifying holding without holding authorisation to acquire a qualifying holding or if authorisation to acquire a qualifying holding was revoked or
2. by setting the number of shares equal to the number of shares that represents the upper limit of the range for which the holder holds valid authorisation if based on those shares the holder exceeds the range for which authorisation to acquire a qualifying holding is valid.

(3) The voting rights that an ineligible holder is not entitled to exercise shall be added to the voting rights of other shareholders in proportion to their participation in all voting rights attached to the bank shares.

(4) If an ineligible holder files an application for authorisation to acquire a qualifying holding within one month following acquisition and if such authorisation is issued, the holder shall acquire the voting rights attached to shares up to the number of shares that represents the upper limit of the range for which this authorisation was issued.

(5) A bank shall prevent an ineligible holder from exercising their voting rights referred to in paragraph one of this Article.

(6) Provisions of paragraphs one to five of this Article shall also apply *mutatis mutandis* if the holding of the qualifying holder is increased due to a decrease in share capital or other corporate actions by the bank. When applying the provisions of the preceding sentence *mutatis mutandis*, a one-month time limit to file an application for authorisation to acquire a qualifying holding shall run from the day when the qualifying holder is notified or could be notified that their holding has increased due to a corporate action of the bank.

Article 74 **(Notifications in connection with qualifying holdings)**

(1) Banka mora nemudoma obvestiti Banko Slovenije o spremembah okoliščin, zaradi katerih se delež posameznega delničarja spremeni tako, da:

1. preseže mejo kvalificiranega deleža oziroma se je njegov delež zmanjša tako, da ne dosega več kvalificiranega deleža;
2. preseže zgornjo mejo razpona oziroma pade pod spodnjo mejo razpona kvalificiranega deleža, za katerega je kvalificiranemu imetniku že izdano dovoljenje za kvalificiran delež.

(2) Banka, z delnicami katere se trguje na organiziranem trgu, vsaj enkrat na leto obvesti Banko Slovenije o delničarjih, ki so imetniki kvalificiranega deleža, ter njihovih kvalificiranih deležih.

(3) Banka mora Banko Slovenije nemudoma obvestiti o sklenitvi delničarskega sporazuma in o dogovoru ali drugih okoliščinah v zvezi z bodočimi kvalificiranimi imetniki.

(4) Če namerava kvalificirani imetnik, ki je pridobil dovoljenje za pridobitev kvalificiranega deleža, odtujiti delnice banke tako, da ne bi več razpolagal s kvalificiranim deležem ali bi se zaradi tega njegov delež zmanjšal pod spodnjo mejo razpona, za katerega velja dovoljenje, mora o tem predhodno obvestiti Banko Slovenije.

(5) Kvalificirani imetnik mora Banko Slovenije nemudoma obvestiti o vsaki združitvi ali delitvi, pri kateri je udeležen, o vsaki drugi statusni spremembi ter o vsaki drugi spremembi, ki bi lahko vplivala na izpolnjevanje meril o primernosti, določenih v 66. členu tega zakona.

(6) Nadrejeni finančni holding, nadrejeni mešani finančni holding in mešani poslovni holding, ki ima v skladu z dovoljenjem za pridobitev kvalificiranega deleža položaj banki nadrejene družbe, mora Banko Slovenije obvestiti tudi o vsaki spremembi članov oziroma članic upravljalnega organa.

75. člen

(predpisi o kvalificiranih imetnikih)

(1) A bank shall notify the Bank of Slovenia without delay with regard to changes in circumstances due to which an individual shareholder's holding changes whereby that holding:

1. exceeds the limit of a qualifying holding or decreases so that no longer achieves a qualifying holding; or
2. exceeds the upper limit of the range or falls below the lower limit of the range of the qualifying holding for which the authorisation to acquire a qualifying holding has been already issued to the qualifying holder.

(2) A bank with shares that are traded on a regulated market shall notify the Bank of Slovenia at least once a year with regard to shareholders who hold a qualifying holding and with regard to their qualifying holdings.

(3) A bank shall notify the Bank of Slovenia without delay about the conclusion of a shareholders' agreement and about arrangements or other circumstances in connection with future qualifying holders.

(4) If a qualifying holder who has obtained authorisation to acquire a qualifying holding intends to dispose of bank shares so that they would no longer hold a qualifying holding or their holding would fall below the lower limit of the range for which authorisation applies, they shall notify the Bank of Slovenia in advance accordingly.

(5) A qualifying holder shall notify the Bank of Slovenia without delay about every merger or division to which it is a party, about any other change in status, and about any other change that could affect the fulfilment of suitability criteria determined in Article 66 of this Act.

(6) A parent financial holding company, parent mixed financial holding company and mixed-activity holding company that is in the position of parent company *vis-à-vis* a bank in accordance with authorisation to acquire a qualifying holding shall notify the Bank of Slovenia also of every change in members of the governing body.

Article 75

(Regulations on qualifying holders)

Banka Slovenije predpiše:

1. podrobnejšo vsebino meril za presojo primernosti bodočega kvalificiranega imetnika, dokumentacije in informacij, ki jih je treba priložiti zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža;
2. podrobnejšo vsebino in način pošiljanja obvestil iz prejšnjega člena.

3.6. Izključitev uporabe ZPre-1

76. člen

(izjeme od ZPre-1 glede obvezne prevzemne ponudbe)

(1) Poleg primerov, določenih v ZPre-1, obvezne prevzemne ponudbe ni zavezan dati imetnik, ki je dosegel prevzemni prag v banki zaradi pridobitve delnic banke v postopku povečanja osnovnega kapitala banke:

1. na podlagi dodatnega ukrepa Banke Slovenije v skladu z 250. členom tega zakona ali ukrepa zgodnjega posredovanja v skladu z 253. členom tega zakona ali
2. na podlagi konverzije kapitalskih instrumentov banke, ki jih lahko banka upošteva pri izračunu kapitala in ki se ob nastopu objektivnega pogoja konvertirajo v delnice banke.

(2) Imetnik lahko uveljavlja izjemo iz 1. točke prejšnjega odstavka, če predhodno pridobi soglasje Banke Slovenije. Banka Slovenije izda soglasje, če je povečanje osnovnega kapitala nujno, da se zagotovi kapitalaska ustreznost banke v skladu z zahtevami Banke Slovenije ali Evropske centralne banke, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz točke (d) prvega odstavka 4. člena te uredbe. Banka Slovenije o izdaji soglasja in konverziji iz 2. točke prejšnjega odstavka obvesti Agencijo za trg vrednostnih papirjev.

(3) Za osebe, ki so dosegle prevzemni prag v banki, se ne

The Bank of Slovenia shall prescribe:

1. the detailed content of criteria for assessing the suitability of a future qualifying holder and the detailed content of the documentation and information that must accompany an application for authorisation to acquire a qualifying holding and
2. the detailed content and method for sending notifications referred to in the preceding Article.

3.6. Exclusion of the application of the ZPre-1

Article 76

(Exemptions from the ZPre-1 with regard to a mandatory takeover bid)

(1) In addition to cases determined in the ZPre-1, a holder who has achieved the takeover threshold in a bank due to the acquisition of bank shares during the process of increasing the latter's share capital shall not be obliged to issue a mandatory takeover bid:

1. based on an additional measure of the Bank of Slovenia in accordance with Article 250 of this Act or an early intervention measure in accordance with Article 253 of this Act or
2. based on the conversion of the capital instruments of a bank that the latter may take into account in the calculation of capital and that are converted to bank shares when an objective condition arises.

(2) A holder may claim the exception referred to in point 1 of the preceding paragraph if they obtain a prior consent of the Bank of Slovenia. The Bank of Slovenia shall issue such consent if an increase in share capital is necessary to ensure a bank's capital adequacy in accordance with the requirements of the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(d) of Regulation (EU) No 1024/2013 during the supervision of the bank in accordance with the same regulation. The Bank of Slovenia shall notify the Securities Market Agency about the issue of consent and the conversion referred to in point 2 of the preceding paragraph.

(3) The provisions of paragraphs one to four of Article 22b of

uporabljajo določbe prvega do četrtega odstavka 22.b člena ZPre-1.

(4) Obveznost dati prevzemno ponudbo v skladu z ZPre-1 nastane za imetnika iz prvega odstavka tega člena ob prvi nadaljnji pridobitvi delnic banke, pri kateri niso izpolnjeni pogoji iz prejšnjega odstavka ali niso podani drugi razlogi v skladu z ZPre-1, zaradi katerih imetnik ni zavezan dati prevzemne ponudbe, če ob pridobitvi novih delnic banke imetnik še dosega prevzemni prag.

77. člen

(izjeme od ZPre-1 glede uresničevanja glasovalnih pravic iz delnic banke)

(1) Agencija za trg vrednostnih papirjev v postopku izdaje soglasja na podlagi petega odstavka 22.b člena ZPre-1 pridobi mnenje Banke Slovenije glede potrebnosti ukrepov za stabilizacijo poslovanja banke. Delničar v zvezi z zahtevo za izdajo soglasja Agencije za trg vrednostnih papirjev iz prejšnjega stavka ni zavezan dodatno predložiti mnenja izvedenca iz šestega odstavka 22.b člena ZPre-1.

(2) Agencija za trg vrednostnih papirjev izda soglasje za uresničevanje glasovalnih pravic delničarja na skupščini banke, če iz mnenja Banke Slovenije izhaja, da je povečanje osnovnega kapitala banke nujno, da se zagotovi stabilno poslovanje banke in izpolnjevanje zahtev pristojnega organa.

(3) Če je delničar iz prvega odstavka tega člena sodeloval pri povečanju osnovnega kapitala banke pod pogoji iz 76. člena tega zakona tako, da ima po povečanju osnovnega kapitala banke najmanj enak delež v kapitalu banke, kot ga je imel pred povečanjem osnovnega kapitala banke, lahko delničar uveljavlja prenehanje prepovedi uresničevanja glasovalnih pravic iz teh delnic, ki jo je izrekla Agencija za trg vrednostnih papirjev, do prve nadaljnje pridobitve delnic banke, pri kateri niso izpolnjeni pogoji iz 76. člena tega zakona, če še dosega prevzemni prag.

the ZPre-1 shall not apply to entities that have achieved the takeover threshold at a bank.

(4) The obligation to issue a takeover bid in accordance with the ZPre-1 shall arise for the holder referred to in paragraph one of this Article upon the first subsequent acquisition of bank shares where the conditions referred to in the preceding paragraph are not met or other reasons are not given in accordance with the ZPre-1 due to which the holder is not obliged to issue a takeover bid, provided that the holder still achieves the takeover threshold upon the acquisition of new bank shares.

Article 77

(Exemptions from the ZPre-1 with regard to the exercising of voting rights attached to bank shares)

(1) When issuing consent on the basis of paragraph five of Article 22b of the ZPre-1, the Securities Market Agency shall obtain the Bank of Slovenia's opinion regarding the need for measures to stabilise a bank's operations. A shareholder shall not be obliged to additionally submit the opinion of an expert referred to in paragraph six of Article 22b of the ZPre-1 in connection with an application to issue the Security Market Agency's consent referred to in the preceding sentence.

(2) The Securities Market Agency shall issue consent to exercise a shareholder's voting rights at a bank's general meeting if it is evident from the Bank of Slovenia's opinion that an increase in the share capital of the bank is necessary to ensure stable operations of the bank and to fulfil the requirements of the competent authority.

(3) If the shareholder referred to in paragraph one of this Article participated in an increase in a bank's share capital under the conditions referred to in Article 76 of this Act, so that after the increase in the bank's share capital they hold at least the same participation in the bank's capital as before that increase, the shareholder may claim cessation of prohibition on the exercising of voting rights attached to those shares imposed by the Securities Market Agency until the first subsequent acquisition of bank shares for which the conditions referred to in Article 76 of this Act are not met, provided that the shareholder continues to achieve the takeover threshold.

78. člen

(izjeme od ZPre-1 glede prevzemne ponudbe banke za vrednostne papirje ciljne družbe)

(1) Poleg primerov, določenih v ZPre-1, obvezne prevzemne ponudbe v skladu z ZPre-1 ni zavezana dati banka, ki je dosegla prevzemni prag v ciljni družbi zaradi pridobitve delnic ali drugih vrednostnih papirjev ciljne družbe, ki so izročeni banki kot stvarni vložek pri povečanju osnovnega kapitala banke v skladu s tem zakonom.

(2) O pridobitvi vrednostnih papirjev iz prejšnjega odstavka in odsvojitvi tako pridobljenih vrednostnih papirjev mora banka obvestiti Agencijo za trg vrednostnih papirjev v treh delovnih dneh od pridobitve oziroma odsvojitve.

(3) Obveznost dati prevzemno ponudbo v skladu z ZPre-1 nastane za banko iz prvega odstavka tega člena po poteku petih let od pridobitve delnic ciljne družbe, če po tem obdobju še dosega prevzemni prag v ciljni družbi.

(4) Obveznost dati prevzemno ponudbo nastane za banko iz prvega odstavka tega člena pred potekom petih let od pridobitve delnic ciljne družbe, in sicer ob prvi nadaljnji pridobitvi delnic ciljne družbe, če banka še dosega prevzemni prag in niso izpolnjeni pogoji iz prvega odstavka tega člena ali niso podani drugi razlogi v skladu z ZPre-1, zaradi katerih banka ni zavezana dati prevzemne ponudbe.

3.7. Redna likvidacija banke

79. člen

(sklep skupščine o likvidaciji banke)

(1) Skupščina banke lahko sprejme sklep o prenehanju banke

Article 78

(Exemptions from the ZPre-1 with regard to a bank's takeover bid for the securities of a target company)

(1) In addition to cases determined in the ZPre-1, a bank that has achieved the takeover threshold in a target company due to the acquisition of shares or other securities of the target company that are delivered to the bank as a non-cash contribution during an increase in the latter's share capital in accordance with this Act shall not be obliged to issue a mandatory takeover bid.

(2) A bank shall notify the Securities Market Agency about the acquisition of securities referred to in the preceding paragraph and the disposal thereof within three working days following the acquisition or disposal.

(3) The obligation to issue a takeover bid in accordance with the ZPre-1 shall arise for the bank referred to in paragraph one of this Article after the expiry of five years following the acquisition of the shares of the target company, provided that the bank continues to achieve the takeover threshold in the target company after the aforementioned period.

(4) The obligation to issue a takeover bid shall arise for the bank referred to in paragraph one of this Article before the expiry of five years following the acquisition of the shares of the target company, that is at the first subsequent acquisition of the shares of the target company, provided that the bank continues to achieve the takeover threshold and the conditions referred to in paragraph one of this Article are not met or other reasons are not given in accordance with the ZPre-1 due to which the bank is not obliged to issue a takeover bid.

3.7. Regular liquidation of a bank

Article 79

(General meeting resolution on the liquidation of a bank)

(1) A bank's general meeting may adopt a resolution to wind up

in začetku likvidacijskega postopka, če uprava banke pred odločanjem skupščine izdela načrt likvidacije in ga predloži Banki Slovenije v skladu z 81. členom tega zakona.

(2) Sklep skupščine, ki je sprejet v nasprotju s prejšnjim odstavkom, je ničen.

80. člen (likvidacijski upravitelj banke)

Za likvidacijskega upravitelja banke je lahko imenovana le oseba, ki ima dovoljenje za opravljanje funkcije člana uprave v tej banki.

81. člen (načrt likvidacije)

(1) Uprava banke mora najmanj šest mesecev pred objavo sklica skupščine, ki bo odločala o začetku postopka likvidacije banke, obvestiti Banko Slovenije o načrtu ukrepov za likvidacijo banke in zaključevanje poslov banke ter glede jamstev banke za zavarovanje terjatev upnikov.

(2) Banka Slovenije na podlagi obvestila iz prejšnjega odstavka oceni ustreznost ukrepov za likvidacijo banke ter po potrebi zahteva od uprave banke ustrezne prilagoditve v načrtu z namenom, da se zavaruje stabilnost finančnega sistema ter položaj upnikov banke.

82. člen (omejitev dovoljenja za opravljanje storitev)

Na podlagi sklepa skupščine o začetku postopka likvidacije banke Banka Slovenije z odločbo:

1. omeji dovoljenja za opravljanje storitev, ki jih opravlja banka v skladu

a bank and to initiate liquidation proceedings, provided that the bank's management board has drawn up a liquidation plan and submitted it to the Bank of Slovenia in accordance with Article 81 of this Act before the general meeting adopts the aforementioned resolution.

(2) A general meeting resolution adopted in contravention of the preceding paragraph shall be null and void.

Article 80 (Liquidator of a bank)

Only a person with authorisation to perform the function of member of a bank's management board may be appointed liquidator of that bank.

Article 81 (Liquidation plan)

(1) At least six months prior to the publication of the convening of the general meeting that will decide on the initiation of liquidation proceeding against a bank, that bank's management board shall notify the Bank of Slovenia about the plan of measures for the liquidation of the bank and completion of its operations and with regard to the bank's guarantees regarding collateral for creditors' claims.

(2) Based on the notification from the preceding paragraph, the Bank of Slovenia shall assess the appropriateness of the measures to liquidate the bank and request, if necessary, that the bank's management board adjust the plan as required with the aim of protecting the stability of the financial system and the position of the bank's creditors.

Article 82 (Restriction of authorisation to provide services)

Based on a general meeting resolution on the initiation of liquidation proceedings against a bank, the Bank of Slovenia shall issue a decision:

1. restricting the authorisation to render the services that the bank

s tem zakonom, tako, da se določi vrsta in obseg poslov, ki jih sme opravljati banka v likvidaciji, ter določi druge pogoje v zvezi z opravljanje teh storitev;

2. določi, v kakšnem obsegu se za banko v likvidaciji uporabljajo pravila tega zakona, Uredbe (EU) št. 575/2013 in predpisov, izdanih na njuni podlagi.

83. člen (izvedba likvidacije)

Za likvidacijo banke na podlagi sklepa skupščine o začetku postopka likvidacije se uporabljajo določbe ZGD-1 o likvidaciji delniške družbe na podlagi sklepa skupščine, če ni v oddelku 3.7. tega zakona določeno drugače.

84. člen (ponovna pridobitev dovoljenja za opravljanje bančnih storitev)

(1) Če skupščina banke po izdaji odločbe iz 82. člena tega zakona odloči, da se postopek likvidacije ustavi in banka deluje dalje, lahko banka ponovno začne opravljati bančne, finančne in dodatne finančne storitve oziroma posle, ki so bili omejeni z odločbo iz 82. člena tega zakona, če pridobi dovoljenje za opravljanje teh storitev v skladu s tem zakonom.

(2) Predlogu za vpis sklepa iz prejšnjega odstavka v sodni register je treba priložiti novo dovoljenje za opravljanje storitev.

85. člen (prenehanje opravljanja bančnih storitev zaradi spremembe dejavnosti banke)

Določbe oddelka 3.7. tega zakona se smiselno uporabljajo tudi, če skupščina banke sprejme sklep, s katerim se dejavnost banke spremeni tako, da banka ne opravlja več bančnih storitev.

provides in accordance with this Act, by defining the type and scope of transactions that the bank may provide during liquidation and other conditions in connection with the provision of those services, and

2. defining to what extent the rules of this Act, Regulation (EU) No 575/2013 and regulations issued on the basis thereof shall apply to the bank in liquidation.

Article 83 (Implementation of liquidation)

Unless otherwise provided in Section 3.7. of this Act, the provisions of the ZGD-1 governing the liquidation of public limited companies based on a general meeting resolution shall apply to the liquidation of a bank on the basis of a general meeting resolution on the initiation of liquidation proceedings.

Article 84 (Reacquiring authorisation to provide banking services)

(1) If after the decision referred to in Article 82 of this Act was taken, a bank's general meeting decides to halt liquidation proceedings and continue the bank's operations, that bank may resume providing the banking, financial and additional financial services or activities that were restricted by the decision referred to in Article 82 of this Act, provided that it obtains authorisation to provide those services in accordance with this Act.

(2) The proposal to enter the decision referred to in the preceding paragraph in the court register shall be accompanied by a new authorisation to provide services.

Article 85 (Cessation of the provision of banking services due to a change in a bank's activity)

The provisions of Section 3.7. of this Act shall also apply *mutatis mutandis* if a bank's general meeting adopts a resolution that changes the activity of the bank so that the bank no longer provides

banking services.

4. POGLAVJE:

POSLOVNE KNJIGE, LETNO POROČILO IN DODATNA RAZKRITJA

86. člen (poslovne knjige in letna poročila bank)

(1) Za poslovne knjige in letna poročila bank ter za revidiranje letnih poročil bank se uporabljajo splošna pravila, določena v osmem poglavju I. dela ZGD-1 in v zakonu, ki ureja revidiranje, če niso v 4. poglavju tega zakona določena posebna pravila. V zvezi s poslovnimi knjigami in letnimi poročili bank se ne uporablja 5. točka prvega odstavka 685. člena ZGD-1.

(2) Banka mora voditi poslovne knjige, sestavljati knjigovodske listine, vrednotiti knjigovodske postavke ter sestavljati poročila v skladu s predpisi iz prejšnjega odstavka ter podzakonskimi predpisi, izdanimi na podlagi 93. člena tega zakona.

87. člen (posebna pravila za poslovne knjige, letna poročila in poročila o finančnih informacijah bank)

(1) Banka mora voditi glavno knjigo na podlagi internega kontnega okvira.

(2) Poslovno leto za sestavo računovodskih in konsolidiranih računovodskih izkazov, ki so sestavni del letnega in konsolidiranega letnega poročila banke, mora biti enako koledarskemu letu.

(3) Banka mora Banki Slovenije sporočati finančne informacije v zvezi z računovodskimi izkazi.

CHAPTER 4:

BOOKS OF ACCOUNT, ANNUAL REPORTS AND ADDITIONAL DISCLOSURES

Article 86 (Books of account and annual reports of banks)

(1) Unless special rules are laid down in Chapter 4 of this Act, the books of account and annual reports of banks and the auditing of banks' annual reports shall be subject to the general rules determined in Chapter 8 of Part I of the ZGD-1 and in the Act governing auditing. Point 5 of paragraph one of Article 685 of the ZGD-1 shall not apply in connection with the books of account and annual reports of banks.

(2) A bank shall keep books of account, draw up bookkeeping documents, value bookkeeping items and prepare reports in accordance with regulations referred to in the preceding paragraph and the implementing regulations issued on the basis of Article 93 of this Act.

Article 87 (Special rules for books of account, annual reports and reports on the financial information of banks)

(1) A bank shall keep a general ledger based on an internal chart of accounts.

(2) The business year for which financial statements and consolidated financial statements are compiled as an integral part of a bank's annual report and consolidated annual report shall be the same as the calendar year.

(3) A bank shall report financial information in connection with its financial statements to the Bank of Slovenia.

88. člen (dodatna razkritja)

(1) Banka mora razkritja iz 8. dela Uredbe (EU) št. 575/2013 objaviti na svojih javnih spletnih straneh.

(2) Banka Slovenije predpiše pravila o pogostejših razkritjih informacij iz prejšnjega odstavka, če je to potrebno zaradi spremenjenih pogojev poslovanja bank in delovanja finančnega sistema.

(3) Banka mora na svojih javnih spletnih straneh pojasniti način izpolnjevanja zahtev, ki so določene s predpisi iz drugega odstavka 9. člena tega zakona glede:

1. ureditve notranjega upravljanja banke in organizacijske strukture banke;
2. politiko izbora članov upravljalnega organa iz 34. člena tega zakona ter
3. politiko prejemkov iz 169. do 171. člena tega zakona.

(4) Nadrejena banka v Republiki Sloveniji mora na svojih javnih spletnih straneh letno objaviti opis pravne in organizacijske strukture bančne skupine, vključno z opisom ureditve notranjega upravljanja v skladu s 128. členom tega zakona, ureditve glede razmerji tesne povezanosti in ureditve upravljanja v podrejenih družbah v skladu s 134. členom tega zakona, ali se namesto objave tega opisa sklicevati na enakovredne informacije.

89. člen (posebna pravila o revidiranju letnega poročila banke)

(1) Banka mora v osmih dneh po prejemu revizorjevega poročila, vendar ne pozneje kot v štirih mesecih po koncu koledarskega leta, Banki Slovenije predložiti:

1. letno poročilo;
2. revizorjevo poročilo o revidiranju letnega poročila iz drugega odstavka 57. člena ZGD-1;

Article 88 (Additional disclosures)

(1) A bank shall publish the disclosures referred to in Part 8 of Regulation (EU) No 575/2013 on its public website.

(2) The Bank of Slovenia shall prescribe rules on more frequent disclosures of the information referred to in the preceding paragraph if this is necessary due to changed conditions in the operations of banks and the functioning of the financial system.

(3) A bank shall explain on its public website how it meets the requirements provided by regulations referred to in paragraph two of Article 9 of this Act with regard to:

1. the bank's internal governance arrangements and organisational structure;
2. the policy for selecting members of the governing body referred to in Article 34 of this Act; and
3. the remuneration policy referred to in Articles 169 to 171 of this Act.

(4) Once a year, a parent bank in the Republic of Slovenia shall publish on its public website a description of the legal and organisational structure of the banking group, including a description of internal governance arrangements in accordance with Article 128 of this Act and arrangements regarding close relationships and arrangements regarding the governance in subsidiaries in accordance with Article 134 of this Act, or provide reference to the equivalent information in lieu of the publication of the aforementioned description.

Article 89 (Special rules on the auditing of a bank's annual report)

(1) A bank shall submit the following to the Bank of Slovenia within eight days of receiving the auditor's report, but no later than within four months of the end of the calendar year:

1. the annual report;
2. the auditor's report on the auditing of the annual report referred to in paragraph two of Article 57 of the ZGD-1; and

3. dodatno revizorjevo poročilo o izpolnjevanju pravil o upravljanju tveganj v banki iz prvega odstavka 90. člena tega zakona.

(2) Če mora banka pripraviti konsolidirano letno poročilo, se za predložitev, revizijski pregled in objavo konsolidiranega letnega poročila smiselno uporabljajo prejšnji odstavek in 90. do 92. člen tega zakona.

90. člen **(dodatna pravila o revizijskem pregledu)**

(1) Revizijski pregled letnega poročila banke in revizorjevo poročilo mora poleg revidiranja in pregleda po prvem odstavku 57. člena ZGD-1 ter vsebine revizorjevega poročila po drugem odstavku 57. člena ZGD-1 obsegati tudi dodatni revizijski pregled in dodatno revizorjevo poročilo o izpolnjevanju pravil o upravljanju tveganj v banki.

(2) Za revizijski pregled letnega poročila iz prejšnjega odstavka imenuje banka revizijsko družbo za obdobje, ki ne sme biti krajše od treh poslovnih let. Revizijski pregled letnega poročila banke lahko opravlja posamezna revizijska družba neprekinjeno za največ deset poslovnih let s prekinitvijo za obdobje najmanj naslednjih štirih poslovnih let.

(3) Banka ali revizijska družba lahko odpove pogodbo iz prejšnjega odstavka pred potekom pogodbeno dogovorjenega roka le na podlagi utemeljenih razlogov. Različna mnenja o računovodskih obravnavah ali revizijskih postopkih niso utemeljeni razlogi za odpoved pogodbe. Pogodba o revizijskem pregledu se odpoveduje sodno. Uprava banke lahko pogodbo o revizijskem pregledu odpove pred potekom pogodbeno dogovorjenega roka le s soglasjem nadzornega sveta in po posvetovanju z revizijsko komisijo.

(4) Banka mora pisno obvestiti Banko Slovenije o razrešitvi ali o odstopu revizijske družbe pred pogodbeno dogovorjenim rokom in ustrezno pojasniti razloge za razrešitev ali odstop.

3. the additional auditor's report on a bank's compliance with risk management rules referred to in paragraph one of Article 90 of this Act.

(2) The preceding paragraph and Articles 90 to 92 of this Act shall apply *mutatis mutandis* to the submission, audit and publication of a consolidated annual report if a bank is obliged to compile the latter.

Article 90 **(Additional audit rules)**

(1) In addition to the audit and examination pursuant to paragraph one of Article 57 of the ZGD-1 and the content of the auditor's report pursuant to paragraph two of Article 57 of the ZGD-1, the audit of a bank's annual report and the auditor's report shall also include an additional audit and additional auditor's report on a bank's compliance with risk management rules.

(2) For the audit of the annual report referred to in the preceding paragraph, a bank shall appoint an auditing company for a period which shall not be shorter than three business years. A single auditing company may audit a bank's annual report for a maximum of ten consecutive business years, followed by a break of at least the next four business years.

(3) A bank or an auditing company may only terminate the agreement referred to in the preceding paragraph prior to the contractually agreed expiration thereof for justified reasons. Differences of opinion on accounting treatment or audit procedures shall not be deemed justified reasons for the termination of the aforementioned agreement. An agreement on audit services shall be terminated in judicial proceedings. A bank's management board may only terminate an agreement on audit services before the contractually agreed expiration thereof only with the supervisory board's consent and in consultation with the audit committee.

(4) A bank shall notify the Bank of Slovenia in writing of the dismissal or withdrawal of an auditing company prior to the contractually agreed time limit and explain the reasons for that dismissal or withdrawal accordingly.

(5) Banka Slovenije lahko od revizijske družbe zahteva dodatna pojasnila v zvezi z revizijskim pregledom.

(6) Če revizijski pregled ni opravljen oziroma revizorjevo poročilo ali dodatno revizorjevo poročilo ni pripravljeno v skladu s prvim odstavkom tega člena oziroma s predpisom iz drugega odstavka 93. člena tega zakona, lahko Banka Slovenije zahteva dopolnitev ali popravek poročila.

91. člen

(obveznosti revizijske družbe v razmerju do Banke Slovenije)

(1) Revizijska družba, ki opravlja revizijski pregled letnega poročila banke, mora Banko Slovenije nemudoma obvestiti o vsakem dejstvu ali okoliščini, ki jo je ugotovila pri revizijskem pregledu in ki lahko pomeni enega od teh položajev:

1. pomembno kršitev predpisov iz drugega odstavka 9. člena tega zakona;
2. ki lahko vpliva na nemoteno poslovanje banke; ali
3. ki lahko privede do revizorjevega mnenja s pridržkom, odklonilnega mnenja ali zavrnitve izdelave mnenja.

(2) Obveznost iz prejšnjega odstavka velja tudi za dejstva ali okoliščine v zvezi z družbo, ki je v razmerju tesne povezanosti z banko na podlagi obvladovanja.

(3) Revizijska družba mora Banki Slovenije na njeno zahtevo posredovati tudi druge podatke, ki jih Banka Slovenije potrebuje pri opravljanju nadzora nad banko v skladu s tem zakonom.

(4) Posredovanje podatkov Banki Slovenije po prvem do tretjem odstavku tega člena nima značilnosti kršitve revizorjeve obveznosti varovanja zaupnih podatkov po zakonu, ki ureja revidiranje, ali na podlagi pogodbe.

92. člen

(objava revidiranega letnega poročila banke)

(5) The Bank of Slovenia may require an auditing company to provide additional explanations in connection with an audit.

(6) If an audit is not carried out or the auditor's report or additional auditor's report are not prepared in accordance with paragraph one of this Article or regulation referred to in paragraph two of Article 93 of this Act, the Bank of Slovenia may require the amendment or correction of that report.

Article 91

(Obligations of an auditing company *vis-à-vis* the Bank of Slovenia)

(1) An auditing company that audits a bank's annual report shall notify the Bank of Slovenia without delay of any fact or circumstance identified during the audit that might represent one of the following situations:

1. a major breach of regulations referred to in paragraph two of Article 9 of this Act;
2. may affect the smooth operations of a bank; or
3. may result in a qualified auditor's opinion, an adverse auditor's opinion or refusal to issue an opinion.

(2) The obligation referred to in the preceding paragraph shall also apply to facts or circumstances associated with an undertaking that has close links with a bank based on control.

(3) An auditing company shall also submit to the Bank of Slovenia, at the latter's request, other information required by the Bank of Slovenia to conduct supervision of a bank in accordance with this Act.

(4) The submission of information to the Bank of Slovenia pursuant to paragraphs one to three of this Article shall not be deemed a breach of the auditor's duty to protect confidential information in accordance with the Act governing auditing or based on the agreement.

Article 92

(Publication of a bank's audited annual report)

(1) Banka mora v štirih mesecih po koncu koledarskega leta na svojih javnih spletnih straneh objaviti letno poročilo skupaj z revizorjevim poročilom iz drugega odstavka 57. člena ZGD-1.

(2) Če letnega poročila do roka iz prejšnjega odstavka še ni sprejel pristojni organ banke, mora banka v navedenem roku objaviti sestavljeno letno poročilo, ki ga mora uprava banke predložiti nadzornemu svetu po tretjem odstavku 272. člena ZGD-1 (v nadaljnjem besedilu: sestavljeno letno poročilo), in na to v objavi opozoriti.

(3) V primeru iz prejšnjega odstavka mora banka v petnajstih dneh po dnevu, ko letno poročilo sprejme njen pristojni organ, objaviti tudi sprejeto letno poročilo. Če pristojni organ banke pri sprejetju letnega poročila ni spremenil sestavljenega letnega poročila, lahko banka namesto ponovne objave celotnega letnega poročila objavi samo informacijo, da je pristojni organ banke sprejel letno poročilo z vsebino sestavljenega letnega poročila.

(4) Banka mora zagotoviti, da ostaneta letno poročilo in revizorjevo poročilo iz drugega odstavka 57. člena ZGD-1 dostopna na njenih javnih spletnih straneh najmanj pet let po njuni objavi.

(5) Banka mora v 15 dneh po sprejemu letnega poročila, vendar najpozneje v šestih mesecih po koncu koledarskega leta, letno poročilo skupaj z revizorjevim poročilom iz drugega odstavka 57. člena ZGD-1 predložiti Agenciji Republike Slovenije za javnopravne evidence in storitve zaradi javne objave v skladu s prvim odstavkom 58. člena ZGD-1.

(6) Podružnica banke države članice ali banke tretje države mora na svojih spletnih straneh objaviti revidirane računovodske izkaze in revidirane konsolidirane računovodske izkaze banke države članice ali banke tretje države skupaj z mnenjem revizorja najpozneje v petnajstih dneh po izteku roka za javno objavo v državi sedeža banke.

93. člen

(1) A bank shall, within four months following the end of the calendar year, publish its annual report, together with the auditor's report referred to in paragraph two of Article 57 of the ZGD-1, on its website.

(2) If a bank's competent body has not yet adopted the annual report by the time limit referred to in the preceding paragraph, the bank shall publish by the aforementioned time limit a composite annual report that the bank's management board shall submit to the supervisory board pursuant to paragraph three of Article 272 of the ZGD-1 (hereinafter: composite annual report) and indicate this in the publication.

(3) In the case referred to in the preceding paragraph, a bank shall also publish the adopted annual report within 15 days following the day the annual report was adopted by the bank's competent body. If a bank's competent body did not amend the composite annual report during the adoption of the annual report, the bank may only publish the information that the bank's competent body adopted the annual report with the content of the composite annual report, in lieu of republishing the entire annual report.

(4) A bank shall ensure that the annual report and the auditor's report referred to in paragraph two of Article 57 of the ZGD-1 are available on its website for at least five years following their publication.

(5) A bank shall submit the annual report, together with the auditor's report referred to in paragraph two of Article 57 of the ZGD-1, within 15 days after the adoption of the annual report, but no later than six months following the end of the calendar year, to the Agency of the Republic of Slovenia for Public Legal Records and Related Services for its publication pursuant to paragraph one of Article 58 of the ZGD-1.

(6) A branch of a Member State bank or a third-country bank shall publish the audited financial statements and audited consolidated financial statements of the Member State bank or the third-country bank, together with the auditor's opinion, on its website not later than within 15 days following the expiration of the time limit for publication in the bank's country of establishment.

Article 93

(podzakonski predpisi o poslovnih knjigah in letnih poročilih banke)

(1) Banka Slovenije v zvezi s poslovnimi knjigami in letnimi poročili banke predpiše:

1. vsebino glavne knjige v okviru vodenja poslovnih knjig ter vrste in sheme računovodskih in konsolidiranih računovodskih izkazov banke;
2. podrobnejšo vsebino računovodskega poročila in poslovnega poročila ter konsolidiranega računovodskega poročila in konsolidiranega poslovnega poročila;
3. podrobnejši način vrednotenja knjigovodskih postavk;
4. podrobnejšo vsebino, obliko, način, pogostost in roke za posredovanje finančnih informacij iz tretjega odstavka 87. člena tega zakona.

(2) Banka Slovenije v zvezi z revizijskim pregledom letnih in konsolidiranih letnih poročil banke predpiše podrobnejši obseg in vsebino dodatnega revizijskega pregleda in dodatnega revizorjevega poročila o izpolnjevanju pravil o upravljanju tveganj v banki iz prvega odstavka 90. člena tega zakona.

5. POGLAVJE:

OPRAVLJANJE STORITEV BANK

5.1. Splošne določbe

94. člen

(sprejemanje depozitov in drugih vračljivih sredstev)

(1) Depozit za namen opredelitve sprejemanja depozitov je vsako vplačilo denarnih sredstev ene osebe (v nadaljnjem besedilu: vplačnik) v korist druge osebe (v nadaljnjem besedilu: prejemnik vplačila), ki je opravljeno na podlagi pogodbe o denarnem depozitu ali na podlagi drugega pravnega posla, pri katerem vplačnik pridobi pravico od prejemnika vplačila zahtevati vrnitev vplačanih denarnih sredstev v

(Implementing regulations governing the books of account and annual reports of a bank)

(1) The Bank of Slovenia shall prescribe the following with regard to the books of account and annual reports of a bank:

1. the content of the general ledger as it relates to the keeping of books of account and the types and schemes of a bank's financial statements and consolidated financial statements;
2. the detailed content of the financial report and business report and consolidated financial report and consolidated business report;
3. the detailed method used to value bookkeeping items; and
4. the detailed content, form, method, frequency of and time limits for the submission of the financial information referred to in paragraph three of Article 87 of this Act.

(2) In connection with the audit of a bank's annual reports and consolidated annual reports, the Bank of Slovenia shall prescribe the detailed scope and content of the additional audit and additional auditor's report regarding a bank's compliance with risk management rules referred to in paragraph one of Article 90 of this Act.

CHAPTER 5:

PROVISION OF SERVICES BY BANKS

5.1. General provisions

Article 94

(Acceptance of deposits and other repayable funds)

(1) A deposit, for the purpose of defining the acceptance of deposits, shall mean any cash deposit made by a single person (hereinafter: depositor) in favour of another person (hereinafter: payment recipient) provided on the basis of a deposit agreement or on the basis of another legal transaction, whereby the depositor acquires the right to request repayment of the deposited cash from the payment recipient by

določenih rokov, ter pogodba ali drugi pogoji, ki veljajo med strankama, ne določajo dodatnih pogojev, ki izključujejo ali omejujejo uveljavljanje pravice do vračila vplačanih denarnih sredstev.

(2) Sprejemanje depozitov in drugih vračljivih sredstev od javnosti je sprejemanje depozitov in drugih vračljivih sredstev od nepoučenih oseb.

(3) Nepoučena oseba je oseba, ki ni profesionalna stranka, ali oseba, ki se lahko šteje za dobro poučenega vlagatelja v skladu z ZTFI.

(4) Ne glede na drugi odstavek tega člena se po tem zakonu za sprejemanje depozitov in drugih vračljivih sredstev ne šteje:

1. ponudba za vplačilo dolžniških vrednostnih papirjev izdajatelja, ki ni kreditna institucija, razen če izdajatelj hkrati kot osnovno dejavnost opravlja storitve kreditiranja;
2. ponudba, ki je naslovljena izključno na profesionalne stranke ali druge osebe, ki se štejejo za dobro poučene vlagatelje, kot so opredeljeni z ZTFI.

(5) V primeru dvoma Banka Slovenije odloči, ali se ponudba ali drug posel šteje za sprejemanje depozitov in drugih vračljivih sredstev od javnosti.

95. člen

(opravljanje bančnih storitev)

Na območju Republike Slovenije lahko bančne storitve opravlja:

1. banka, ki je v skladu s tem zakonom pridobila dovoljenje za opravljanje bančnih storitev;
2. banka države članice, ki v skladu s tem zakonom ustanovi podružnico na območju Republike Slovenije oziroma je v skladu s tem zakonom upravičena neposredno opravljati bančne storitve na območju Republike Slovenije;
3. banka tretje države, ki v skladu s tem zakonom pridobi dovoljenje za ustanovitev podružnice v Republiki Sloveniji.

set time limits and where an agreement or other conditions between parties do not set additional conditions excluding or limiting the exercise of the right to repayment of the deposited cash.

(2) Accepting deposits and other repayable funds from the public shall mean accepting deposits and other repayable funds from uninformed persons.

(3) An uninformed person shall mean a person who is not a professional client or a person who may be deemed a qualified investor in accordance with the ZTFI.

(4) Notwithstanding paragraph two of this Article, the following shall not be deemed the acceptance of deposits and other repayable funds under this Act:

1. an offer to pay up debt securities that were not issued by a credit institution, except if the issuer also provides lending services as its core activity, and
2. an offer addressed exclusively to professional clients or other persons who are deemed to be qualified investors as defined in the ZTFI.

(5) In the event of doubt, the Bank of Slovenia shall decide whether an offer or another transaction is deemed the acceptance of deposits and other repayable funds from the public.

Article 95

(Provision of banking services)

The following persons may provide banking services in the territory of the Republic of Slovenia:

1. a bank that has obtained authorisation to provide banking services in accordance with this Act;
2. a Member State bank that establishes a branch in the territory of the Republic of Slovenia in accordance with this Act or is entitled to directly provide banking services in the territory of the Republic of Slovenia in accordance with this Act; and
3. a third-country bank that obtains authorisation to establish a branch in the Republic of Slovenia in accordance with this Act.

96. člen
(prepoved opravljanja storitev sprejemanja depozitov ali drugih
vračljivih sredstev od javnosti)

(1) Nihče drug, razen oseb iz prejšnjega člena, ne sme na območju Republike Slovenije sprejemati depozitov ali drugih vračljivih sredstev od javnosti.

(2) Prepoved iz prejšnjega odstavka ne velja:

1. za sprejemanje depozitov ali drugih vračljivih sredstev od Banke Slovenije, Republike Slovenije ter njenih regionalnih in lokalnih oblasti, ali od mednarodnih organizacij, katerih članica je ena ali več držav članic;
2. v drugih primerih, ki so predvideni s predpisi Republike Slovenije ali predpisi Evropske unije, če so te storitve predmet urejanja in nadzora, s katerimi se zagotavlja zaščita vlagateljev in investorjev.

5.2. Dovoljenje za opravljanje bančnih, finančnih in dodatnih finančnih storitev

97. člen
(dovoljenje za opravljanje storitev)

(1) Družba s sedežem v Republiki Sloveniji lahko začne opravljati bančne storitve na območju Republike Slovenije, ko pridobi dovoljenje Evropske centralne banke za opravljanje bančnih storitev v skladu s tem zakonom in Uredbo (EU) št. 1024/2013.

(2) Banka lahko začne opravljati finančne storitve in dodatne finančne storitve na območju Republike Slovenije, ko pridobi dovoljenje Banke Slovenije za opravljanje teh storitev v skladu s tem zakonom.

(3) Ne glede na prejšnji odstavek sme banka opravljati dodatne

Article 96
(Prohibition on the acceptance of deposits or other repayable funds
from the public)

(1) No one other than the persons referred to in the preceding Article may accept deposits or other repayable funds from the public in the territory of the Republic of Slovenia.

(2) The prohibition referred to in the preceding paragraph shall not apply:

1. to the acceptance of deposits or other repayable funds from the Bank of Slovenia, from the Republic of Slovenia and its regional and local authorities, or from international organisations whose members include one or more Member States or
2. in other cases envisaged by the regulations of the Republic of Slovenia or regulations of the European Union if such services are subject to regulation and supervision to ensure the protection of investors.

5.2. Authorisation to provide banking, financial and additional financial services

Article 97
(Authorisation to provide services)

(1) An undertaking established in the Republic of Slovenia may begin providing banking services in the territory of the Republic of Slovenia when it obtains authorisation from the European Central Bank to provide banking services in accordance with this Act and Regulation (EU) No 1024/2013.

(2) A bank may begin providing financial services and additional financial services in the territory of the Republic of Slovenia when it obtains authorisation from the Bank of Slovenia to provide those services in accordance with this Act.

(3) Notwithstanding the preceding paragraph, a bank may

finančne storitve iz 5. točke prvega odstavka 6. člena tega zakona in pomožne storitve, če o tem predhodno obvesti Banko Slovenije.

(4) Banka obvestilu iz prejšnjega odstavka priloži poslovni načrt za prva tri leta poslovanja, ki mora obsegati tudi:

1. podrobnejši opis storitev, ki jih namerava banka opravljati,
2. opis ureditve notranjega upravljanja iz 128. člena tega zakona v zvezi s storitvami iz prejšnjega odstavka.

98. člen (območje opravljanja storitev)

(1) Banka sme bančne in finančne storitve, ki jih je upravičena opravljati na območju Republike Slovenije, opravljati tudi:

1. na območju druge države članice: bodisi prek podružnice bodisi neposredno, če so izpolnjeni pogoji, določeni v pododdelku 5.3.1. tega zakona;
2. na območju tretje države: prek podružnice, če so izpolnjeni pogoji iz pododdelka 5.3.2. tega zakona.

(2) Banka sme dodatne finančne storitve, ki jih je upravičena opravljati v Republiki Sloveniji, opravljati tudi v drugi državi članici ali v tretji državi pod pogoji, ki jih za opravljanje teh storitev določajo predpisi te države.

99. člen (dovoljenje za opravljanje bančnih storitev)

Banka mora pridobiti dovoljenje za opravljanje bančnih storitev pred vpisom ustanovitve banke v sodni register.

100. člen (zahteva za izdajo dovoljenja za opravljanje bančnih storitev)

provide the additional financial services referred to in point 5 of paragraph one of Article 6 of this Act and ancillary services, provided that it notifies the Bank of Slovenia accordingly in advance.

(4) A bank's notification referred to in the preceding paragraph shall be accompanied by a business plan for the first three years of operations that shall include also:

1. a detailed description of the services that the bank intends to provide and
2. a description of the internal governance arrangements referred to in Article 128 of this Act in connection with the services referred to in the preceding paragraph.

Article 98 (Territory covered by the provision of services)

(1) A bank may provide the banking and financial services that it is entitled to provide in the territory of the Republic of Slovenia also in:

1. the territory of another Member State: either through a branch or directly, provided that the conditions laid down in Subsection 5.3.1. of this Act have been met, and
2. the territory of a third country: through a branch, provided that the conditions referred to in Subsection 5.3.2. of this Act have been met.

(2) A bank may provide the additional financial services that it is entitled to provide in the Republic of Slovenia also in another Member State or a third country under conditions provided by regulations of that country for the provision of those services.

Article 99 (Authorisation to provide banking services)

A bank shall obtain authorisation to provide banking services prior to the entry of its establishment in the court register.

Article 100 (Application for authorisation to provide banking services)

(1) Zahteva za izdajo dovoljenja za opravljanje bančnih storitev se vloži pri Banki Slovenije.

(2) Zahtevi za izdajo dovoljenja za opravljanje bančnih storitev je treba priložiti:

1. statut banke v obliki overjenega prepisa notarskega zapisa;
2. poslovni načrt banke za prva tri leta poslovanja, ki mora obsegati tudi:
 - podrobnejši opis storitev, ki jih namerava banka opravljati,
 - opis ureditve notranjega upravljanja iz 128. člena tega zakona;
3. seznam oseb, ki bodo pridobile kvalificiran delež v banki, in višino kvalificiranega deleža, ki ga bo pridobil posamezni imetnik, ali če v banki ne bo imetnikov kvalificiranih deležev, seznam 20 največjih delničarjev banke in višino deleža, ki ga bo pridobil posamezni delničar ob ustanovitvi banke;
4. seznam oseb, ki bodo z banko v razmerju tesne povezanosti, z opisom načina teh povezav;
5. druge dokaze, iz katerih izhaja, da so izpolnjeni pogoji za izdajo dovoljenja za opravljanje bančnih storitev.

(3) Če namerava banka poleg bančnih storitev opravljati tudi finančne ali dodatne finančne storitve, mora vložnik vložiti zahtevo in predložiti dokazila o izpolnjevanju pogojev za izdajo dovoljenja za opravljanje teh storitev.

(4) Vložnik mora zagotoviti, da hkrati z vložitvijo zahteve za izdajo dovoljenja za opravljanje bančnih storitev:

1. osebe, ki bodo z ustanovitvijo banke pridobile kvalificiran delež v banki, vložijo zahteve za izdajo dovoljenj za pridobitev kvalificiranih deležev v banki v skladu s 64. členom tega zakona;
2. kandidati za člane uprave banke vložijo zahteve za izdajo dovoljenj za opravljanje funkcij članov uprave banke v skladu z 40. členom tega zakona.

(1) An application for authorisation to provide banking services shall be filed with the Bank of Slovenia.

(2) An application for authorisation to provide banking services shall be accompanied by the following:

1. a bank's articles of association in the form of certified copy of a notarial record;
2. a bank's business plan for the first three years of operations that shall include also:
 - a detailed description of services that the bank intends to provide and
 - a description of the internal governance arrangements referred to in Article 128 of this Act;
3. a list of persons who will obtain a qualifying holding in the bank and the amount of qualifying holding that each individual holder will obtain or, if there will be no qualifying holders in the bank, a list of the bank's 20 largest shareholders and the amount of participating interest that each individual shareholder will obtain at the time the bank is established;
4. a list of persons who will be in a close relationship with the bank, with a description of those relationships; and
5. other evidence demonstrating that the conditions to issue authorisation to provide banking services have been met.

(3) If, in addition to banking services, a bank intends to provide also financial or additional financial services, the applicant shall file an application and submit evidence regarding the fulfilment of conditions to issue authorisation to provide those services.

(4) An applicant shall ensure that at the time of filing an application for authorisation to provide banking services:

1. any persons who will acquire a qualifying holding when the bank is established file an application for authorisation to acquire a qualifying holding in the bank in accordance with Article 64 of this Act and
2. candidates for members of the bank's management board file an application for authorisation to perform the function of member of the bank's management board in accordance with Article 40 of this Act.

(posvetovanje s pristojnimi organi držav članic)

(1) Banka Slovenije se v zvezi s presojo zahteve za izdajo dovoljenja za opravljanje bančnih storitev posvetuje s pristojnim organom države članice, če bo:

1. banka podrejena banki države članice,
2. banka podrejena nadrejeni družbi banke države članice,
3. banko obvladovala ista fizična ali pravna oseba, ki obvladuje banko države članice.

(2) Banka Slovenije se v zvezi z zahtevo za izdajo dovoljenja za opravljanje bančnih storitev posvetuje z organom države članice, ki je pristojen za nadzor nad zavarovalnicami ter za nadzor nad investicijskimi podjetji, če bo:

1. banka podrejena investicijskemu podjetju ali zavarovalnici države članice,
2. banka podrejena nadrejeni družbi investicijskega podjetja ali zavarovalnice države članice,
3. banko obvladovala ista fizična ali pravna oseba, ki obvladuje investicijsko podjetje ali zavarovalnica države članice.

(3) Banka Slovenije v okviru posvetovanja na podlagi prvega in drugega odstavka tega člena pridobi mnenje pristojnega ali nadzornega organa države članice predvsem glede okoliščin, ki so pomembne za presojo primernosti imetnikov kvalificiranih deležev ter za presojo ugleda in izkušenj članov organov upravljanja banke, ki sodelujejo pri upravljanju drugih družb v skupini, ki so pomembne.

102. člen

(odločanje o zahtevi za dovoljenje za opravljanje bančnih storitev)

(1) Banka Slovenije zavrne zahtevo za izdajo dovoljenja za opravljanje bančnih storitev, če niso izpolnjene zahteve glede:

1. statusnega ustroja banke v skladu z določbami oddelka 3.1. do 3.5. tega zakona, vključno s pogoji za izdajo dovoljenj za pridobitev

(Consultation with the competent authorities of Member States)

(1) In connection with the assessment of an application for authorisation to provide banking services, the Bank of Slovenia shall consult with the competent authority of a Member State if:

1. the bank is a subsidiary of a Member State bank;
2. the bank is a subsidiary of the parent undertaking of a Member State bank; or
3. the bank is controlled by the same natural person or legal person that controls a Member State bank.

(2) In connection with an application for authorisation to provide banking services, the Bank of Slovenia shall consult with the competent authority of a Member State responsible for the supervision of insurance undertakings and investment firms if:

1. the bank is a subsidiary of a Member State investment firm or insurance undertaking;
2. the bank is a subsidiary of the parent company of a Member State investment firm or insurance undertaking; or
3. the bank is controlled by the same natural person or legal person that controls a Member State investment firm or insurance undertaking.

(3) In the scope of consultations based on paragraphs one and two of this Article, the Bank of Slovenia shall obtain the opinion of the competent authority or supervisory authority of a Member State, primarily with regard to circumstances that are important for the assessment of the suitability of holders of qualifying holdings, and the assessment of the reputation and experience of members of the bank's governance bodies who participate in the management of other companies within a group that are deemed important.

Article 102

(Decision-making regarding an application for authorisation to provide banking services)

(1) The Bank of Slovenia shall reject an application for authorisation to provide banking services if requirements regarding the following are not met:

1. the legal status of a bank in accordance with the provisions of Sections 3.1. to 3.5. of this Act, including the conditions to issue

kvalificiranih deležev kvalificiranim imetnikom ter pogoji za izdajo dovoljenj za opravljanje funkcij članov uprave banke članom uprave te banke; ali

2. ureditve notranjega upravljanja v skladu s 128. členom tega zakona; ali
3. pogojev za izvajanje učinkovitega nadzora v skladu s tem zakonom in Uredbo (EU) št. 575/2013, zlasti če bo zaradi tesnih povezav banke z drugimi osebami oteženo izvajanje takšnega nadzora.

(2) Banka Slovenije zavrne zahtevo za izdajo dovoljenja za opravljanje bančnih storitev, kadar zakoni in drugi predpisi v tretji državi, ki veljajo za eno ali več oseb, ki so v razmerju tesne povezanosti z banko, ali težave pri izvrševanju navedenih zakonov in drugih predpisov preprečujejo učinkovito izvajanje nadzora nad banko.

(3) Če Banka Slovenije ugotovi, da razlogi iz prvega ali drugega odstavka tega člena za zavrnitev zahteve za izdajo dovoljenja za opravljanje bančnih storitev niso podani, zahtevo za izdajo dovoljenja posreduje Evropski centralni banki v skladu s 14. členom in točko (a) prvega odstavka 4. člena Uredbe (EU) št. 1024/2013 in o tem obvesti stranke postopka. Postopek odločanja o zahtevi za izdajo dovoljenja za opravljanje bančnih storitev se nadaljuje pred Evropsko centralno banko skladno z Uredbo (EU) št. 1024/2013.

(4) V dovoljenju za opravljanje bančnih storitev se lahko z namenom, da se preprečijo kršitve tega zakona ali Uredbe (EU) št. 575/2013, določijo pogoji ali omejitve za opravljanje storitev, za katere se izdaja dovoljenje.

(5) Če je vložnik hkrati z zahtevo za izdajo dovoljenja za opravljanje bančnih storitev vložil tudi zahtevo za opravljanje finančnih storitev ali dodatnih finančnih storitev, Banka Slovenije odloči o zahtevi za izdajo dovoljenja za opravljanje finančnih in dodatnih finančnih storitev po odločitvi Evropske centralne banke v zvezi z zahtevo za o izdajo dovoljenja za opravljanje bančnih storitev.

authorisation to acquire a qualifying holding to qualifying holders and the conditions to issue authorisation to perform functions of members of a bank's management board to the members of that bank's management board; or

2. the internal governance arrangements in accordance with Article 128 of this Act; or
3. the conditions for effective supervision in accordance with this Act and Regulation (EU) No 575/2013, particularly if such supervision is hindered due to the bank's close relationships with other persons.

(2) The Bank of Slovenia shall reject an application for authorisation to provide banking services whenever the Acts and other regulations of a third country applicable to one or more persons in close relationships with a bank or difficulties in implementing the aforementioned Acts and other regulations prevent the effective supervision of the bank in question.

(3) If the Bank of Slovenia establishes that the reasons referred to in paragraph one or two of this Article for rejection of an application for authorisation to provide banking services are not given, it shall submit that application for authorisation to the European Central Bank in accordance with Article 14 and Article 4(1)(a) of Regulation (EU) No 1024/2013 and notify the parties to the procedure accordingly. The decision-making process with respect to the application for authorisation to provide banking services shall continue before the European Central Bank in accordance with Regulation (EU) No 1024/2013.

(4) Authorisation to provide banking services may determine conditions or limitations on the provision of services for which authorisation is issued with the aim of preventing breaches of this Act or Regulation (EU) No 575/2013.

(5) If an applicant files an application to provide financial services or additional financial services together with its application for authorisation to provide banking services, the Bank of Slovenia shall make a decision regarding the application for authorisation to provide financial and additional financial services after the European Central Bank makes its decision regarding the application for authorisation to provide banking services.

103. člen

(dovoljenje za opravljanje finančnih in dodatnih finančnih storitev)

(1) Banka, ki namerava po ustanovitvi začeti opravljati finančne storitve iz 5. člena tega zakona ali dodatne finančne storitve iz 6. člena tega zakona, mora za vsako od teh storitev pridobiti dovoljenje Banke Slovenije, razen za storitve iz tretjega odstavka 97. člena tega zakona.

(2) Banka mora pridobiti dovoljenje za opravljanje finančnih in dodatnih finančnih storitev pred začetkom opravljanja teh storitev.

104. člen

(zahteva za izdajo dovoljenja za opravljanje finančnih in dodatnih finančnih storitev)

(1) Zahteva za izdajo dovoljenja za opravljanje finančnih in dodatnih finančnih storitev se vloži pri Banki Slovenije.

(2) Zahtevi iz prejšnjega odstavka mora banka priložiti:

1. poslovni načrt banke za prva tri leta poslovanja, ki mora obsegati tudi:
 - podrobnejši opis dejavnosti, ki jih namerava banka opravljati in
 - opis ureditve notranjega upravljanja iz 128. člena tega zakona;
2. druge informacije in dokazila, iz katerih izhaja, da bo banka v zvezi z izvajanjem načrtovanih storitev zagotavljala varno in skrbno upravljanje banke;
3. dokaze o izpolnjevanju pogojev, ki jih za opravljanje storitev iz prejšnjega odstavka določajo drugi predpisi.

(3) Banka Slovenije zavrne zahtevo za izdajo dovoljenja za opravljanje finančnih ali dodatnih finančnih storitev banke, če:

1. načrtovana ureditev notranjega upravljanja iz 128. člena tega zakona ni ustrezna in primerna za upravljanje tveganj, ki jim bo banka pri opravljanju načrtovanih storitev izpostavljena; ali

Article 103

(Authorisation to provide financial and additional financial services)

(1) A bank that intends to begin providing the financial services referred to in Article 5 of this Act or the additional financial services referred to in Article 6 of this Act following its establishment shall obtain the Bank of Slovenia's authorisation for each of those services, except for the services referred to in paragraph three of Article 97 of this Act.

(2) A bank shall obtain authorisation to provide financial and additional financial services before it begins providing those services.

Article 104

(Application for authorisation to provide financial and additional financial services)

(1) An application for authorisation to provide financial and additional financial services shall be filed with the Bank of Slovenia.

(2) The application referred to in the preceding paragraph shall be accompanied by the following:

1. a bank's business plan for the first three years of operations that shall include also:
 - a detailed description of activities the bank intends to provide and
 - a description of the internal governance arrangements referred to in Article 128 of this Act;
2. other information and evidence demonstrating that a bank will ensure the secure and prudent governance of the bank in connection with the provision of planned services; and
3. evidence demonstrating the fulfilment of the conditions provided by other regulations for the provision of services referred to in the preceding paragraph.

(3) The Bank of Slovenia shall reject an application for authorisation to provide financial or additional financial services if:

1. the planned internal governance arrangements referred to in Article 128 of this Act is not appropriate or suitable for managing the risks to which the bank will be exposed in the provision of planned services

2. banka ne izpolnjuje pogojev, ki jih za opravljanje teh storitev določajo drugi predpisi.

(4) Kadar v skladu z Uredbo (EU) št. 1024/2013 vse pristojnosti in naloge nadzora iz prvega odstavka 4. člena te uredbe v zvezi z banko izvaja Evropska centralna banka, se Banka Slovenije v zvezi z okoliščinami iz 1. točke prejšnjega odstavka posvetuje z Evropsko centralno banko.

(5) Banka Slovenije izda dovoljenje za opravljanje finančnih ali dodatnih finančnih storitev ter navede storitve, za katere se dovoljenje izdaja, če pri banki niso podani razlogi iz tretjega odstavka tega člena.

(6) Banka Slovenije lahko z namenom, da se preprečijo kršitve tega zakona ali Uredbe (EU) št. 575/2013, v odločbi o izdaji dovoljenja določi pogoje ali omejitve za opravljanje storitev, za katere se izdaja dovoljenje.

105. člen (dovoljenje za združitev ali delitev)

(1) Če zaradi izvedbe združitve oziroma delitve nastane nova družba, ki bo opravljala bančne storitve, mora ta nova družba pred vpisom združitve oziroma delitve v sodni register pridobiti dovoljenje za opravljanje bančnih storitev.

(2) Če je banka udeležena pri združitvi ali delitvi družb, pri kateri banka nadaljuje opravljanje bančnih storitev, mora pred izvedbo združitve ali delitve pridobiti dovoljenje Banke Slovenije ali Evropske centralne banke, kadar je pri opravljanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 odgovorna za izvajanje vseh nalog iz prvega odstavka 4. člena te uredbe.

(3) Zahteva za izdajo dovoljenja iz prejšnjega odstavka se vloži pri Banki Slovenije, kadar je pri izvajanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 odgovorna za izvajanje nalog iz točke (b) ter

or

2. the bank fails to fulfil conditions provided by other regulations for the provision of these services.

(4) Whenever all of the supervisory powers and tasks referred to in paragraph one of Article 4 of Regulation (EU) No 1024/2013 relating to the bank in question are exercised and performed by the European Central Bank in accordance with the aforementioned regulation, the Bank of Slovenia shall consult with the European Central Bank in connection with circumstances referred to in point 1 of the preceding paragraph.

(5) The Bank of Slovenia shall issue authorisation to provide financial or additional financial services, and state the services for which authorisation is issued, provided that the reasons referred to in paragraph three of this Article are not given concerning the bank in question.

(6) The Bank of Slovenia's decision to issue authorisation may determine conditions or limitations on the provision of services for which authorisation is issued with the aim of preventing breaches of this Act or Regulation (EU) No 575/2013.

Article 105 (Authorisation for mergers or divisions)

(1) If merger or division results in a new undertaking that will provide banking services, that new undertaking shall obtain authorisation to provide banking services before the merger or division in question is entered in the court register.

(2) If a bank is a party to the merger or division of undertakings in which it continues to provide banking services, it shall obtain authorisation before that merger or division from the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing all of the tasks referred to in paragraph one of Article 4 of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation.

(3) The application for authorisation referred to in the preceding paragraph shall be filed with the Bank of Slovenia whenever the latter is responsible for performing the tasks referred to in Article 4(1)(b) and (d) to

(d) do (i) prvega odstavka 4. člena te uredbe. Za zahtevo, ki se vloži pri Banki Slovenije, in odločanje o tej zahtevi se smiselno uporabljajo določbe prejšnjega člena.

(4) Zahtevi za izdajo dovoljenja za združitev oziroma delitev iz prejšnjega odstavka je treba priložiti tudi naslednje listine:

1. za združitev:
 - pogodbo o združitvi,
 - poročilo ali poročila uprav bank oziroma poslovodstev družb, ki so udeležene pri združitvi, o združitvi,
 - poročilo ali poročila o reviziji združitve,
 - predlog objave sklica skupščine ali skupščin, ki bodo odločale o soglasju za združitev,
 - pisno poročilo nadzornega sveta;
2. za delitev:
 - delitveni načrt,
 - poročilo uprave banke o delitvi,
 - poročilo o reviziji delitve,
 - predlog objave sklica skupščine banke, ki bo odločala o soglasju za delitev,
 - pisno poročilo nadzornega sveta.

(5) Z namenom, da se preprečijo kršitve tega zakona ali Uredbe (EU) št. 575/2013, se lahko v odločbi o izdaji dovoljenja določijo pogoji ali omejitve za opravljanje storitev, za katere se izdaja dovoljenje.

106. člen **(prenehanje dovoljenja za opravljanje storitev)**

(1) Dovoljenje za opravljanje posameznih storitev preneha, če banka:

1. v enem letu od izdaje dovoljenja ne začne opravljati storitev, za katere je bilo izdano dovoljenje;
2. za več kot šest mesecev preneha opravljati storitve;
3. poda izjavo o prenehanju opravljanja storitev.

(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation. The provisions of the preceding Article shall apply *mutatis mutandis* to an application filed with the Bank of Slovenia and to decision-making regarding that application.

(4) An application for authorisation for a merger or division shall also be accompanied by the following documents:

1. for a merger:
 - a merger agreement,
 - a report or reports of management boards of the banks or management of undertakings involved in the merger concerning the merger,
 - a report or reports regarding the audit of the merger,
 - a proposal for the publication of the convening of the general meeting or general meetings that will decide on consent for the merger, and
 - a written report of the supervisory board;
2. for a division:
 - a division plan,
 - a report of the bank's management board on the division,
 - a report regarding the audit of the division,
 - a proposal for the publication of the convening of the bank's general meeting that will decide on consent for the division, and
 - a written report of the supervisory board.

(5) A decision to issue authorisation may determine conditions or limitations on the provision of services for which authorisation is issued with the aim of preventing breaches of this Act or Regulation (EU) No 575/2013.

Article 106 **(Cessation of authorisation to provide services)**

(1) Authorisation to provide individual services shall cease if a bank:

1. fails to begin providing the services for which authorisation was issued within one year following the issue of authorisation;
2. ceases to provide services for more than six months; or
3. issues a statement on the cessation of the provision of services.

(2) Če nastopijo razlogi iz prejšnjega odstavka v zvezi z opravljanjem bančnih storitev banke, Banka Slovenije izda odločbo, da je dovoljenje za opravljanje bančnih storitev prenehalo na podlagi zakona:

1. v primeru iz 1. in 2. točke prejšnjega odstavka: z dnem izteka roka;
2. v primeru iz 3. točke prejšnjega odstavka: z dnem, ko je banka prenehala voditi depozite.

(3) Če nastopi razlog iz prvega odstavka tega člena v zvezi z opravljanjem finančnih ali dodatnih finančnih storitev, Banka Slovenije izda odločbo, s katero ugotovi, da je prenehalo dovoljenje za opravljanje določenih storitev, pri katerih so podane okoliščine iz prvega odstavka tega člena.

(4) Če razlog iz 1. do 3. točke prvega odstavka tega člena nastopi v zvezi z opravljanjem bančnih storitev, preneha dovoljenje za opravljanje vseh storitev, ki jih opravlja banka.

(5) Banka ne sme več sklepati novih poslov v zvezi z opravljanjem bančnih, finančnih ali dodatnih finančnih storitev, za katere je dovoljenje prenehalo v skladu s tem členom:

1. v primeru iz 1. in 2. točke prvega odstavka tega člena: od dneva izteka roka od katerega dovoljenje preneha veljati;
2. v primeru iz 3. točke prvega odstavka tega člena: od dneva, ki ga banka navede v izjavi o prenehanju opravljanja.

107. člen

(podzakonski predpis v zvezi z izdajo dovoljenj za opravljanje storitev)

Banka Slovenije predpiše podrobnejša pravila glede:

1. dokumentacije in informacij, ki se predložijo k zahtevi za izdajo dovoljenja za opravljanje bančnih storitev, vključno z zahtevami glede poslovnega načrta iz 2. točke drugega odstavka 100. člena tega zakona;

(2) If reasons referred to in the preceding paragraph arise in connection with the provision of banking services of the bank, the Bank of Slovenia shall issue a decision that the authorisation to provide banking services has ceased on the basis of the Act:

1. in the case referred to in points 1 and 2 of the preceding paragraph: on the day of expiry of the time limit;
2. in the case referred to in point 3 of the preceding paragraph: on the day when the bank ceased to keep deposits.

(3) If the reason referred to in paragraph one of this Article arises in connection with the provision of financial or additional financial services, the Bank of Slovenia shall issue a decision establishing that authorisation to provide specific services has ceased due to the existence of circumstances referred to in paragraph one of this Article.

(4) If the reasons referred to in points 1 to 3 of paragraph one of this Article arise in connection with the provision of banking services, authorisation for all services provided by the bank in question shall cease.

(5) A bank may no longer conclude new transactions in connection with the provision of banking, financial or additional financial services for which authorisation has ceased in accordance with this Article:

1. in the case referred to in points 1 and 2 of paragraph one of this Article: from the day of expiry of the time limit from which the authorisation has ceased to be valid;
2. in the case referred to in point 3 of paragraph one of this Article: from the day stated in the bank's statement on the cessation of the provision of services.

Article 107

(Implementing regulations in connection with the issue of authorisation to provide services)

The Bank of Slovenia shall prescribe detailed rules regarding:

1. the documentation and information that shall accompany an application for authorisation to provide banking services, including requirements relating to the business plan referred to in point 2 of paragraph two of Article 100 of this Act, and

2. dokumentacije in informacij, ki se predložijo k zahtevi za izdajo dovoljenja za opravljanje finančnih in dodatnih finančnih storitev, ter za statusne spremembe, kadar se zahteva za izdajo dovoljenja v skladu s tem zakonom in Uredbo (EU) št. 1024/2013 vloži pri Banki Slovenije.

5.3. Čezmejno opravljanje storitev

108. člen (neposredno opravljanje storitev)

(1) Za namene tega zakona se šteje, da se storitve neposredno opravljajo na območju določene države, če se na območju te države:

1. sklepajo pravni posli, katerih predmet so vzajemno priznane finančne storitve; ali
2. javnosti ponujajo vzajemno priznane finančne storitve prek zastopnikov oziroma posrednikov.

(2) Banka države članice lahko na območju Republike Slovenije oglašuje vzajemno priznane storitve prek reklamnih sporočil ali z drugih sredstev komuniciranja z javnostjo, če je oblika in vsebina tega oglaševanja v skladu s predpisi, ki urejajo oglaševanje v zvezi z varstvom potrošnikov. Takšno oglaševanje se ne šteje za neposredno opravljanje storitev.

109. člen (opravljanje storitev prek podružnice)

(1) Dve ali več podružnic, ki jih ustanovi banka v posamezni državi članici, se za namene tega zakona štejejo kot ena sama podružnica banke v tej državi članici.

(2) Prejšnji odstavek se uporablja tudi za podružnice, ki jih na območju Republike Slovenije ustanovi banka države članice ali banka tretje države.

2. the documentation and information that shall accompany an application for authorisation to provide financial and additional financial services, and for status changes, whenever an application for authorisation in accordance with this Act and Regulation (EU) No 1024/2013 is filed with the Bank of Slovenia.

5.3. Cross-border provision of services

Article 108 (Direct provision of services)

(1) For the purposes of this Act, services shall be deemed to be provided directly in the territory of a specific country if in the territory of that country:

1. legal transactions whose subject is mutually recognised financial services are concluded or
2. the general public is offered mutually recognised financial services via agents or intermediaries.

(2) A Member State bank may advertise mutually recognised services in the territory of the Republic of Slovenia via advertisements or other means of public communication, provided that the form and content of such advertising complies with regulations governing advertising in connection with consumer protection. Such advertising shall not be deemed the direct provision of services.

Article 109 (Provision of services via a branch)

(1) For the purposes of this Act, two or more branches established by a bank in an individual Member State shall be deemed a single bank branch in that Member State.

(2) The preceding paragraph shall also apply to branches established in the territory of the Republic of Slovenia by a Member State or third-country bank.

5.3.1. *Opravljanje vzajemno priznanih storitev bank na območju druge države članice*

110. člen
(obvestilo o nameri ustanovitve podružnice banke v drugi državi članici)

(1) Banka, ki namerava zaradi opravljanja vzajemno priznanih finančnih storitev, za katere je pridobila ustrezno dovoljenje v skladu s tem zakonom, v drugi državi članici ustanoviti podružnico, mora o tem obvestiti Banko Slovenije ali Evropsko centralno banko, kadar je ta pri opravljanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 odgovorna za izvajanje nalog iz točke (b) prvega odstavka 4. člena te uredbe.

(2) Obvestilu o nameri ustanovitve podružnice mora banka priložiti naslednje informacije:

1. državo članico, v kateri namerava ustanoviti podružnico;
2. poslovni načrt, ki med drugim obsega podrobnejši opis dejavnosti, ki jih namerava opravljati prek podružnice, in organizacijsko strukturo podružnice;
3. naslov v državi članici gostiteljici, na katerem bo mogoče pridobiti dokumentacijo o podružnici;
4. podatke o osebah, pooblaščenih za vodenje podružnice.

(3) Šteje se, da obvestilo banke o nameri ustanovitve podružnice, ki ga banka posreduje Banki Slovenije, vsebuje zahtevo za posredovanje obvestila pristojnemu organu države članice, v kateri namerava banka ustanoviti podružnico (v nadaljnjem besedilu: zahteva za posredovanje obvestila pristojnemu organu države članice). Kadar pristojnosti in naloge nadzora iz točke (b) prvega odstavka 4. člena Uredbe (EU) št. 1024/2013 v zvezi z banko izvaja Evropska centralna banka, se postopek nadaljuje v skladu s to uredbo in Uredbo (EU) št. 468/2014.

111. člen

5.3.1. *Provision of mutually recognised services by banks in the territory of another Member State*

Article 110
(Notification of the intention to establish a bank branch in another Member State)

(1) A bank that intends to establish a branch in another Member State for the purpose of the provision of mutually recognised financial services for which it has obtained the requisite authorisation in accordance with this Act shall notify the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(b) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation accordingly.

(2) Notification on the intention to establish a branch shall be accompanied by the following information:

1. the Member State in which the bank intends to establish a branch;
2. a business plan that shall include a detailed description of the activities the bank intends to perform via the branch and the organisational structure of that branch;
3. the address in the host Member State where documentation regarding the branch may be obtained; and
4. data regarding the persons authorised to manage the branch.

(3) Notification from a bank on its intention to establish a branch sent to the Bank of Slovenia shall be deemed to include a request to forward that notification to the competent authority of the Member State in which the bank intends to establish a branch (hereinafter: request to forward notification to the competent authority of a Member State). Whenever the supervisory powers and tasks referred to in Article 4(1)(b) of Regulation (EU) No 1024/2013 relating to the bank in question are exercised and performed by the European Central Bank, the procedure shall continue in accordance with that regulation and Regulation (EU) No 468/2014.

Article 111

(posredovanje obvestila pristojnemu organu države članice)

(1) Banka Slovenije zavrne zahtevo za posredovanje obvestila pristojnemu organu države članice gostiteljice, če ob upoštevanju obsega in vrste storitev, ki jih namerava banka opravljati prek podružnice, obstaja dvom o ustreznosti organizacije glede upravljanja podružnice oziroma o ustreznosti finančnega položaja banke.

(2) Če razlogi iz prejšnjega odstavka niso podani, Banka Slovenije najpozneje v treh mesecih po prejemu obvestila in prilog iz drugega odstavka prejšnjega člena posreduje pristojnemu organu države članice gostiteljice in o tem obvesti banko.

(3) Hkrati z obvestilom iz prejšnjega odstavka Banka Slovenije posreduje pristojnemu organu države članice gostiteljice tudi podatke o višini in sestavi kapitala banke ter o kapitalskih zahtevah, kot so določene v skladu z 92. členom Uredbe (EU) št. 575/2013.

(4) Če banka v treh mesecih po posredovanju obvestila in prilog iz drugega odstavka prejšnjega člena Banki Slovenije ne prejme obvestila iz drugega odstavka tega člena in tudi ne prejme odločbe o zavrnitvi zahteve za posredovanje tega obvestila, se šteje, da je zahteva za posredovanje obvestila zavrnjena.

(5) Banka Slovenije obvesti Komisijo in Evropski bančni organ o številu primerov in o razlogih za zavrnitev zahteve za posredovanje obvestila pristojnemu organu države članice gostiteljice.

112. člen

(začetek poslovanja podružnice banke v državi članici)

Banka lahko začne opravljati posle prek podružnice v državi članici:

(Forwarding of notification to the competent authority of a Member State)

(1) The Bank of Slovenia shall reject a request to forward notification to the competent authority of a host Member State if, taking into account the scope and type of services that the bank intends to provide via its branch, doubt exists regarding the suitability of the organisation in terms of the branch's management or the bank's financial position.

(2) If the reasons referred to in the preceding paragraph are not given, the Bank of Slovenia shall forward notification, including the attachments referred to in paragraph two of the preceding Article, to the competent authority of the host Member State not later than within three months following the receipt of that notification and notify the bank accordingly.

(3) Together with the notification referred to in the preceding paragraph, the Bank of Slovenia shall also forward the information to the competent authority of the host Member State regarding the level and composition of the bank's capital and capital requirements as laid down in Article 92 of Regulation (EU) No 575/2013.

(4) If a bank fails to receive the notification referred to in paragraph two of this Article and also fails to receive a decision rejecting the request to forward this notification within three months following the submission of notification and the attachments referred to in paragraph two of the preceding Article to the Bank of Slovenia, the bank's request to forward notification shall be deemed rejected.

(5) The Bank of Slovenia shall notify the Commission and the European Banking Authority with regard to the number of cases and reasons for the rejection of a request to forward notification to the competent authority of the host Member State.

Article 112

(Start of a bank branch's operations in a Member State)

A bank may begin executing transactions via a branch in a Member State:

1. z dnem, ko prejme obvestilo pristojnega organa države članice gostiteljice o morebitnih pogojih, ki jih mora zaradi zaščite javnih koristi upoštevati banka pri opravljanju storitev v državi članici gostiteljici; ali
2. z iztekom dveh mesecev od dneva, ko je pristojni organ države članice gostiteljice prejel obvestilo v skladu z drugim odstavkom prejšnjega člena, če do izteka tega roka ne prejme obvestila pristojnega organa države članice gostiteljice iz prejšnje točke.

113. člen

(obvestilo o spremembah glede podružnice banke v državi članici)

(1) Če namerava banka spremeniti katerega od dejstev oziroma okoliščin iz drugega odstavka 110. člena tega zakona, mora o tem obvestiti Banko Slovenije ter pristojni organ države članice gostiteljice en mesec pred izvršitvijo take spremembe.

(2) Za spremembo iz prejšnjega odstavka se smiselno uporabljajo 110. do 112. člen tega zakona, le da se roki iz drugega in četrtega odstavka 111. člena ter iz 2. točke 112. člena tega zakona skrajšajo na en mesec.

114. člen

(neposredno opravljanje storitev v državi članici)

(1) Banka, ki namerava v drugi državi članici začeti neposredno opravljati vzajemno priznane finančne storitve, za katere je pridobila dovoljenje v skladu s tem zakonom, mora o tem predhodno obvestiti Banko Slovenije ali Evropsko centralno banko, kadar je ta pri opravljanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 odgovorna za izvajanje nalog iz točke (b) prvega odstavka 4. člena te uredbe, ter navesti državo članico gostiteljico, v kateri namerava začeti neposredno opravljati te storitve.

(2) Banka Slovenije ali Evropska centralna banka v enem mesecu po prejemu obvestila banke iz prejšnjega odstavka to obvestilo

1. from the day when it receives notification from the competent authority of the host Member State regarding possible conditions that the bank shall take into account when providing services in the host Member State in order to protect public benefit or
2. when two months have expired from the day when the competent authority of the host Member State received notification in accordance with paragraph two of the preceding Article if, by the expiry of this time limit, the bank does not receive notification from the competent authority of the host Member State referred to in the preceding point.

Article 113

(Notification of changes in relation to a bank branch in a Member State)

(1) If a bank intends to change any fact or circumstance referred to in paragraph two of Article 110 of this Act, it shall notify the Bank of Slovenia and the competent authority of the host Member State accordingly one month prior to the implementation of any such change.

(2) Articles 110 to 112 of this Act shall apply *mutatis mutandis* to the changes referred to in the preceding paragraph, whereby the time limits referred to in paragraphs two and four of Article 111 and referred to in point 2 of Article 112 of this Act shall be shortened to one month.

Article 114

(Direct provision of services in a Member State)

(1) A bank that intends to start the direct provision of mutually recognised financial services for which it has acquired authorisation in accordance with this Act in another Member State shall notify beforehand the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(b) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation and state the host Member State in which it intends to start the direct provision of those services.

(2) The Bank of Slovenia or the European Central bank shall, within one month of receiving bank notification referred to in the preceding

posreduje pristojnemu organu države članice gostiteljice in o tem obvesti banko.

(3) Banka lahko začne neposredno opravljati vzajemno priznane finančne storitve, navedene v obvestilu iz prvega odstavka tega člena, v državi članici gostiteljici z dnem, ko pristojni organ države članice gostiteljice prejme obvestilo pristojnega organa iz prejšnjega odstavka.

5.3.2. *Opravljanje storitev bank na območju tretje države*

115. člen

(dovoljenje za ustanovitev podružnice banke v tretji državi)

(1) Banka sme z namenom opravljanja storitev, ki jih opravlja na območju Republike Slovenije, ustanoviti podružnico v tretji državi, če pridobi dovoljenje za ustanovitev podružnice v tretji državi v skladu s tem zakonom.

(2) Zahteva za izdajo dovoljenja za ustanovitev podružnice v tretji državi se vloži pri Banki Slovenije.

(3) Za zahtevo in odločanje o zahtevi za izdajo dovoljenja za ustanovitev podružnice banke v tretji državi se smiselno uporabljajo prvi in drugi odstavek 110. člena ter prvi do tretji odstavek 111. člena tega zakona.

(4) Banka Slovenije zavrne zahtevo za izdajo dovoljenja za ustanovitev podružnice v tretji državi tudi, če je ob upoštevanju predpisov države, v kateri namerava banka ustanoviti podružnico, oziroma ob upoštevanju prakse pri izvajanju teh predpisov verjetno, da bo ovirano izvajanje nadzora nad banko.

5.3.3. *Čezmejno opravljanje vzajemno priznanih finančnih storitev posebnih finančnih institucij*

116. člen

(posebna finančna institucija)

paragraph, forward this notification to the competent authority of the host Member State and notify the bank accordingly.

(3) A bank may start the direct provision of the mutually recognised financial services stated in the notification referred to in paragraph one of this Article in the host Member State on the day the competent authority of the host Member State receives notification from the competent authority referred to in the preceding paragraph.

5.3.2. *Provision of services by banks in the territory of a third country*

Article 115

(Authorisation to establish a bank branch in a third country)

(1) A bank may establish a branch in a third country for the purpose of providing the services that it provides in the territory of the Republic of Slovenia, provided that it obtains authorisation to establish a branch in a third country in accordance with this Act.

(2) An application for authorisation to establish a branch in a third country shall be filed with the Bank of Slovenia.

(3) Paragraphs one and two of Article 110 and paragraphs one to three of Article 111 of this Act shall apply *mutatis mutandis* to an application and decision-making regarding an application for authorisation to establish a bank branch in a third country.

(4) The Bank of Slovenia shall reject an application for authorisation to establish a branch in a third country also if, taking into account the regulations of the country in which the bank intends to establish a branch or practices in the implementation of those regulations, it is likely that supervision of the bank will be impeded.

5.3.3. *Cross-border provision of mutually recognised financial services by special financial institutions*

Article 116

(Special financial institution)

(1) Posebna finančna institucija je družba s sedežem v Republiki Sloveniji, ki izpolnjuje naslednje pogoje:

1. ni banka;
2. katere nadrejena družba je banka samostojno ali skupaj z drugimi bankami;
3. je glede na ustanovitvene akte upravičena opravljati vzajemno priznane finančne storitve;
4. izpolnjuje vse naslednje dodatne pogoje:
 - banke iz 2. točke tega odstavka so pridobile dovoljenje za opravljanje bančnih storitev v skladu s tem zakonom,
 - v Republiki Sloveniji dejansko opravlja vzajemno priznane finančne storitve, ki jih namerava opravljati v drugi državi članici,
 - banke iz 2. točke tega odstavka so skupaj imetnice delnic ali deležev, iz katerih izhaja najmanj 90 odstotkov glasovalnih pravic,
 - banke iz 2. točke tega odstavka po oceni Banke Slovenije upravljajo družbo z ustrezno skrbnostjo in so s soglasjem Banke Slovenije prevzele solidarno odgovornost za vse obveznosti posebne finančne institucije,
 - posebna finančna institucija je glede vzajemno priznanih finančnih storitev, ki jih opravlja, vključena v konsolidirani nadzor nadrejene banke ali vseh nadrejenih bank v skladu z oddelkom 9.3. tega zakona in 1. delom, II. naslovom, 2. poglavjem Uredbe (EU) št. 575/2013, zlasti za namene izračuna kapitalskih zahtev v skladu z 92. členom Uredbe (EU) št. 575/2013, nadzora velikih izpostavljenosti v skladu s 4. delom Uredbe (EU) št. 575/2013 in za namene omejitev kvalificiranih deležev izven finančnega sektorja v skladu z 89. in 90. členom Uredbe (EU) št. 575/2013.

(2) Posebna finančna institucija iz prejšnjega odstavka lahko te storitve opravlja tudi na območju druge države članice pod pogoji, ki so določeni v tem zakonu.

(3) Določbe tega zakona o opravljanju vzajemno priznanih

(1) A special financial institution shall be an undertaking established in the Republic of Slovenia that meets the following conditions:

1. it is not a bank;
2. its parent undertaking is a bank, independently or together with other banks;
3. it is entitled to provide mutually recognised financial services based on the instruments of incorporation; and
4. it meets all of the following additional conditions:
 - banks referred to in point 2 of this paragraph have obtained authorisation to provide banking services in accordance with this Act,
 - the special financial institution actually provides the mutually recognised financial services that it intends to provide in another Member State in the Republic of Slovenia,
 - banks referred to in point 2 of this paragraph are the joint holders of shares or participating interests that represent at least 90% of voting rights,
 - according to the assessment of the Bank of Slovenia, banks referred to in point 2 of this paragraph manage the undertaking with due diligence and have assumed joint and several liability for all liabilities of the special financial institution in question with the Bank of Slovenia's consent, and
 - the special financial institution is, with regard to the mutually recognised financial services it provides, included in the consolidated supervision of the parent bank or all parent banks, in accordance with Section 9.3. of this Act and Part 1, Title II, Chapter 2, of Regulation (EU) No 575/2013, in particular for the purposes of calculating capital requirements in accordance with Article 92 of Regulation (EU) No 575/2013, for the supervision of large exposures in accordance with Part 4 of Regulation (EU) No 575/2013 and for the purposes of limiting qualifying holdings outside the financial sector in accordance with Articles 89 and 90 of Regulation (EU) No 575/2013.

(2) The special financial institution referred to in the preceding paragraph may also provide such services in the territory of another Member State under the conditions laid down in this Act.

(3) The provisions of this Act governing the provision of

finančnih storitev bank v drugih državah članicah se smiselno uporabljajo tudi za posebne finančne institucije.

(4) Banka Slovenije pristojnemu organu države članice gostiteljice, v kateri namerava posebna finančna institucija ustanoviti podružnico, z obvestilom iz drugega odstavka 111. člena tega zakona posreduje tudi:

1. potrdilo, da so v zvezi s posebno finančno institucijo izpolnjeni pogoji iz prvega odstavka tega člena;
2. podatke o višini in sestavi kapitala posebne finančne institucije ter o znesku skupne izpostavljenosti tveganju banke iz 2. točke prvega odstavka tega člena, izračunanem v skladu s tretjim in četrtim odstavkom 92. člena Uredbe (EU) št. 575/2013.

(5) Če posebna finančna institucija, ki opravlja vzajemno priznane finančne storitve na območju države članice gostiteljice, preneha izpolnjevati katerega od pogojev iz prvega odstavka tega člena, ni več upravičena opravljati vzajemno priznanih finančnih storitev na območju druge države članice na podlagi določb tega člena. Banka Slovenije o tem nemudoma obvesti pristojni organ te države članice.

(6) Določbe tega člena se smiselno uporabljajo tudi za družbe, ki so podrejene posebni finančni instituciji.

5.3.4. *Opravljanje vzajemno priznanih finančnih storitev bank držav članic*

117. člen

(opravljanje vzajemno priznanih finančnih storitev bank držav članic)

(1) Banka države članice sme vzajemno priznane finančne storitve, ki jih v skladu z dovoljenjem pristojnega organa opravlja v matični državi članici, opravljati tudi na območju Republike Slovenije prek podružnice ali neposredno, če Banka Slovenije predhodno prejme obvestilo pristojnega organa matične države članice o opravljanju storitev

mutually recognised financial services by banks in other Member States shall apply *mutatis mutandis* also to special financial institutions.

(4) Together with the notification referred to in paragraph two of Article 111 of this Act, the Bank of Slovenia shall also forward to the competent authority in the host Member State in which a special financial institution intends to establish a branch the following:

1. confirmation that the conditions referred to in paragraph one of this Article have been met in connection with the special financial institution in question and
2. data regarding the level and composition of the special financial institution's capital and regarding the amount of total risk exposure of the bank referred to in point 2 of paragraph one of this Article, calculated in accordance with Article 92(3) and (4) of Regulation (EU) No 575/2013.

(5) If a special financial institution that provides mutually recognised financial services in the territory of a host Member State no longer fulfils any one of the conditions referred to in paragraph one of this Article, it shall no longer be entitled to provide mutually recognised financial services in the territory of another Member State based on the provisions of this Article. The Bank of Slovenia shall notify the competent authority of that Member State accordingly without delay.

(6) The provisions of this Article shall apply *mutatis mutandis* also to the subsidiary undertakings of a special financial institution.

5.3.4. *Provision of mutually recognised financial services by Member State banks*

Article 117

(Provision of mutually recognised financial services by Member State banks)

(1) A Member State bank may provide mutually recognised financial services that it provides in its home Member State in accordance with the competent authority's authorisation also in the territory of the Republic of Slovenia via a branch or directly, provided that the Bank of Slovenia receives prior notification from the competent authority of the

banke na območju Republike Slovenije prek podružnice ali neposredno, z informacijami iz drugega odstavka 110. člena tega zakona.

(2) Banka države članice lahko na območju Republike Slovenije ustanovi podružnico ali začne neposredno opravljati vzajemno priznane finančne storitve v Republiki Sloveniji, ko Banka Slovenije banki države članice posreduje obvestilo iz tretjega odstavka 118. člena tega zakona. Podružnica banke države članice se lahko vpiše v sodni register, ko prejme obvestilo iz prejšnjega stavka.

(3) Banka Slovenije je pristojna za nadzor nad podružnico banke države članice v obsegu in pod pogoji, določenimi v oddelku 9.2. tega zakona.

(4) V zvezi z izvajanjem nadzora nad poslovanjem podružnice banke države članice v skladu s tem zakonom se smiselno uporablja 238. člen tega zakona.

(5) Če namerava banka države članice v zvezi s svojo podružnico v Republiki Sloveniji spremeniti katero od dejstev oziroma okoliščin iz drugega odstavka 110. člena tega zakona, mora o tem obvestiti Banko Slovenije en mesec pred izvršitvijo take spremembe.

(6) Podružnica banke države članice mora Banki Slovenije poročati v zvezi s poslovanjem na območju Republike Slovenije.

(7) Banka Slovenije predpiše podrobnejši obseg podatkov in informacij iz prejšnjega odstavka, ki jih potrebuje za izvajanje nadzora nad poslovanjem podružnice v skladu s tem zakonom, za informativne in statistične namene ter za namene ugotavljanja pomembnosti podružnice v skladu z 286. členom tega zakona.

118. člen

(uporaba predpisov glede dejavnosti banke države članice)

home Member State regarding the provision of services by the bank in the territory of the Republic of Slovenia via a branch or directly, together with the information referred to in paragraph two of Article 110 of this Act.

(2) A Member State bank may establish a branch in the territory of the Republic of Slovenia or start direct provision of mutually recognised financial services in the Republic of Slovenia when the Bank of Slovenia forwards the notification referred to in paragraph three of Article 118 of this Act to that Member State bank. The branch of a Member State bank may be entered in the court register when it receives the notification referred to in the preceding sentence.

(3) The Bank of Slovenia shall be responsible for the supervision of the branch of a Member State bank to the extent and under the conditions laid down in Section 9.2. of this Act.

(4) Article 238 of this Act shall apply *mutatis mutandis* in connection with the conduct of supervision of the operations of the branch of a Member State bank in accordance with this Act.

(5) If in connection with its branch in the Republic of Slovenia a Member State bank intends to change any fact or circumstance referred to paragraph two of Article 110 of this Act, it shall notify the Bank of Slovenia thereof one month prior to the implementation of any such change.

(6) The branch of a Member State bank shall report to the Bank of Slovenia in connection with its operations in the territory of the Republic of Slovenia.

(7) The Bank of Slovenia shall prescribe the detailed scope of data and information referred to in the preceding paragraph that it requires for conducting supervision of the operations of a branch in accordance with this Act, this for informative and statistical purposes and for the purpose of establishing the importance of the branch in accordance with Article 286 of this Act.

Article 118

(Application of regulations governing the activities of a Member State bank)

(1) Banka države članice opravlja vzajemno priznane storitve na območju Republike Slovenije v skladu s predpisi Republike Slovenije, ki se uporabljajo v zvezi z izvajanjem vzajemno priznanih finančnih storitev.

(2) Banka države članice, ki opravlja storitve na območju Republike Slovenije v skladu s tem zakonom, ne glede na pravo, ki se uporablja med strankami, pri opravljanju poslov ne more izključiti uporabe predpisov Republike Slovenije, ki urejajo:

1. varovanje zaupnih podatkov v skladu z oddelkom 5.4. tega zakona;
2. varstvo osebnih podatkov v skladu z zakonom, ki ureja varstvo osebnih podatkov;
3. varstvo potrošnikov v skladu s predpisi, ki so namenjeni varstvu potrošnikov;
4. zahteve glede preprečevanja pranja denarja in financiranja terorizma v skladu z ZPPDFT;
5. druge zahteve, ki veljajo za banke v Republiki Sloveniji, da se zaščiti javni interes.

(3) Banka Slovenije banko države članice, ki v skladu s tem zakonom namerava ustanoviti podružnico v Republiki Sloveniji ali namerava neposredno opravljati vzajemno priznane finančne storitve, v dveh mesecih po prejemu obvestila pristojnega organa iz prvega odstavka 117. člena tega zakona obvesti o predpisih iz prejšnjega odstavka.

5.3.5. Opravljanje vzajemno priznanih finančnih storitev posebnih finančnih institucij držav članic

119. člen **(opravljanje vzajemno priznanih finančnih storitev posebnih finančnih institucij držav članic)**

(1) Posebna finančna institucija države članice je družba s sedežem v drugi državi članici, ki v matični državi članici izpolnjuje pogoje kot posebna finančna institucija iz prvega odstavka 116. člena tega

(1) A Member State bank shall provide mutually recognised services in the territory of the Republic of Slovenia in accordance with the regulations thereof that govern the provision of mutually recognised financial services.

(2) Notwithstanding the law applied between parties, a Member State bank that provides services in the territory of the Republic of Slovenia in accordance with this Act shall not, in the execution of transactions, be exempt from the application of regulations of the Republic of Slovenia that govern the following areas:

1. the protection of confidential data in accordance with Section 5.4. of this Act;
2. the protection of personal data in accordance with the Act governing personal data protection;
3. the protection of consumers in accordance with regulations aimed at consumer protection;
4. requirements regarding the prevention of money laundering and the financing of terrorism in accordance with the ZPPDFT; and
5. other requirements that apply to banks in the Republic of Slovenia to protect the interests of the public.

(3) The Bank of Slovenia shall notify a Member State bank that, in accordance with this Act, intends to establish a branch in the Republic of Slovenia or intends to directly provide mutually recognised financial services about the regulations referred to in the preceding paragraph, this within two months following the receipt of the notification of the competent authority referred to in paragraph one of Article 117 of this Act.

5.3.5. Provision of mutually recognised financial services by Member State special financial institutions

Article 119 **(Provision of mutually recognised financial services by Member State special financial institutions)**

(1) A Member State special financial institution shall be an undertaking established in another Member State that fulfils the conditions as a special financial institution referred to in paragraph one of

zakona in je pridobila potrdilo pristojnega organa matične države članice o izpolnjevanju teh pogojev.

(2) Določbe tega zakona o opravljanju vzajemno priznanih finančnih storitev banke države članice v Republiki Sloveniji se smiselno uporabljajo tudi za posebne finančne institucije držav članic.

(3) Obvestilo pristojnega organa države članice iz prvega odstavka 117. člena tega zakona mora vključevati tudi:

1. potrdilo pristojnega organa države članice, da posebna finančna institucija države članice izpolnjuje pogoje, kot so določeni v prvem odstavku 116. člena tega zakona;
2. podatke o višini in sestavi kapitala posebne finančne institucije države članice ter o znesku skupne izpostavljenosti tveganju nadrejene banke države članice, izračunanem v skladu s tretjim in četrtim odstavkom 92. člena Uredbe (EU) št. 575/2013.

(4) Če pristojni organ matične države članice obvesti Banko Slovenije, da je posebna finančna institucija države članice prenehala izpolnjevati katerega od pogojev iz prvega odstavka tega člena, potem posebna finančna institucija države članice ni več upravičena upravljati vzajemno priznanih finančnih storitev v Republiki Sloveniji na podlagi določb tega člena.

(5) Določbe tega člena se smiselno uporabljajo tudi za družbe, ki so podrejene posebni finančni instituciji države članice.

5.3.6. *Opravljanje storitev bank tretjih držav*

120. člen **(opravljanje storitev banke tretje države)**

Banka tretje države sme bančne storitve, finančne storitve in dodatne finančne storitve, ki jih opravlja v državi svojega sedeža, opravljati tudi na območju Republike Slovenije, vendar samo prek

Article 116 of this Act in its home Member State and which has obtained confirmation from the competent authority of the home Member State regarding the fulfilment of those conditions.

(2) The provisions of this Act governing the provision of mutually recognised financial services by Member State banks in the Republic of Slovenia shall also apply *mutatis mutandis* to Member State special financial institutions.

(3) Notification of the Member State competent authority referred to in paragraph one of Article 117 of this Act shall include also:

1. confirmation from the competent authority of a Member State that the Member State special financial institution fulfils the conditions as determined in paragraph one of Article 116 of this Act and
2. data regarding the level and composition of the Member State special financial institution's capital and regarding the amount of total risk exposure of the parent Member State bank, calculated in accordance with Article 92(3) and (4) of Regulation (EU) No 575/2013.

(4) If the competent authority of the home Member State notifies the Bank of Slovenia that the Member State special financial institution no longer fulfils any one of the conditions referred to in paragraph one of this Article, that Member State special financial institution shall no longer be entitled to provide mutually recognised financial services in the Republic of Slovenia based on the provisions of this Article.

(5) The provisions of this Article shall also apply *mutatis mutandis* to the subsidiary undertakings of the Member State special financial institution.

5.3.6. *Provision of services by third-country banks*

Article 120 **(Provision of services by a third-country bank)**

A third-country bank may provide banking, financial and additional financial services that it provides in its country of establishment also in the Republic of Slovenia, but only via a branch and under the

podružnice in pod pogoji, določenimi v tem zakonu.

121. člen

(dovoljenje za ustanovitev podružnice banke tretje države)

(1) Banka tretje države lahko v Republiki Sloveniji ustanovi podružnico in se vpiše v sodni register, če pridobi dovoljenje za ustanovitev podružnice (v nadaljnjem besedilu: dovoljenje za ustanovitev podružnice banke tretje države) v skladu s tem zakonom.

(2) Zahteva za izdajo dovoljenja za ustanovitev podružnice banke tretje države se vloži pri Banki Slovenije.

(3) Zahtevi za izdajo dovoljenja za ustanovitev podružnice banke tretje države je treba priložiti:

1. izpisek iz sodnega oziroma drugega ustreznega registra države sedeža za matično banko;
2. statut oziroma druga ustrezna pravila matične banke;
3. podatke o članih oziroma članicah poslovnih in nadzornih organov matične banke;
4. revidirana letna poročila matične banke za zadnja tri leta poslovanja;
5. podatke o imetnikih kvalificiranih deležev, oziroma če ni takšnih imetnikov, podatke o 20 največjih delničarjih oziroma družbenikih banke tretje države ter ustrezno listino, ki verodostojno izkazuje imetnike teh delnic oziroma deležev;
6. izpisek iz sodnega oziroma drugega ustreznega registra države sedeža za pravne osebe, ki so imetnice kvalificiranih deležev v matični banki;
7. opis storitev, ki jih bo opravljala podružnica, ter poslovni načrt za prva tri leta poslovanja;
8. dovoljenje za opravljanje bančnih, finančnih ali dodatnih finančnih storitev, ki ga je matični banki izdal pristojni organ države njenega sedeža;
9. dovoljenje pristojnega organa matične banke za ustanovitev podružnice oziroma izjavo tega organa, da dovoljenje po predpisih države te banke ni potrebno;
10. izjavo banke tretje države, da bo podružnica vodila vso

conditions laid down in this Act.

Article 121

(Authorisation to establish a third-country bank branch)

(1) A third-country bank may establish a branch in the Republic of Slovenia and enter it in the court register, provided that it obtains authorisation to establish a branch (hereinafter: authorisation to establish a third-country bank branch) in accordance with this Act.

(2) An application for authorisation to establish a third-country bank branch shall be filed with the Bank of Slovenia.

(3) An application for authorisation to establish a third-country bank branch shall be accompanied by the following:

1. an extract from the court register or another relevant register in the country of establishment for the parent bank;
2. the articles of association or other relevant rules of the parent bank;
3. data regarding members of the management and supervisory bodies of the parent bank;
4. the audited annual reports of the parent bank for the last three years of operations;
5. data regarding the holders of qualifying holdings or, if no such holders exist, data regarding the third-country bank's 20 largest shareholders or company members and the relevant documentation that credibly illustrates the aforementioned shareholders or their participating interests;
6. an extract from the court register or another relevant register in the country of establishment for the legal persons that are holders of qualifying holdings in the parent bank;
7. a description of the services the branch will provide and a business plan for the first three years of operations;
8. authorisation to provide banking, financial or additional financial services issued to the parent bank by the competent authority in the country of the parent bank's establishment;
9. authorisation of the competent authority of the parent bank to establish a branch or a statement from this authority that such authorisation is not required pursuant to the regulations of that bank's home country;
10. a statement from the third-country bank that the branch will keep all

dokumentacijo, ki se nanaša na njeno poslovanje, v slovenskem jeziku in jo hranila na sedežu podružnice ter vodila ločene računovodske izkaze v skladu s tem zakonom oziroma na njegovi podlagi izdanimi predpisi;

11. podrobnejši opis sistema jamstva za vloge, ki velja v državi sedeža matične banke;
12. drugo dokumentacijo, na podlagi katere je mogoče ugotoviti, ali je podružnica kadrovska, tehnično in organizacijsko sposobna opravljati storitve, na katere se nanaša zahteva.

(4) Banka Slovenije lahko kot pogoj za izdajo dovoljenja za ustanovitev podružnice banke tretje države zahteva, da banka tretje države v Republiki Sloveniji deponira določen denarni znesek oziroma drugo ustrezno finančno premoženje oziroma predloži drugo ustrezno zavarovanje kot jamstvo za poravnavo obveznosti iz poslov, sklenjenih v Republiki Sloveniji.

(5) Banka Slovenije izda dovoljenje za ustanovitev podružnice banke tretje države, če na podlagi podatkov, s katerimi razpolaga, in dokumentacije, priložene zahtevi za izdajo dovoljenja, oceni, da je podružnica finančno, upravljavsko, organizacijsko, kadrovsko in tehnično usposobljena za poslovanje. Banka Slovenije o izdanem dovoljenju obvesti Komisijo, Evropski odbor za bančništvo in Evropski bančni organ.

(6) Banka Slovenije zavrne zahtevo za izdajo dovoljenja za ustanovitev podružnice banke tretje države, če je ob upoštevanju predpisov države sedeža matične banke oziroma ob upoštevanju prakse te države pri uporabi in izvrševanju teh predpisov verjetno, da bo ovirano izvajanje nadzora v skladu z določbami tega zakona.

(7) Banka tretje države, ki je pridobila dovoljenje iz prvega odstavka tega člena, lahko v Republiki Sloveniji prek podružnice opravlja bančne storitve, finančne storitve ter dodatne finančne storitve, navedene v dovoljenju za ustanovitev podružnice banke tretje države.

(8) Če namerava banka tretje države v Republiki Sloveniji prek podružnice začeti opravljati tudi dodatne storitve, ki niso navedene v že izdanem dovoljenju za ustanovitev podružnice banke tretje države, mora predhodno pridobiti dodatno dovoljenje Banke Slovenije za opravljanje teh

documentation relating to its operations in the Slovenian language and that it will store that documentation at the registered office of the branch and that it will keep separate financial statements in accordance with this Act or regulations issued on the basis thereof;

11. a detailed description of the deposit guarantee scheme valid in the country of establishment of the parent bank; and
12. other documentation based on which it is possible to establish whether the branch has the personnel, technical and organisational capacities to provide the services to which the application refers.

(4) When issuing authorisation to establish a third-country bank branch, the Bank of Slovenia may request that a third-country bank deposits a specific amount of cash or other appropriate financial assets in the Republic of Slovenia or presents other appropriate collateral as a guarantee for the settlement of any liabilities arising from transactions concluded in the Republic of Slovenia.

(5) The Bank of Slovenia shall issue authorisation to establish a third-country bank branch if, based on available information and documentation enclosed with the application for authorisation, it assesses that the branch has the financial, managerial, organisational, personnel and technical capacities to operate. The Bank of Slovenia shall notify the Commission, the European Banking Committee and the European Banking Authority of the authorisation being issued.

(6) The Bank of Slovenia shall reject an application for authorisation to establish a third-country bank branch if, taking into account the regulations of the country of establishment of the parent bank or taking into consideration practices of that country in the application and implementation of those regulations, it is likely that conduct of supervision in accordance with the provisions of this Act will be impeded.

(7) A third-country bank that has obtained the authorisation referred to in paragraph one of this Article may provide banking, financial and additional financial services stated in the authorisation to establish a third-country bank branch in the Republic of Slovenia via a branch.

(8) If a third-country bank intends to start providing also additional services via a branch in the Republic of Slovenia that are not stated in the previously issued authorisation to establish a third-country bank branch, it shall obtain beforehand additional authorisation from the

storitev.

(9) Za dodatno dovoljenje iz sedmega odstavka tega člena se smiselno uporabljajo drugi odstavki, 7. in 12. točka tretjega odstavka ter peti in šesti odstavek tega člena.

(10) Banka Slovenije predpiše podrobnejšo vsebino dokumentacije, ki jo banka tretje države priloži zahtevi za izdajo dovoljenja za ustanovitev podružnice v Republiki Sloveniji.

122. člen

(uporaba določb tega zakona za poslovanje podružnice banke tretje države)

(1) Za poslovanje podružnice banke tretje države v Republiki Sloveniji se smiselno uporabljajo:

1. določbe tega zakona ter drugih predpisov iz drugega odstavka 9. člena tega zakona glede poslovanje bank in izvajanja pristojnosti nadzora Banke Slovenije nad bankami;
2. določbe drugih zakonov, ki urejajo poslovanje bank na območju Republike Slovenije.

(2) Za poslovanje podružnice se smiselno uporabljajo določbe tega zakona o upravi banke.

(3) Za odvzem in prenehanje dovoljenja Banke Slovenije za ustanovitev podružnice banke tretje države se smiselno uporabljajo določbe tega zakona o odvzemu in prenehanju dovoljenja za opravljanje bančnih storitev.

(4) Banka Slovenije odvzame dovoljenje za ustanovitev podružnice banke tretje države tudi:

1. če je nadzorni organ sedeža banke tretje države tej banki odvzel dovoljenje za opravljanje bančnih storitev;
2. če podružnica v primeru vključitve v sistem jamstva za vloge v Republiki Sloveniji ne izpolnjuje obveznosti iz naslova jamstva za vloge.

Bank of Slovenia to provide those services.

(9) Paragraph two, points 7 and 12 of paragraph three, and paragraphs five and six of this Article shall apply *mutatis mutandis* to the additional authorisation referred to in paragraph seven of this Article.

(10) The Bank of Slovenia shall prescribe the detailed content of the documentation that a third-country bank shall enclose with its application for authorisation to establish a branch in the Republic of Slovenia.

Article 122

(Application of provisions of this Act to the operations of a third-country bank branch)

(1) The following shall apply *mutatis mutandis* to the operations of a third-country bank branch in the Republic of Slovenia:

1. the provisions of this Act and other regulations referred to in paragraph two of Article 9 of this Act regarding the operations of banks and conduct of supervision of banks by the Bank of Slovenia and
2. the provisions of other Acts governing the operations of banks in the territory of the Republic of Slovenia.

(2) The provisions of this Act regarding a bank's management board shall apply *mutatis mutandis* to a branch's managers.

(3) The provisions of this Act regarding the withdrawal and cessation of authorisation to provide banking services shall apply *mutatis mutandis* to the withdrawal and cessation of the Bank of Slovenia's authorisation to establish a third-country bank branch.

(4) The Bank of Slovenia shall also withdraw authorisation to establish a third-country bank branch:

1. if the supervisory authority of the third-country bank registered office has withdrawn that bank's authorisation to provide banking services or
2. if the branch fails to fulfil its deposit guarantee obligations when it is included in the deposit guarantee scheme in the Republic of Slovenia.

123. člen
(predstavništvo banke tretje države)

(1) Banka tretje države lahko predstavlja in posreduje informacije o svojih storitvah ter opravlja raziskave trga prek predstavništva kot svojega organizacijskega dela v Republiki Sloveniji.

(2) Predstavništvo ni pravna oseba.

(3) Predstavništvo banke tretje države v Republiki Sloveniji ne sme opravljati nobenih drugih poslov, razen poslov iz prvega odstavka tega člena.

124. člen
(dovoljenje za ustanovitev predstavništva banke tretje države)

(1) Za ustanovitev predstavništva mora banka tretje države pridobiti dovoljenje Banke Slovenije.

(2) Zahtevi za izdajo dovoljenja iz prejšnjega odstavka je treba priložiti:

1. izpisek iz sodnega oziroma drugega ustreznega registra države sedeža za matično banko;
2. statut oziroma druga ustrezna pravila matične banke;
3. revidirana letna poročila matične banke za zadnja tri leta poslovanja;
4. seznam oseb, ki bodo vodile predstavništvo.

(3) Banka Slovenije vodi register predstavništev.

(4) Banka Slovenije odvzame dovoljenje za ustanovitev predstavništva banke tretje države, če to predstavništvo ravna v nasprotju z določbo tretjega odstavka prejšnjega člena.

Article 123
(Representative office of a third-country bank)

(1) A third-country bank may present and submit information regarding its services and perform market research via a representative office as its organisational unit in the Republic of Slovenia.

(2) A representative office shall not be a legal person.

(3) The representative office of a third-country bank may not perform any other activities in the Republic of Slovenia except those referred to in paragraph one of this Article.

Article 124
(Authorisation to establish a representative office of a third-country bank)

(1) A third-country bank shall obtain Bank of Slovenia's authorisation to establish a representative office.

(2) The application for authorisation referred to in the preceding paragraph shall be accompanied by the following documents:

1. an extract from the court register or another relevant register in the country of establishment for the parent bank;
2. the articles of association or other relevant rules of the parent bank;
3. the audited annual reports of the parent bank for the last three years of operations; and
4. a list of persons who will manage the representative office.

(3) The Bank of Slovenia shall keep a register of representative offices.

(4) The Bank of Slovenia shall withdraw authorisation to establish a representative office of a third-country bank if that representative office acts in contravention of the provision of paragraph three of the preceding Article.

125. člen
(zaupni podatki)

Zaupni podatki po tem zakonu so vsi podatki, dejstva in okoliščine o posamezni stranki, s katerimi razpolaga banka.

126. člen
(dolžnost varovanja zaupnih podatkov)

(1) Banka mora varovati zaupne podatke iz prejšnjega člena, ne glede na način, na katerega je te podatke pridobila.

(2) Člani organov banke, delničarji banke, delavci banke oziroma druge osebe, ki so jim v zvezi z njihovim delom v banki oziroma pri opravljanju storitev za banko na kakršenkoli način dostopni zaupni podatki iz prejšnjega člena, teh podatkov ne smejo sporočiti tretjim osebam, niti omogočiti, da bi jih uporabile tretje osebe, ali jih sami uporabiti za lastne namene.

(3) Dolžnost banke iz prvega odstavka tega člena glede varovanja zaupnih podatkov ne velja:

1. če stranka izrecno pisno pristane, da se sporočijo posamezni zaupni podatki;
2. če te podatke potrebuje Banka Slovenije, Evropska centralna banka, ali nadzorni organ za potrebe nadzora nad banko, ki ga vodi v okviru svojih pristojnosti;
3. če te podatke pisno zahteva komisija za preprečevanje korupcije ali če jih zaradi izvedbe predkazenskega ali kazenskega postopka pisno zahteva sodišče, državno tožilstvo ali policija, razen v primerih, ko za posredovanje zaupnih podatkov zakon izrecno določa odredbo preiskovalnega sodnika;
4. v primerih posredovanja podatkov nadrejenim osebam v zvezi z nadzorom na konsolidirani podlagi v skladu z določbami oddelka 9.3. tega zakona ali v skladu z ZFK;
- 4.a če te podatke pisno zahteva preiskovalna komisija, kadar v skladu z zakonom, ki ureja parlamentarno preiskavo, izvaja preiskavo;

Article 125
(Confidential data)

Confidential data according to this Act shall be all data, facts and circumstances at a bank's disposal regarding an individual client.

Article 126
(Obligation to protect confidential data)

(1) A bank shall protect the confidential data referred to in the preceding Article regardless of the manner in which those data have been obtained.

(2) Members of bank's bodies, its shareholders and employees, or other persons to whom the confidential data referred to in the preceding Article is in any way accessible in the course of their work in the bank or while they are providing services for the bank may not disclose this data to third parties, nor enable a third party to make use of it nor use it for their own purposes.

(3) The obligation of the bank referred to in paragraph one of this Article with regard to the protection of confidential data shall not apply:

1. if a client provides their explicit written consent to the disclosure of certain confidential data;
2. if this data is needed by the Bank of Slovenia, the European Central Bank or a supervisory authority for the supervision of a bank that it manages in the scope of its powers;
3. if such data is required in writing by a commission for the prevention of corruption or if requested in writing by a court, state prosecutor's office or the police for conducting pre-trial or criminal proceedings, except in cases when an Act explicitly requires an order by an investigating judge for the forwarding of confidential data;
4. when data is forwarded to parent entities in connection with supervision on a consolidated basis in accordance with the provisions of Section 9.3. of this Act or the ZFK;
- 4.a if this data is required in writing by a commission of inquiry when, in accordance with an Act governing parliamentary inquiry, it conducts

- 4.b če te podatke pisno zahteva Računsko sodišče Republike Slovenije pri izvrševanju svojih pristojnosti v skladu z zakonom, ki ureja računsko sodišče;
5. za izmenjavo informacij o boniteti strank za namen upravljanja kreditnega tveganja:
- med člani sistema izmenjave informacij o boniteti strank, ki je vzpostavljen v skladu s predpisi za namene upravljanja kreditnega tveganja bank ali
 - z bankami držav članic ali sistemi za izmenjavo informacij o boniteti strank, organiziranih v drugih državah članicah, glede informacij o boniteti strank, ki so pravne osebe;
6. v drugih primerih, kjer zakon izrecno določa dolžnost banke glede posredovanja zaupnih podatkov o posamezni stranki.

(4) Dolžnost varovanja zaupnih podatkov ne velja, če banka ali oseba iz drugega odstavka tega člena te podatke posreduje tožilstvu ali policiji z namenom, da naznani razloge za sum, da je bilo storjeno kaznivo dejanje.

(5) Poleg primerov iz tretjega in četrtega odstavka tega člena lahko banka razkrije zaupne podatke tudi, če je to potrebno za izvedbo pogajanj za sklenitev pogodbe ali za izpolnjevanje pogodbe, ki jo banka sklene v okviru običajne bančne dejavnosti, in če prejemnik zagotovi ustrezno varovanje zaupnosti podatkov. Banka lahko za potrebe iz prvega stavka razkrije le tiste zaupne podatke v zvezi s stranko, ki so nujno potrebni za sklenitev ali izvajanje pogodbe.

(6) Banka mora za vsako posredovanje zaupnih podatkov zagotoviti, da je mogoče pozneje ugotoviti, kateri zaupni podatki so bili posredovani, komu, kdaj in na kakšni podlagi, in sicer za obdobje desetih let po posredovanju teh podatkov.

127. člen
(uporaba zaupnih podatkov)

- an inquiry;
- 4.b if this data is required in writing by the Court of Audit of the Republic of Slovenia at implementation of its powers in accordance with the Act governing the court of audit;
5. for the exchange of information regarding client credit ratings for the purpose of credit risk management:
- between members of a system for the exchange of information regarding client credit ratings that is established in accordance with the regulations for the purposes of credit risk management of banks or
 - with Member State banks or systems for the exchange of information regarding client credit ratings organised in other Member States with regard to information on the credit ratings of clients that are legal persons; and
6. in other cases where an Act explicitly determines a bank's obligation with regard to the forwarding of confidential data regarding an individual client.

(4) The obligation to protect confidential data shall not apply if a bank or a person referred to in paragraph two of this Article forwards such data to a prosecutor or the police for the purpose of notifying those authorities of reasons to suspect that a criminal act has been committed.

(5) In addition to cases referred to in paragraphs three and four of this Article, a bank may also disclose confidential data if this is required to carry out negotiations for the conclusion of an agreement or to fulfil an agreement that the bank concludes in the scope of standard banking activities and if the recipient ensures appropriate protection of the confidentiality of data. For the needs referred to in the first sentence, a bank may disclose only those confidential data regarding a client that are indispensable for the conclusion or implementation of an agreement.

(6) For each forwarding of confidential data, a bank shall ensure that it is possible to subsequently establish which confidential data were forwarded, to whom, when and on what basis, this for a period of ten years following the forwarding of that data.

Article 127
(Use of confidential data)

Banka Slovenije oziroma drugi organi in osebe smejo podatke, ki so jih pridobili na podlagi prejšnjega člena, uporabiti izključno za namen, za katerega so bili podatki pridobljeni in jih lahko posredujejo drugim osebam izključno pod pogoji, določenimi v tem ali drugem zakonu.

6. POGLAVJE:

UREDITEV NOTRANJEGA UPRAVLJANJA IN USTREZNI NOTRANJI KAPITAL

6.1. Splošne določbe

128. člen **(stabilna ureditev notranjega upravljanja)**

(1) Banka mora imeti stabilno ureditev notranjega upravljanja, ki obsega:

1. jasno organizacijsko strukturo z natančno opredeljenimi, preglednimi in doslednimi notranjimi razmerji glede odgovornosti;
2. učinkovite procese upravljanja tveganj za ugotavljanje, merjenje oziroma ocenjevanje, obvladovanje in spremljanje tveganj, vključno z načrti sanacije ter poročanjem o tveganjih, ki jim je banka izpostavljena pri svojem poslovanju ali bi jim lahko bila;
3. primerne mehanizme notranjih kontrol, ki vključujejo ustrezne administrativne in računovodske postopke;
4. ustrezne politike in prakse prejemkov, ki so skladne s preudarnim in učinkovitim upravljanjem tveganj in tako upravljanje tudi spodbujajo.

(2) Ureditev notranjega upravljanja mora biti celovita in sorazmerna z naravo, obsegom in zapletenostjo tveganj, ki izhajajo iz poslovnega modela banke in dejavnosti, ki jih opravlja banka.

129. člen **(kapitalska ustreznost)**

The Bank of Slovenia or other authorities and persons may use the data they have obtained based on the preceding Article exclusively for the purpose for which that data was obtained and may forward that data to other persons exclusively under the conditions determined in this or another Act.

CHAPTER 6:

INTERNAL GOVERNANCE ARRANGEMENTS AND INTERNAL CAPITAL ADEQUACY

6.1. General provisions

Article 128 **(Stable internal governance arrangements)**

(1) A bank shall have stable internal governance arrangements that include:

1. a clear organisational structure with precisely defined, transparent and consistent internal relationships with regard to responsibilities;
2. effective risk management processes for establishing, measuring or assessing, managing and monitoring risks, including recovery plans and the reporting of the risks to which the bank is or could be exposed in its operations;
3. suitable internal control mechanisms that include appropriate administrative and accounting procedures; and
4. appropriate remuneration policies and practices that are in line with prudent and effective risk management and thus also promote risk management.

(2) Internal governance arrangements shall be comprehensive and proportionate to the nature, scale and complexity of the risks that derive from a bank's business model and the activities the bank performs.

Article 129 **(Capital adequacy)**

(1) Banka mora zagotoviti, da vedno razpolaga z ustreznim kapitalom za pokrivanje kapitalskih zahtev iz 92. člena Uredbe (EU) št. 575/2013, zahtev na podlagi tretjega odstavka 250. člena tega zakona, zahtev po vzdrževanju kapitalskih blažilnikov na podlagi 7. poglavja tega zakona ter za zagotavljanje ustreznega notranjega kapitala v skladu s 131. členom ali v skladu z oceno na podlagi 183. člena tega zakona.

(2) Banka lahko vključi kapitalske instrumente iz 52. in 63. člena Uredbe (EU) št. 575/2013 v izračun kapitala, če banka pridobi dovoljenje Banke Slovenije ali Evropske centralne banke, kadar je ta pri opravljanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 odgovorna za izvajanje nalog iz (d) točke prvega odstavka 4. člena te uredbe, za vključitev posameznega kapitalskega instrumenta v izračun kapitala.

(3) Dovoljenje iz prejšnjega odstavka se izda, če kapitalski instrument izpolnjuje pogoje, določene v Uredbi (EU) št. 575/2013.

(4) Banka Slovenije predpiše dokumentacijo, ki jo predloži banka zahtevi za izdajo dovoljenja iz drugega odstavka tega člena ter dovoljenja iz tretjega odstavka 26. člena Uredbe (EU) št. 575/2013, in se v skladu z Uredbo (EU) št. 1024/2013 vloži pri Banki Slovenije.

130. člen **(ustrezna likvidnost)**

Banka mora zagotoviti, da je vedno sposobna izpolnjevati likvidnostne zahteve iz 6. dela Uredbe (EU) št. 575/2013 in predpisov, izdanih na podlagi 460. in 510. člena te uredbe, ter zahteve na podlagi petega odstavka 250. člena tega zakona in da je v vsakem trenutku sposobna pravočasno izpolnjevati svoje zapadle obveznosti.

131. člen **(ocenjevanje in zagotavljanje ustreznega notranjega kapitala)**

(1) A bank shall ensure that it has at its disposal at all times adequate capital to meet the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013, requirements based on paragraph three of Article 250 of this Act and requirements to maintain capital buffers based on Chapter 7 of this Act and to ensure internal capital adequacy in accordance with Article 131 or in accordance with the assessment based on Article 183 of this Act.

(2) A bank may include the capital instruments referred to in Articles 52 and 63 of Regulation (EU) No 575/2013 in its calculation of capital if the bank obtains authorisation to include an individual capital instrument in capital calculation from the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(d) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation.

(3) The authorisation referred to in the preceding paragraph shall be issued, provided that the capital instrument in question satisfies the conditions laid down in Regulation (EU) No 575/2013.

(4) The Bank of Slovenia shall prescribe the documentation that a bank shall enclose with its application for authorisation referred to in paragraph two of this Article and the authorisation referred to in Article 26(3) of Regulation (EU) No 575/2013, which shall be filed with the Bank of Slovenia in accordance with Regulation (EU) No 1024/2013.

Article 130 **(Liquidity adequacy)**

A bank shall ensure that it is capable, at all times, of meeting the liquidity requirements referred to in Part 6 of Regulation (EU) No 575/2013 and the regulations issued on the basis of Articles 460 and 510 thereof and the requirements based on paragraph five of Article 250 of this Act and that it is capable of settling its mature liabilities on time at any given moment.

Article 131 **(Assessing and ensuring internal capital adequacy)**

(1) Banka mora imeti primerne, učinkovite in celovite strategije in procese za stalno ocenjevanje ter zagotavljanje potrebnih zneskov, vrst in razporeditve notranjega kapitala, ki ga ocenjuje kot potrebno kritje glede na značilnosti in obseg tveganj, ki jim je pri svojem poslovanju izpostavljena ali bi jim lahko bila.

(2) Banka mora na podlagi rednih pregledov zagotavljati, da so strategije in procesi iz prejšnjega odstavka celoviti ter sorazmerni z naravo, obsegom in zapletenostjo dejavnosti, ki jih opravlja banka, ter zagotavljati ustrezni notranji kapital za pokritje teh tveganj.

(3) Banka Slovenije lahko v skladu z 10. členom Uredbe (EU) št. 575/2013 odloči, da se za posamezno banko, ki je povezana s centralnim organom, v celoti ali deloma ne uporabljajo zahteve iz prvega in drugega odstavka tega člena.

132. člen **(ustrezni notranji kapital za tržna tveganja)**

(1) Banka mora na podlagi vzpostavljenih politik in procesov upravljanja tržnih tveganj pri ocenjevanju in zagotavljanju ustreznega notranjega kapitala v skladu s prejšnjim členom upoštevati pomembna tržna tveganja, ki niso predmet kapitalskih zahtev v skladu z Uredbo (EU) št. 575/2013.

(2) Banka, ki pri izračunavanju kapitalskih zahtev za pozicijsko tveganje v skladu z 2. poglavjem IV. naslova 3. dela Uredbe (EU) št. 575/2013 pobota svoje pozicije v enem ali več lastniških finančnih instrumentih, ki sestavljajo delniški indeks, z eno ali več pozicijami v terminski pogodbi na delniški indeks ali drugem produktu na delniški indeks, mora zagotavljati ustrezni notranji kapital za kritje osnovnega tveganja izgube, ki je posledica drugačnega gibanja vrednosti terminskih pogodb ali drugih izvedenih instrumentov glede na gibanje vrednosti osnovnih instrumentov, na katere so vezani.

(3) Banka mora zagotavljati ustrezni notranji kapital tudi v primeru, kadar ima nasprotno pozicije v terminskih pogodbah na delniške indekse, ki se ne ujemajo glede na zapadlost ali sestavo ali oboje.

(1) A bank shall have appropriate, effective and comprehensive strategies and processes to continuously assess and ensure the necessary amounts, types and distribution of internal capital that it deems necessary as coverage with respect to the characteristics and extent of the risks to which it is or could be exposed in its operations.

(2) A bank shall ensure on the basis of regular reviews that the strategies and processes referred to in the preceding paragraph are comprehensive and proportionate to the nature, scale and complexity of the activities the bank performs, and it shall ensure internal capital adequacy to cover those risks.

(3) In accordance with Article 10 of Regulation (EU) No 575/2013, the Bank of Slovenia may decide to waive, in full or in part, the application of the requirements referred to in paragraphs one and two of this Article for an individual bank affiliated with a central body.

Article 132 **(Internal capital adequacy for market risks)**

(1) Based on established market risk management policies and processes, a bank shall take into account significant market risks that are not the subject of capital requirements in accordance with Regulation (EU) No 575/2013 when assessing and ensuring internal capital adequacy in accordance with the preceding Article.

(2) A bank that, when calculating capital requirements for position risk in accordance with Chapter 2 of Title IV of Part 3 of Regulation (EU) No 575/2013, nets its positions in one or more equity instruments that comprise a stock index with one of more positions in a stock index futures contract or in another stock index product shall ensure internal capital adequacy to cover the basic risk of a loss as the result of different movement in the value of futures contracts or other derivatives relative to the movement in the value of the underlying instruments to which they are tied.

(3) A bank shall also ensure internal capital adequacy whenever it holds opposite positions in stock index futures contracts that do not match in terms of maturity or composition or both.

(4) Banka mora pri uporabi postopka iz 345. člena Uredbe (EU) št. 575/2013 zagotavljati ustrezeni notranji kapital za kritje tveganja izgube, ki obstaja v času od prevzema obveznosti do naslednjega delovnega dne.

133. člen
(raven izpolnjevanja obveznosti glede ustreznega notranjega kapitala)

(1) Banka, ki v Republiki Sloveniji nima položaja podrejene ali nadrejene banke, ter banka, ki ni vključena v bonitetno konsolidacijo v skladu z 19. členom Uredbe (EU) št. 575/2013, morata na posamični podlagi izpolnjevati obveznosti glede ocenjevanja ter zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona.

(2) Nadrejena banka Republike Slovenije mora v obsegu in na način, ki sta določena v 2. in 3. oddelku 2. poglavja II. naslova 1. dela Uredbe (EU) št. 575/2013, na konsolidirani podlagi izpolnjevati obveznosti glede ocenjevanja in zagotavljanja ustreznega notranjega kapitala, v skladu s 131. členom tega zakona.

(3) Banka, ki jo obvladuje nadrejeni finančni holding ali nadrejeni mešani finančni holding Republike Slovenije, mora v obsegu in na način, ki sta določena v 2. in 3. oddelku 2. poglavja II. naslova 1. dela Uredbe (EU) št. 575/2013 izpolnjevati obveznosti glede ocenjevanja ter zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona na podlagi konsolidiranega finančnega položaja tega finančnega holdinga ali mešanega finančnega holdinga.

(4) Če so istemu nadrejenemu finančnemu holdingu ali mešanemu finančnemu holdingu v Republiki Sloveniji ali EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu poleg banke podrejene druge banke ali banke drugih držav članic, se prejšnji odstavek uporablja v skladu in na način, kot je določeno v oddelku 9.3. tega zakona.

(5) Podrejena banka, ki je ali sama ali njen nadrejeni finančni holding ali mešani finančni holding nadrejena ali udeležena v drugi

(4) When applying the procedure referred to in Article 345 of Regulation (EU) No 575/2013, a bank shall ensure internal capital adequacy to cover the risk of a loss that exists from the assumption of the liability until the next working day.

Article 133
(Level of compliance with obligations regarding internal capital adequacy)

(1) A bank that is not a subsidiary or parent bank in the Republic of Slovenia and a bank that is not included in prudential consolidation in accordance with Article 19 of Regulation (EU) No 575/2013 shall fulfil the obligation to assess and ensure internal capital adequacy in accordance with Article 131 of this Act on an individual basis.

(2) A parent bank of the Republic of Slovenia shall fulfil the obligation to assess and ensure internal capital adequacy on a consolidated basis in accordance with Article 131 of this Act to the extent and in the manner determined in Sections 2 and 3 of Chapter 2 of Title II of Part 1 of Regulation (EU) No 575/2013.

(3) A bank that is controlled by a parent financial holding company or parent mixed financial holding company of the Republic of Slovenia shall fulfil the obligation to assess and ensure internal capital adequacy in accordance with Article 131 of this Act based on the consolidated financial position of that financial holding company or mixed financial holding company to the extent and in the manner laid down in Sections 2 and 3 of Chapter 2 of Title II of Part 1 of Regulation (EU) No 575/2013.

(4) If, in addition to the aforementioned bank, other banks or Member State banks are subsidiaries of the same parent financial holding company or mixed financial holding company in the Republic of Slovenia or an EU parent financial holding company or EU parent mixed financial holding company, the preceding paragraph shall apply in accordance with and in the manner provided in Section 9.3. of this Act.

(5) A subsidiary bank that is itself or whose parent financial holding company or mixed financial holding company is the parent of or

kreditni instituciji, finančni instituciji ali družbi za upravljanje s sedežem v tretji državi, mora izpolnjevati obveznosti iz prvega odstavka tega člena na subkonsolidirani podlagi.

134. člen
(raven izpolnjevanja obveznosti glede ureditve notranjega
upravljanja)

(1) Banka mora izpolnjevati zahteve glede ureditve notranjega upravljanja iz 128. člena tega zakona na posamični podlagi, razen v primerih, ko Banka Slovenije za posamezno banko delno ali v celoti opusti uporabo teh zahtev v skladu s 7. členom Uredbe (EU) št. 575/2013.

(2) Banka, ki je podrejena nadrejenemu finančnemu holdingu ali nadrejenemu mešanemu finančnemu holdingu Republike Slovenije oziroma EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu, mora izpolnjevati zahteve glede ureditev notranjega upravljanja iz 128. člena tega zakona na podlagi konsolidiranega finančnega položaja tega finančnega holdinga ali mešanega finančnega holdinga.

(3) Če so istemu nadrejenemu finančnemu holdingu ali mešanemu finančnemu holdingu v Republiki Sloveniji ali EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu poleg banke podrejene druge banke ali banke drugih držav članic, se prejšnji odstavek uporablja v skladu in na način, kot je določeno v oddelku 9.3. tega zakona.

(4) Nadrejena banka Republike Slovenije ter njene podrejene banke morajo izpolnjevati zahteve glede ureditve notranjega upravljanja na konsolidirani ali subkonsolidirani podlagi.

(5) Nadrejena banka Republike Slovenije ter njene podrejene banke morajo zagotoviti, da je ureditev notranjega upravljanja ustrezno integrirana in se dosledno izvaja tudi v vseh njihovih preostalih podrejenih družbah tako, da omogoča pripravo vseh podatkov in informacij, ki so pomembni za nadzor.

holds a participating interest in another credit institution, financial institution or management company established in a third country shall fulfil the obligations referred to in paragraph one of this Article on a sub-consolidated basis.

Article 134
(Level of compliance with obligations regarding internal governance
arrangements)

(1) A bank shall fulfil the requirements regarding the internal governance arrangements referred to in Article 128 of this Act on an individual basis, except in cases where the Bank of Slovenia waives the application of those requirements, in part or in full, in accordance with Article 7 of Regulation (EU) No 575/2013.

(2) A bank that is a subsidiary of a parent financial holding company or parent mixed financial holding company of the Republic of Slovenia or an EU parent financial holding company or EU parent mixed financial holding company shall fulfil the requirements regarding the internal governance arrangements referred to in Article 128 of this Act on the basis of the consolidated financial position of that financial holding company or mixed financial holding company.

(3) If, in addition to the aforementioned bank, other banks or Member State banks are subsidiaries of the same parent financial holding company or mixed financial holding company in the Republic of Slovenia or an EU parent financial holding company or EU parent mixed financial holding company, the preceding paragraph shall apply in accordance with and in the manner provided in Section 9.3. of this Act.

(4) A parent bank of the Republic of Slovenia and its subsidiary banks shall fulfil the requirements regarding internal governance arrangements on a consolidated or sub-consolidated basis.

(5) A parent bank of the Republic of Slovenia and its subsidiary banks shall ensure that the internal governance arrangements are appropriately integrated and that they are consistently implemented at all of their other subsidiaries in such a manner that facilitates the compilation of all data and information important for supervision.

(6) Ne glede na prejšnji odstavek nadrejena banka Republike Slovenije ali banka, ki je podrejena EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu, ni zavezana k izpolnjevanju glede ureditev notranjega upravljanja v zvezi s podrejenimi družbami s sedežem v tretji državi, če Banki Slovenije dokaže, da je izpolnjevanje teh zahtev v nasprotju z veljavnimi predpisi tretje države.

135. člen (podzakonski predpisi)

Banka Slovenije predpiše podrobnejša pravila:

1. o ureditvi notranjega upravljanja, vključno s podrobnejšimi pravili glede upravljanja tveganj ter politike in praks prejemkov;
2. o ocenjevanju ustreznega notranjega kapitala;
3. v zvezi s poročanjem, podrobnejšo vsebino obvestil in poročil o okoliščinah v zvezi z izpolnjevanjem zahtev na podlagi tega zakona ali Uredbe (EU) št. 575/2013 ter roke in način poročanja.

6.2. Organizacijska struktura

6.2.1. Odgovornost uprave in nadzornega sveta

136. člen (delovanje uprave)

(1) Uprava banke mora vzpostaviti in izvajati takšno ureditev notranjega upravljanja banke iz 128. člena tega zakona, ki omogoča učinkovito in skrbno upravljanje banke na podlagi jasne opredelitve pristojnosti in odgovornosti v banki ter politik in ukrepov za preprečevanje nastanka nasprotja interesov.

(2) Za namene iz prejšnjega odstavka je uprava banke v celoti odgovorna za poslovanje banke in njeno upravljanje tveganj, vključno z:

(6) Notwithstanding the preceding paragraph, a parent bank of the Republic of Slovenia or a subsidiary bank of an EU parent financial holding company or EU parent mixed financial holding company shall not be obliged to fulfil the requirements regarding internal governance arrangements in connection with subsidiaries established in a third country if it proves to the Bank of Slovenia that the fulfilment of those requirements is in contravention of the valid regulations of that third country.

Article 135 (Implementing regulations)

The Bank of Slovenia shall prescribe detailed rules:

1. regarding internal governance arrangements, including detailed risk management rules and remuneration policy and practices;
2. regarding the assessment of internal capital adequacy; and
3. in connection with reporting, the detailed content of notifications and reports on circumstances in connection with the fulfilment of requirements based on this Act or Regulation (EU) No 575/2013, and the time limits and manner of reporting.

6.2. Organisational structure

6.2.1. Responsibility of the management board and supervisory board

Article 136 (Functioning of the management board)

(1) A bank's management board shall establish and implement such internal governance arrangements, as referred to in Article 128 of this Act, as facilitate the effective and prudent governance of the bank based on clearly defined competences and responsibilities and on policies and measures to prevent conflicts of interest.

(2) For the purposes of the preceding paragraph, a bank's management board shall be fully responsible for the bank's operations

1. odobritvijo strateških ciljev banke, določanjem, sprejemanjem in rednim pregledovanjem strategije prevzemanja in upravljanja tveganj ter ureditvijo notranjega upravljanja banke;
2. zagotavljanjem celovitosti sistemov računovodskega in finančnega poročanja, ki vključujejo tudi finančni in operativni nadzor ter zagotavljanje skladnosti poslovanja banke z veljavnimi predpisi in standardi;
3. nadzorovanjem postopkov razkrivanja informacij banke ter postopkov obveščanja pristojnih organov in drugih zainteresiranih strani;
4. zagotavljanjem učinkovitega nadzora nad višjim vodstvom.

(3) Uprava banke mora spremljati in redno ocenjevati učinkovitost ureditev notranjega upravljanja ter zagotoviti ustrezne ukrepe za odpravo morebitnih pomanjkljivosti.

(4) Uprava banke mora nemudoma pisno obvestiti nadzorni svet:

1. če nastopijo ali obstaja verjetnost, da bodo nastopili razlogi za prenehanje ali odvzem dovoljenja za opravljanje bančnih storitev ali finančnih storitev oziroma prepoved opravljanja posameznih poslov, ki jih opravlja banka;
2. če se položaj banke spremeni tako, da banka ne zagotavlja ali verjetno ne bo zagotavljala kapitalske ustreznosti iz 129. člena tega zakona ali ustrezne likvidnosti iz 130. člena tega zakona;
3. o ugotovitvah Banke Slovenije, davčne inšpekcije in drugih nadzornih organov v postopkih nadzora nad banko;
4. o drugih zadevah, kadar je to treba ali je primerno zaradi izvajanja pristojnosti in dolžnosti nadzornega sveta v skladu s tem ali drugim zakonom, zlasti o okoliščinah, da so v banki nastopile ali bodo verjetno nastopile pomembnejše kršitve predpisov iz drugega odstavka 9. člena tega zakona.

137. člen
(delovanje nadzornega sveta)

and its risk management, including:

1. approving the bank's strategic objectives, formulating, adopting and regularly reviewing the strategy on the taking up and management of risks, and the bank's internal governance arrangements;
2. ensuring the integrity of accounting and financial reporting systems, which also include financial and operational supervision, and ensuring the compliance of the bank's operations with valid regulations and standards;
3. supervising the procedures of disclosure of information by the bank and the notification of competent authorities and other interested parties; and
4. ensuring the effective supervision of senior management.

(3) A bank's management board shall monitor and regularly assess the effectiveness of internal governance arrangements and ensure appropriate measures for the elimination of potential deficiencies.

(4) A bank's management board shall notify the supervisory board in writing without delay:

1. if reasons arise, or it is likely that reasons will arise, for the cessation or withdrawal of authorisation to provide banking or financial services or for the prohibition of the execution of individual transactions that the bank executes;
2. if the bank's position changes in such a manner that the bank fails to ensure or it is likely that it will fail to ensure capital adequacy referred to in Article 129 of this Act or liquidity adequacy referred to in Article 130 of this Act;
3. regarding the findings of the Bank of Slovenia, tax inspectors and other supervisory authorities during the supervisory procedures of the bank; and
4. regarding other matters whenever this is necessary or appropriate in order for the supervisory board to exercise its powers and perform its duties in accordance with this or another Act, in particular about circumstances that serious breaches of regulations referred to in paragraph two of Article 9 of this Act have arisen or are likely to arise at the bank.

Article 137
(Functioning of the supervisory board)

(1) Nadzorni svet mora v okviru izvajanja funkcij nadzora nad delovanjem uprave ter pri sprejemanju politik in odločitev v pristojnosti nadzornega sveta zlasti nadzorovati izvajanje strateških ciljev banke, določati, sprejemati in redno pregledovati strategije prevzemanja in upravljanja tveganj ter prispevati k vzpostavitvi in uresničevanju stabilne ureditve notranjega upravljanja banke iz 128. člena tega zakona ter pri tem upoštevati politike in ukrepe za preprečevanje nastanka nasprotja interesov.

(2) Nadzorni svet z izvajanjem nadzora nad delovanjem uprave ter izvajanjem svojih pristojnosti v skladu s tem zakonom skupaj z upravo banke prevzema splošno odgovornost za učinkovito in skrbno upravljanje banke.

(3) Uprava banke mora zagotoviti ustrezne kadrovske in finančne vire za uvajanje in usposabljanje članov nadzornega sveta in komisije za tveganja, kadar je ustanovljena, vključno z zagotavljanjem možnosti uporabe zunanjih strokovnjakov za obravnavo posameznih vprašanj.

138. člen (funkcija upravljanja tveganj)

(1) Uprava banke mora organizirati funkcijo upravljanja tveganj, ki je neposredno podrejena upravi banke ter funkcionalno in organizacijsko ločena od drugih funkcij banke, pri katerih lahko prihaja do nasprotja interesov s funkcijo upravljanja tveganj ter mora pri tem upoštevati naravo, obseg in zapletenost dejavnosti, ki jih opravlja. Funkcijo upravljanja tveganj mora voditi oseba na položaju višjega vodje v banki.

(2) Uprava banke mora zagotoviti, da ima funkcija upravljanja tveganj ustrezna pooblastila in vpliv za opravljanje te funkcije ter zadostne kadrovske in finančne vire za učinkovito upravljanje tveganj.

(3) Kadar narava, obseg in zapletenost dejavnosti, ki jih

(1) The supervisory board shall, when supervising the work of the management board and adopting policies and making decisions in the scope of its powers, in particular supervise the implementation of the bank's strategic objectives, formulate, adopt and regularly review the strategies for taking up and managing risks, and contribute to the establishment and implementation of the bank's stable internal governance arrangements referred to in Article 128 of this Act. To that end, it shall take into account policies and measures for preventing conflicts of interest.

(2) By supervising the work of the management board and exercising its powers in accordance with this Act, the supervisory board assumes general responsibility, together with the management board, for the effective and prudent governance of the bank.

(3) A bank's management board shall ensure the requisite human and financial resources to induct and train members of the supervisory board and the risk committee, whenever the latter has been established, including the provision of the possibility of hiring external experts to handle specific issues.

Article 138 (Risk management function)

(1) A bank's management board shall organise a risk management function that reports directly to the former and that is functionally and organisationally separated from the bank's other functions in which conflicts of interest could arise *vis-à-vis* the risk management function. To that end, it shall take into account the nature, scale and complexity of the activities it performs. The risk management function shall be headed by a person in a senior management position at the bank.

(2) A bank's management board shall ensure that the risk management function has the requisite authorisation and influence to perform that function and sufficient human and financial resources for effective risk management.

(3) Whenever the nature, scale and complexity of the activities

opravlja banka, ne upravičujejo imenovanja posebne osebe na položaju višjega vodstva za vodenje funkcije upravljanja tveganj, lahko to funkcijo opravlja oseba na položaju višjega vodstva v banki, ki opravlja tudi druge funkcije višjega vodstva, če pri tem ni nasprotja interesov.

(4) Funkcija upravljanja tveganj mora zagotoviti zlasti:

1. da so vsa pomembna tveganja ugotovljena, ocenjena oziroma izmerjena in da se o njih ustrezno poroča;
2. aktivno sodelovanje pri pripravi strategije upravljanja tveganj banke in pri vseh pomembnih odločitvah glede upravljanja tveganj;
3. oblikovanje celovitega pregleda nad tveganji, ki jim je banka pri svojem poslovanju izpostavljena ali bi jim lahko bila.

(5) Vodja funkcije upravljanja tveganj je neodvisen in neposredno odgovoren upravi banke in mora upravi banke poročati o vseh okoliščinah, ki vplivajo ali bi lahko vplivale na specifičen razvoj tveganj banke, ter mora imeti neposredni dostop do nadzornega sveta. Za razrešitev vodje službe upravljanja tveganj mora uprava pridobiti soglasje nadzornega sveta.

(6) Vodja funkcije upravljanja tveganj mora o vseh pomembnih tveganjih in okoliščinah, ki vplivajo ali bi lahko vplivale na profil tveganosti banke, na lastno pobudo nemudoma obvestiti upravo banke. Če uprava ne sprejme ustreznih ukrepov, obvesti vodja funkcije upravljanja tveganja o tveganjih in okoliščinah predsednika oziroma predsednico nadzornega sveta (v nadaljnjem besedilu: predsednik nadzornega sveta) in predsednika komisije za tveganja.

(7) Uprava banke mora omogočiti vodji funkcije upravljanja tveganj, da v primeru specifičnega razvoja tveganj, ki vplivajo ali bi lahko vplivale na profil tveganosti banke, neodvisno od uprave banke obvesti predsednika nadzornega sveta in predsednika komisije za tveganja ter mu v zvezi s tem izrazi morebitne pomisleke ali posreduje opozorila.

139. člen
(posredovanje informacij o tveganjih)

a bank performs fail to justify the appointment of a special person to a senior management position to head the risk management function, that function may be performed by a person in a senior management position at the bank who also performs other senior management functions, provided that this does not result in any conflict of interest.

(4) In particular, the risk management function shall ensure:

1. that all significant risks are identified, assessed or measured and reported on appropriately;
2. active participation in the drafting of the bank's risk management strategy and in all important decisions regarding risk management; and
3. the formulation of a comprehensive overview of the risks to which the bank is or could be exposed in its operations.

(5) The head of the risk management function shall be independent and directly accountable to the bank's management board and shall report all circumstances to the bank's management board that affect or could affect the specific development of the risks to which the bank is exposed, and shall have direct access to the supervisory board. The management board shall obtain the supervisory board's consent to dismiss the head of the risk management function.

(6) The head of the risk management function shall report all significant risks and circumstances that affect or could affect the bank's risk profile to the management board without delay on their own initiative. If the management board fails to adopt appropriate measures, the head of the risk management function shall notify the chairperson of the supervisory board and the chairperson of the risk committee of the risks and circumstances.

(7) A bank's management board shall ensure that the head of the risk management function is able to notify the chairperson of the supervisory board and the chairperson of the risk committee, independently of the management board, in the event of the specific development of risks that affect or could affect the bank's risk profile and to express any concerns or forward warnings in that respect to them.

Article 139
(Submission of risk-related information)

(1) Nadzorni svet in komisija za tveganja lahko zahtevata od uprave banke vse informacije, ki so pomembne za ugotovitev profila tveganosti banke, ter določita vsebino, obseg, obliko in pogostost sporočanja informacij, ki jih mora predložiti uprava banke.

(2) Nadzorni svet in komisija za tveganja lahko za obravnavo posameznih vprašanj v zvezi s profilom tveganosti banke zahtevata pojasnila tudi od vodje funkcije upravljanja tveganj.

(3) Ne glede na prvi in drugi odstavek tega člena sta uprava banke in nadzorni svet v celoti odgovorna za oblikovanje in izvajanje strategije in politike glede prevzemanja, upravljanja, spremljanja in obvladovanja tveganj banke.

140. člen **(sistem obveščanja o kršitvah)**

(1) Banka mora vzpostaviti sistem obveščanja o kršitvah v banki, ki omogočajo zaposlenim v banki, da prek neodvisnih in samostojnih poročevalskih linij interno poročajo o kršitvah predpisov in internih aktov banke. Banka lahko za ta namen uporabi tudi sisteme, ki so vzpostavljeni v banki v okviru neodvisnega organiziranega delovanja zaposlenih v banki, če so izpolnjeni pogoji iz tega člena.

(2) Sistem iz prejšnjega odstavka mora omogočati enostaven in lahko dostopen način posredovanja prijav zaposlenih ter vključevati jasno opredeljene postopke za sprejem in obravnavo prijav, vključno s poročanjem o ugotovitvah v zvezi s prejetimi prijavami ter izvedenih aktivnostih.

(3) Banka lahko upoštevač določbe zakona, ki ureja varstvo osebnih podatkov, za namene obravnave prijav iz prvega odstavka tega člena, vključno s poročanjem o ugotovitvah v zvezi s prejetimi prijavami ter izvedenih aktivnostih, obdeluje osebne podatke osebe, ki je podala prijavo, in osebe, ki je domnevno odgovorna za kršitev. Banka mora zagotoviti, da se vsi podatki o osebah, ki so podale prijavo iz prvega

(1) The supervisory board and risk committee may request from a bank's management board all information important for establishing the bank's risk profile and define the content, extent, form and frequency for the reporting of information that the bank's management board is obliged to submit.

(2) The supervisory board and risk committee may also request clarifications from the head of the risk management function for the purpose of discussing specific issues relating to the bank's risk profile.

(3) Notwithstanding paragraphs one and two of this Article, a bank's management board and supervisory board shall be fully responsible for the formulation and implementation of the strategy and policy for taking up, managing, monitoring and controlling the risks to which the bank is exposed.

Article 140 **(System for reporting breaches)**

(1) A bank shall establish a system for reporting internal breaches that allows bank employees to report breaches of regulations and the bank's internal acts internally via independent and autonomous reporting channels. To that end, the bank may also use systems that were set up at the bank in the scope of the independently organised activities of bank employees, provided that the conditions referred to in this Article are fulfilled.

(2) The system referred to in the preceding paragraph shall facilitate a simple and easily accessible manner for employees to report breaches and shall include clearly defined procedures for receiving and handling reports, including reporting on findings in connection with reports received and activities carried out.

(3) Taking into account the provisions of the Act governing personal data protection, a bank may process the personal data of the person who has reported a breach and the person allegedly responsible for that breach for the purpose of handling the reports referred to in paragraph one of this Article, including reporting on findings in connection with reports received and activities carried out. The bank shall ensure that

odstavka tega člena, obravnavajo kot zaupni in teh podatkov ne sme razkriti brez soglasja oseb, ki so podale prijavo, razen kadar je razkritje identitete prijavitelja v skladu z zakonom nujna za izvedbo kazenskega postopka ali nadaljnjih sodnih postopkov.

(4) Banka mora zagotoviti ukrepe, s katerimi se preprečijo povračilni ukrepi, diskriminacija ali druge oblike neprimerne obravnave zaposlenih v banki, ki so podali prijavo iz prvega odstavka tega člena, in ukrepe, s katerimi se odpravijo posledice povračilnih ukrepov, če je do neprimerne obravnave že prišlo.

6.2.2. Služba notranje revizije in služba skladnosti poslovanja

141. člen (služba notranje revizije)

(1) Uprava mora organizirati službo notranje revizije kot samostojni organizacijski del, ki je neposredno podrejen upravi banke ter funkcionalno in organizacijsko ločen od drugih organizacijskih delov banke.

(2) Namen, pomen in naloge službe notranje revizije morajo biti opredeljeni v internem aktu, ki ga sprejme uprava banke v soglasju z nadzornim svetom banke.

142. člen (naloge notranje revizije)

- (1) Notranje revidiranje obsega:
1. spremljanje in ocenjevanje učinkovitosti ureditve notranjega upravljanja;
 2. presojo procesa ocenjevanja ustreznega notranjega kapitala glede na lastno oceno tveganj banke;
 3. presojo zanesljivosti informacijskega sistema, vključno z elektronskim informacijskim sistemom in elektronskimi bančnimi storitvami;
 4. presojo zanesljivosti in verodostojnosti računovodskih evidenc in

all data regarding the persons who have reported breaches referred to in paragraph one of this Article are treated as confidential and shall not disclose such data without the consent of those persons, except when disclosure of the identity of the reporting party is necessary in accordance with an Act for conducting criminal proceedings or subsequent judicial proceedings.

(4) A bank shall ensure measures to prevent retaliatory measures, discrimination or other forms of inappropriate treatment of bank employees who have reported breaches referred to in paragraph one of this Article and measures to reverse the consequences of retaliatory measures if inappropriate treatment has already occurred.

6.2.2. Internal audit department and compliance department

Article 141 (Internal audit department)

(1) A bank's management board shall organise an internal audit department as an independent organisational unit that reports directly to the bank's management board and is functionally and organisationally separated from other organisational units of the bank.

(2) The purpose, importance and tasks of the internal audit department shall be defined in an internal act adopted by the bank's management board with the supervisory board's consent.

Article 142 (Tasks of the internal audit department)

- (1) Internal auditing shall comprise the following:
1. monitoring and assessing the effectiveness of internal governance arrangements;
 2. evaluation of the internal capital adequacy assessment process with respect to the bank's internal risk assessment;
 3. assessment of the reliability of the information system, including the electronic information system and electronic banking services;
 4. assessment of the reliability and credibility of accounting records and

- finančnih poročil;
5. preverjanje popolnosti, zanesljivosti in pravočasnosti poročanja v skladu s predpisi;
 6. preverjanje skladnosti ravnanja banke s predpisi, internimi akti in ukrepi, sprejetimi na njihovi podlagi;
 7. izvajanje posebnih preiskav.

(2) Služba notranje revizije opravlja notranje revidiranje poslovanja v skladu s:

1. standardi strokovnega ravnanja pri notranjem revidiranju;
2. kodeksom načel notranjega revidiranja;
3. kodeksom poklicne etike notranjih revizorjev.

143. člen **(delavci službe notranje revizije)**

(1) Za opravljanje nalog notranjega revidiranja mora biti v banki zaposlena najmanj ena oseba, ki je pridobila naziv preizkušeni notranji revizor ali preizkušena notranja revizorka v skladu z zakonom, ki ureja revidiranje, ter ima ustrezne lastnosti in izkušnje za opravljanje nalog notranjega revidiranja v banki v skladu z dobrimi praksami in visokimi etičnimi standardi.

(2) Osebe, ki opravljajo naloge notranjega revidiranja, v banki ne smejo opravljati nobenih drugih nalog.

(3) Nalog notranjega revidiranja ne smejo opravljati člani uprave banke.

144. člen **(letni načrt dela službe notranje revizije in poročilo o notranjem revidiranju)**

(1) Letni načrt dela službe notranje revizije mora biti zasnovan na oceni tveganj, pridobljeni najmanj enkrat letno.

(2) Uprava banke v soglasju z nadzornim svetom sprejme letni načrt dela službe notranje revizije.

- financial reports;
5. verification of the integrity, reliability and timeliness of reporting in accordance with regulations;
 6. verification of the bank's compliance with regulations and internal acts and measures adopted on the basis thereof; and
 7. conducting special investigations.

(2) The internal audit department shall conduct an internal audit of operations in accordance with:

1. Standards for the Professional Practice of Internal Auditing;
2. the Code of Internal Auditing Principles; and
3. the Code of Ethics of Internal Auditors.

Article 143 **(Internal audit department employees)**

(1) To perform internal audit tasks, a bank shall employ at least one person who has obtained the title of certified internal auditor in accordance with the Act governing auditing and who possesses the requisite traits and experience to perform internal audit tasks at the bank in compliance with best practices and high ethical standards.

(2) Persons who perform internal audit tasks shall not perform any other tasks at a bank.

(3) Internal audit tasks shall not be performed by members of a bank's management board.

Article 144 **(Annual work plan of the internal audit department and internal audit report)**

(1) The internal audit department's annual work plan shall be based on a risk assessment obtained at least once a year.

(2) The bank's management board shall adopt the internal audit department's annual work plan with the consent of the supervisory board.

(3) Letni načrt dela službe notranje revizije mora obsegati:

1. področja poslovanja, na katerih bo služba notranje revizije opravila pregled poslovanja;
2. opis vsebine načrtovanih pregledov poslovanja po posameznih področjih.

(4) Služba notranje revizije mora najmanj za vsako polletje izdelati poročilo o notranjem revidiranju, ki obsega:

1. opis vsebine opravljenih pregledov poslovanja;
2. splošno oceno primernosti in učinkovitosti upravljanja tveganj;
3. primernost in učinkovitost delovanja sistemov notranjih kontrol;
4. kršitve in nepravilnosti, ki jih je služba notranje revizije ugotovila pri posameznem pregledu poslovanja, in predlog ukrepov za odpravo teh kršitev in nepravilnosti;
5. ugotovitve v zvezi z odpravo kršitev in nepravilnosti, ki jih je ugotovila služba notranje revizije.

(5) Služba notranje revizije mora izdelati letno poročilo o notranjem revidiranju, ki obsega:

1. poročilo o uresničitvi letnega načrta dela,
2. oceno skladnosti prakse prejemkov s politiko prejemkov in
3. povzetek pomembnejših ugotovitev opravljenih pregledov poslovanja.

(6) Polletno in letno poročilo mora služba notranje revizije predložiti upravi banke in nadzornemu svetu.

(7) Uprava banke mora skupščini banke predložiti letno poročilo o notranjem revidiranju z mnenjem nadzornega sveta hkrati s predložitvijo letnega poročila banke in poročila nadzornega sveta iz 282. člena ZGD-1.

145. člen
(obveščanje uprave banke in nadzornega sveta)

(3) The internal audit department's annual work plan shall include:

1. the areas of operations that will be subject to auditing by the internal audit department and
2. a description of the content of planned audits of operations by individual areas.

(4) The internal audit department shall draw up an internal audit report at least every six months that includes:

1. a description of the content of performed audits of operations;
2. a general assessment of the appropriateness and effectiveness of risk management;
3. appropriateness and effectiveness of the functioning of internal control systems;
4. any breaches and irregularities that the internal audit department identified during an individual audit of operations and proposed measures to eliminate those breaches and irregularities; and
5. findings related to the elimination of the breaches and irregularities that were identified by the internal audit department.

(5) The internal audit department shall draw up an annual internal audit report that includes:

1. a report on the realisation of the annual work plan;
2. an assessment of the compliance of remuneration practices with the remuneration policy; and
3. a summary of significant findings of the performed audits of operations.

(6) The internal audit department shall submit its half-yearly and annual reports to the bank's management board and supervisory board.

(7) The management board shall submit the annual internal audit report with the supervisory board's opinion to the bank's general meeting, together with the bank's annual report and the report of the supervisory board referred to in Article 282 of the ZGD-1.

Article 145
(Notification of a bank's management board and supervisory board)

(1) Če služba notranje revizije pri pregledu poslovanja ugotovi, da banka krši pravila o upravljanju tveganj ter je zaradi tega ogrožena likvidnost ali kapitalska ustreznost banke ali da je ogrožena varnost poslovanja in lahko nastopi možnost aktiviranja jamstva za zajamčene vloge, mora o tem nemudoma obvestiti upravo banke. Če uprava ne sprejeme ustreznih ukrepov, mora služba notranje revizije o tem nemudoma obvestiti nadzorni svet.

(2) Če služba notranje revizije pri pregledu poslovanja ugotovi, da uprava banke krši pravila o upravljanju tveganj, mora o tem nemudoma obvestiti upravo in nadzorni svet.

(3) Če uprava ne sprejeme ustreznih ukrepov, da se odpravijo ugotovljene kršitve iz prvega odstavka tega člena ali če uprava in nadzorni svet ne sprejmeta ustreznih ukrepov, da se odpravijo ugotovljene kršitve iz prejšnjega odstavka, mora služba notranje revizije o tem nemudoma obvestiti Banko Slovenije.

146. člen (služba skladnosti poslovanja)

(1) Pomembna banka organizira službo skladnosti poslovanja, ki je neposredno podrejena upravi banke ter funkcionalno in organizacijsko ločena od drugih funkcij banke, pri katerih lahko prihaja do nasprotja interesov s funkcijo skladnosti poslovanja.

(2) Funkcija skladnosti poslovanja ugotavlja tveganje skladnosti poslovanja banke, ki jim je banka izpostavljena ali bi jim lahko bila izpostavljena pri svojem poslovanju, iz naslova kršitev veljavnih predpisov ali zahtev Banke Slovenije oziroma Evropske centralne banke, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz prvega odstavka 4. člena te uredbe, sklenjenih pogodb, predpisanih praks ali etičnih standardov, ki bi lahko vplivale na dohodke, kapital ali ugled banke.

(1) If, during an audit of operations, the internal audit department establishes that a bank is in breach of risk management rules and is thus susceptible to the risk of illiquidity or capital inadequacy of the bank or the security of operations is jeopardised and the deposit guarantee scheme could be activated, it shall notify the bank's management board accordingly without delay. If the management board fails to adopt appropriate measures, the internal audit department shall notify the supervisory board without delay.

(2) If, during an audit of operations, the internal audit department establishes that the bank's management board is in breach of risk management rules, it shall notify the management board and supervisory board without delay.

(3) If the management board fails to adopt the appropriate measures to eliminate the established breaches referred to in paragraph one of this Article, or if the management board and supervisory board fail to adopt appropriate measures to eliminate the established breaches referred to in the preceding paragraph, the internal audit department shall notify the Bank of Slovenia without delay.

Article 146 (Compliance department)

(1) A significant bank shall organise a compliance department that reports directly to the bank's management board and that is functionally and organisationally separated from bank's other functions in which conflicts of interest could arise *vis-à-vis* the compliance function.

(2) The compliance function shall identify the risks associated with the compliance of operations to which a bank is or could be exposed in its operations due to a breach of valid regulations or requirements of the Bank of Slovenia or the European Central Bank, whenever the latter is responsible for performing the tasks referred to in Article 4(1) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, or due to the breach of concluded agreements, prescribed practices or ethical standards that could impact on the bank's revenues, capital or reputation.

(3) Funkcija skladnosti poslovanja o svojih ugotovitvah poroča upravi in nadzornemu svetu, ter kadar je ustrezno, funkciji upravljanja tveganj.

6.3. Upravljanje tveganj

6.3.1. Splošne določbe o upravljanju tveganj

147. člen (strategija in politika upravljanja)

(1) Uprava in nadzorni svet banke sta v okviru svojih pristojnosti in dolžnosti na podlagi tega zakona odgovorna za določanje, sprejemanje in redno pregledovanje strategije in politike prevzemanja in upravljanja tveganj, ki jim je banka izpostavljena ali bi jim lahko bila izpostavljena pri svojem poslovanju, vključno s tveganji, ki izvirajo iz makroekonomskega okolja, v katerem banka posluje, z upoštevanjem vsakokratnega poslovnega cikla. Strategija in politika upravljanja tveganj vključujejo usmeritve za prevzemanje tveganj ter postopke in orodja za upravljanje tveganj.

(2) Uprava mora zagotoviti ustrezne kadrovske in finančne vire za učinkovito in celostno obravnavo tveganj v banki, vključno z ugotavljanjem, merjenjem oziroma ocenjevanjem, spremljanjem in obvladovanjem tveganj, ki jim je banka izpostavljena pri svojem poslovanju ali bi jim lahko bila.

(3) Uprava in nadzorni svet morata nameniti dovolj časa obravnavi tveganj in morata vzpostaviti sistem poročanja, ki zagotavlja, da sta uprava in nadzorni svet pravočasno seznanjena o vseh pomembnih tveganjih banke, in ki upošteva politiko upravljanja tveganj in njene spremembe.

(4) Uprava in nadzorni svet morata zlasti aktivno sodelovati pri odločitvah v zvezi z obravnavo pomembnih tveganj, opredeljenih v tem zakonu in Uredbi (EU) št. 575/2013, vključno z vrednotenjem sredstev,

(3) The compliance function shall report its findings to the management board and supervisory board and to the risk management function as appropriate.

6.3. Risk management

6.3.1. General provisions regarding risk management

Article 147 (Management strategy and policy)

(1) In the scope of their powers and duties on the basis of this Act, a bank's management board and supervisory board shall be responsible for defining, adopting and regularly reviewing the strategy and policy for taking up and managing the risks to which the bank is or could be exposed in its operations, including risks deriving from the macroeconomic environment in which the bank operates, taking into account each business cycle. The risk management strategy and policy shall include guidelines for taking on risks and procedures and tools for managing them.

(2) The management board shall ensure the requisite human and financial resources for the effective and comprehensive treatment of risks at the bank, including the identification, measurement or assessment, monitoring and management of risks to which the bank is or could be exposed in its operations.

(3) The management board and supervisory board shall dedicate sufficient time to the treatment of risks and shall establish a reporting system that ensures that the management board and supervisory board are notified in a timely manner of all significant risks to which a bank is exposed and that takes into account the risk management policy and changes thereto.

(4) In particular, the management board and supervisory board shall actively take part in decisions relating to the treatment of the significant risks defined in this Act and Regulation (EU) No 575/2013,

uporabo zunanjih bonitetnih ocen in notranjih modelov, povezanih s temi tveganji.

148. člen
(aktivnosti za upravljanje tveganj)

(1) Banka mora določiti načrt aktivnosti za upravljanje tveganj v skladu s strategijami in politikami iz prejšnjega člena, ki obsega zlasti postopke za ugotavljanje, merjenje oziroma ocenjevanje, obvladovanje tveganj ter način spremljanja izvajanja teh postopkov.

(2) Banka mora v načrtu iz prejšnjega odstavka določiti postopke in aktivnosti za upravljanje vsake vrste tveganj, ki jim je banka izpostavljena ali bi jim lahko bila pri posameznih vrstah storitev, ki jih opravlja, in za tveganja, ki jim je izpostavljena ali bi jim lahko bila pri vseh dejavnostih, ki jih opravlja.

(3) Načrt iz prvega odstavka tega člena sprejme uprava banke s soglasjem nadzornega sveta ter po posvetovanju s komisijo za tveganja, kadar je ta imenovana.

6.3.2. Poslovanje z osebami v posebnem razmerju z banko

149. člen
(obravnava tveganj pri poslovanju z osebami v posebnem razmerju z banko)

(1) Banka mora vzpostaviti in izvajati politiko in postopke za ugotovitev poslov z osebami v posebnem razmerju z banko, določanje pogojev in omejitev za nastanek izpostavljenosti do teh oseb, spremljanje izpostavljenosti in njihovo upravljanje, vključno s pogoji za uporabo morebitnih izjem od sprejete politike in postopkov.

(2) Oseba v posebnem razmerju z banko je:

1. član uprave banke oziroma njegov ožji družinski član;

including the valuation of assets, and the use of external credit ratings and internal models associated with those risks.

Article 148
(Risk management activities)

(1) A bank shall formulate an action plan for managing risks in accordance with the strategies and policies referred to in the preceding Article that includes, in particular, procedures for identifying, measuring or assessing and managing risks, and a manner for monitoring the implementation of those procedures.

(2) In the plan referred to in the preceding paragraph, a bank shall determine the procedures and activities for managing each type of risk to which the bank is or could be exposed at individual types of services it provides and for the risks to which the bank is or could be exposed in all activities that it performs.

(3) The plan referred to in paragraph one of this Article shall be adopted by a bank's management board with the supervisory board's consent and following consultation with the risk committee if one has been appointed.

6.3.2. Transactions with persons in a special relationship with a bank

Article 149
(Treatment of risks in transactions with persons in a special relationship with a bank)

(1) A bank shall establish and implement a policy and procedures for identifying transactions with persons in a special relationship with the bank, for setting conditions and limitations on exposure to such persons, and for monitoring and managing exposure, including conditions for the application of possible exceptions from the adopted policy and procedures.

(2) A person in a special relationship with a bank includes:

1. a member of the bank's management board or their immediate family

2. član nadzornega sveta banke oziroma njegov ožji družinski član;
3. prokurist banke oziroma njegov ožji družinski član;
4. član višjega vodstva banke;
5. pravna oseba, katere član uprave, član nadzornega sveta oziroma prokurist je hkrati član uprave, nadzornega sveta ali prokurist banke;
6. pravna oseba, v kateri ima član uprave, nadzornega sveta ali prokurist banke oziroma ožji družinski član teh oseb kvalificiran delež;
7. imetnik kvalificiranega deleža v banki;
8. pravna oseba, v kateri ima banka kvalificiran delež;
9. član uprave, član nadzornega sveta, član drugega organa vodenja ali nadzora oziroma prokurist pravne osebe iz 7. in 8. točke tega odstavka;
10. druga oseba, ki jo banka opredeli kot osebo v posebnem razmerju z banko zaradi narave razmerja te osebe z banko oziroma osebami iz 1. do 9. točke tega odstavka, ker lahko pri poslovanju banke s temi osebami prihaja do nasprotja interesov.

(3) Član uprave, nadzornega sveta in prokurist banke mora banki ob nastopu funkcije sporočiti imena in firme oseb, ki se zaradi razmerja s tem članom na podlagi prejšnjega odstavka štejejo kot osebe v posebnem razmerju z banko, ter banko nemudoma obvestiti o spremembah, ki vplivajo na opredelitev posamezne osebe kot osebe v posebnem razmerju z banko.

(4) Banka mora vzdrževati seznam oseb v posebnem razmerju z banko ter zagotoviti ustrezno poročanje o izpostavljenosti do teh oseb Banki Slovenije ali Evropski centralni banki, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz točke (d) prvega odstavka 4. člena te uredbe.

150. člen

(poslovanje banke z osebami v posebnem razmerju z banko)

- member;
2. a member of the bank's supervisory board or their immediate family member;
3. a bank's procurator or their immediate family member;
4. a member of the bank's senior management;
5. a legal person whose management board member, supervisory board member or procurator is at the same time also a member of the management board or supervisory board or procurator of the bank;
6. a legal person in which a qualifying holding is held by a member of the management board or supervisory board or procurator of the bank or the immediate family member of those persons;
7. the holder of a qualifying holding in the bank;
8. a legal person in which the bank holds a qualifying holding;
9. the member of a management board, the member of a supervisory board, the member of another management or supervisory body or the procurator of the legal person referred to in points 7 and 8 of this paragraph; and
10. another person whom the bank defines as a person in a special relationship with the bank due to the nature of that person's relationship with the bank or with the persons referred to in points 1 to 9 of this paragraph as conflicts of interest could arise in relation to those persons in the bank's operations.

(3) When assuming their function, a member of the management board, supervisory board and the procurator of a bank shall notify the latter of the name and company name of persons deemed to be in a special relationship with the bank due to their relationship with such a member based on the preceding paragraph and notify the bank without delay of any changes that affect the definition of an individual person deemed to be a person in a special relationship with the bank.

(4) A bank shall maintain a list of persons in a special relationship with the bank and ensure the appropriate reporting of exposure to those persons to the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(d) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation.

Article 150

(Transactions with persons in a special relationship with a bank)

(1) Banka sklepa pravne posle s posamezno osebo, ki ima položaj osebe v posebnem razmerju z banko, po pogojih, ki niso ugodnejši od tistih, ki jih banka v istem obdobju običajno sklepa z drugimi osebami.

(2) Ne glede na prejšnji odstavek lahko banka izjemoma sklene pravni posel z osebo v posebnem razmerju z banko pod ugodnejšimi pogoji od običajnih, če so podani objektivno utemeljeni razlogi za sklenitev posla pod ugodnejšimi pogoji, zlasti pa v primeru prestrukturiranja dolžnika, ki je oseba v posebnem razmerju z banko.

(3) Predhodno soglasje nadzornega sveta banke je treba pridobiti za:

1. sklenitev pravnega posla z osebo v posebnem razmerju z banko, če zaradi tega posla ali skupne vrednosti vseh poslov celotna izpostavljenost banke do posamezne osebe, vključno s posredno izpostavljenostjo, doseže ali preseže 100.000 eurov, in za vsak nadaljnji posel, zaradi katerega se celotna izpostavljenost banke do posamezne osebe iz vseh poslov poveča za nadaljnjih 100.000 eurov, in
2. sklenitev pravnega posla v primerih iz prejšnjega odstavka.

(4) Pri določanju izpostavljenosti iz prejšnjega odstavka banka upošteva vrednost, ki še ni zmanjšana za oslabitve in rezervacije.

(5) O sklenitvi pravnega posla iz drugega odstavka tega člena mora banka obvestiti Banke Slovenije ali Evropsko centralno banko, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz točke (d) prvega odstavka 4. člena te uredbe.

(1) A bank shall conclude legal transactions with an individual person in a special relationship with the bank under conditions that are no more favourable than those under which the bank usually concludes transactions with other persons during the same period.

(2) Notwithstanding the preceding paragraph, a bank may exceptionally conclude a legal transaction with a person in a special relationship with the bank under conditions that are more favourable than usual provided that objectively justified reasons are given for the conclusion of such a transaction, particularly in the event of the restructuring of a debtor who is a person in a special relationship with the bank.

(3) Prior consent of a bank's supervisory board shall be obtained:

1. for the conclusion of a legal transaction with a person in a special relationship with the bank if, due to that transaction or the total value of all transactions, the bank's total exposure to an individual person, including indirect exposure, reaches or exceeds EUR 100,000 and for each subsequent transaction due to which the bank's total exposure to an individual person from all transactions increases by an additional EUR 100,000 and
2. for the conclusion of a legal transaction in the cases referred to in the preceding paragraph.

(4) A bank shall take into account the value that has not yet been reduced for impairments and provisions when determining the exposure referred to in the preceding paragraph.

(5) A bank shall notify the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(d) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation about the conclusion of the legal transaction referred to in paragraph two of this Article.

151. člen
(politika in postopki upravljanja kreditnega tveganja in tveganja nasprotne stranke)

(1) Banka mora vzpostaviti in uresničevati ustrezno politiko in postopke za upravljanje kreditnega tveganja, vključno s tveganjem nasprotne stranke.

(2) Banka mora uporabljati jasno opredeljene procese odobritve, spreminjanja, obnavljanja in ponovnega financiranja kreditov, vključno z merili in postopki za ugotavljanje in upravljanje problematičnih kreditov ter ustrezno politiko glede oblikovanja oslabitev in rezervacij.

152. člen
(prevzemanje kreditnega tveganja)

(1) Banka mora uporabljati primerna in natančno opredeljena merila za odločanje o odobritvi kredita.

(2) V postopku odobritve kredita oziroma v postopku sklepanja druge pogodbe, ki je temelj nastanka izpostavljenosti banke, mora banka oceniti dolžnikovo sposobnost izpolnjevati obveznosti do banke (v nadaljnjem besedilu: ocena kreditne sposobnosti) ter kakovost zavarovanja terjatev banke po vrsti in obsegu tega zavarovanja.

(3) V zvezi z oceno iz prejšnjega odstavka mora banka pridobiti izpis bonitetnih podatkov tega dolžnika iz sistema izmenjave podatkov o boniteti strank, ki je v skladu z veljavnimi predpisi vzpostavljen za namene upravljanja kreditnega tveganja bank.

153. člen
(obravnavanje kreditnega tveganja)

(1) Banka mora uporabljati ustrezne procese in tehnike za ocenjevanje kreditnega tveganja:

1. na ravni izpostavljenosti do posameznih dolžnikov, iz naslova

Article 151
(Credit risk and counterparty risk management policy and procedures)

(1) A bank shall establish and implement an appropriate policy and procedures for managing credit risk, including counterparty risk.

(2) A bank shall employ clearly defined processes for approving, amending, renewing and refinancing loans, including criteria and procedures for identifying and managing problematic loans and an appropriate policy regarding the creation of impairments and provisions.

Article 152
(Taking up credit risk)

(1) A bank shall apply appropriate and precisely defined criteria for decision-making on loan approval.

(2) During the loan approval procedure or during the conclusion of another agreement that is the basis for a bank's exposure, that bank shall assess the debtor's ability to settle their liabilities to the bank (hereinafter: creditworthiness assessment) and the quality of collateral used to secure the bank's claims by the type and extent of that collateral.

(3) In connection with the assessment referred to in the preceding paragraph, a bank shall obtain an extract of credit rating data for that debtor from the system for the exchange of information regarding client credit ratings established in accordance with the applicable regulations for the purposes of credit risk management of banks.

Article 153
(Treatment of credit risk)

(1) A bank shall apply appropriate processes and techniques for assessing credit risk:

1. at the level of exposure to individual debtors arising from securities or

2. vrednostnih papirjev ali pozicij v listinjenju in na ravni portfelja.

(2) Kreditni portfelji banke morajo biti ustrezno razpršeni, glede na ciljne trge in splošno strategijo banke.

(3) Banka mora ves čas trajanja pravnega razmerja, ki je temelj nastanka izpostavljenosti, spremljati poslovanje osebe in kakovost zavarovanja terjatev banke.

154. člen

(tehnike ocenjevanja kreditnega tveganja in tveganja nasprotne stranke)

(1) Pri ocenjevanju kreditnega tveganja se banka ne sme izključno ali samodejno zanašati na zunanje bonitetne ocene. Kadar kapitalska zahteva za kreditno tveganje temelji na zunanjih bonitetnih ocenah ali na dejstvu, da izpostavljenost ni ocenjena, banka pri oceni kreditnega tveganja in razporeditvi notranjega kapitala upošteva tudi druge ustrezne informacije.

(2) Banka mora zagotoviti sistem za stalno spremljanje in poročanje glede učinkovitosti uporabljenih tehnik za ocenjevanje kreditnega tveganja.

155. člen

(obravnavo preostalega kreditnega tveganja)

Banka mora zagotoviti ustrezno obravnavo in nadzor tveganja, če se priznane tehnike za zmanjševanje kreditnega tveganja, ki jih uporablja banka, izkažejo za manj učinkovite, kot je bilo pričakovano. V ta namen mora banka imeti pisno politiko in postopke.

6.3.4. Upravljanje tržnih tveganj

156. člen

(politika in postopki upravljanja tržnih tveganj)

2. securitisation positions and at the portfolio level.

(2) A bank's credit portfolio shall be appropriately diversified with respect to the target markets and the bank's general strategy.

(3) A bank shall monitor the operations of the entity concerned and the quality of collateral used to secure the bank's claims for the entire duration of the legal relationship that is the basis for exposure.

Article 154

(Techniques for assessing credit risk and counterparty risk)

(1) A bank shall not rely exclusively or automatically on external credit ratings when assessing credit risk. Whenever capital requirements for credit risk are based on external credit ratings or on the fact that an exposure has not been assessed, the bank shall take into account also other relevant information when assessing credit risk and allocating internal capital.

(2) A bank shall ensure a system for continuous monitoring and reporting with regard to the effectiveness of applied credit risk assessment techniques.

Article 155

(Treatment of residual credit risk)

A bank shall ensure the appropriate treatment and control of risks if the recognised techniques used by the bank to mitigate credit risk prove to be less effective than expected. The bank shall have a written policy and procedures for that purpose.

6.3.4. Market risk management

Article 156

(Market risks management policy and procedures)

Banka mora vzpostaviti in uresničevati ustrezno politiko in postopke za ugotavljanje, merjenje in upravljanje vseh pomembnih dejavnikov tržnih tveganj.

157. člen
(obravnavo obrestnega tveganja)

Banka mora vzpostaviti ustrezne procese in merila za ocenjevanje in upravljanje tveganj, ki so posledica morebitne spremembe obrestnih mer, ki vplivajo na netrgovalne dejavnosti banke.

6.3.5. Upravljanje likvidnostnega tveganja

158. člen
(politika in postopki upravljanja likvidnostnega tveganja)

(1) Banka mora vzpostaviti in uresničevati zanesljive strategije, politiko in postopke za upravljanje likvidnostnega tveganja, da banka ves čas zagotavlja ustrezne ravni likvidnostnih blažilnikov.

(2) Upravljanje likvidnostnega tveganja iz prejšnjega odstavka mora vključevati zlasti:

1. načrtovanje znanih in morebitnih likvidnostnih odlivov ter pričakovanih likvidnostnih prilivov iz naslova sredstev, obveznosti in zunajbilančnih postavk, vključno s pogojnimi obveznostmi, ob upoštevanju normalnih poslovnih dogodkov ter morebitnih položajev likvidnostnih kriz, vključno z morebitnim učinkom tveganja ugleda;
2. redno upravljanje likvidnosti za ustrezne nize časovnih obdobj, vključno s časovnim obdobjem znotraj enega dne;
3. razlikovanje med sredstvi, ki so zastavljena, ter sredstvi, ki so bremen prosta in razpoložljiva v vsakem trenutku, vključno v stresnih razmerah;
4. opredelitev ustreznih ukrepov za preprečitev oziroma odpravo vzrokov za likvidnostne primanjkljaje.

(3) Strategije, politika in postopki iz prvega odstavka tega člena morajo biti prilagojeni poslovnim področjem, valutam poslov, ki jih banka

A bank shall establish and implement an appropriate policy and procedures for identifying, measuring and managing all significant market risk factors.

Article 157
(Treatment of interest-rate risk)

A bank shall establish appropriate processes and criteria for assessing and managing risks resulting from potential changes in interest rates that affect the bank's non-trading activities.

6.3.5. Liquidity risk management

Article 158
(Liquidity risk management policy and procedures)

(1) A bank shall establish and implement reliable strategies, a policy and procedures for managing liquidity risks to ensure that the bank maintains adequate levels of liquidity buffers at all time.

(2) In particular, the liquidity risk management referred to in the preceding paragraph shall include the following:

1. the planning of known and potential liquidity outflows and expected liquidity inflows from assets, liabilities and off-balance-sheet items, including contingent liabilities, taking into account normal business events and potential liquidity crises, including the possible effect of reputation risk;
2. the regular management of liquidity for relevant time series, including on an intra-day basis;
3. a distinction between pledged assets and assets free of encumbrances that are available at all time, including in stress situations; and
4. the definition of appropriate measures to prevent or eliminate the causes of liquidity deficits.

(3) The strategies, policy and procedures referred to in paragraph one of this Article shall be adjusted to business areas, to the

opravlja, in osebam v skupini ter vključevati ustrezno metodologijo porazdelitve stroškov, koristi in tveganj pri zagotavljanju likvidnosti.

(4) Strategije, politika in postopki iz prvega odstavka tega člena morajo biti sorazmerni naravi, obsegu in zapletenosti poslov, ki jih opravlja banka, ter upoštevati obseg še sprejemljivega likvidnostnega tveganja, kot ga določi uprava banke, z upoštevanjem pomembnosti banke. Banka mora zagotoviti, da vsa pomembna poslovna področja v banki upoštevajo obseg še sprejemljivega likvidnostnega tveganja.

159. člen (obravnavna likvidnostnega tveganja)

(1) Profil likvidnostnega tveganja banke mora biti skladen z naravo, obsegom in zapletenostjo dejavnosti, ki jo opravlja banka.

(2) Banka mora vzpostaviti ustrezne postopke in orodja za:

1. ugotavljanje, merjenje, upravljanje in spremljanje pozicij financiranja, pri čemer upošteva trenutne in načrtovane pomembne denarne tokove, povezane s sredstvi, obveznostmi in zunajbilančnimi postavkami, vključno s pogojnimi obveznostmi, ter morebitni učinek tveganja ugleda;
2. zmanjševanje likvidnostnega tveganja, vključno s sistemom limitov in likvidnostnimi blažilniki, ki povečujejo odpornost banke na likvidnostna tveganja v kriznih razmerah.

(3) Banka mora zagotoviti raznovrstno strukturo virov financiranja in dostopa do virov financiranja.

(4) Banka mora najmanj enkrat na leto z uporabo različnih scenarijev upravljanja likvidnosti, vključno z uporabo zmanjševanja likvidnostnega tveganja, preveriti pravilnost in ustreznost predpostavk, ki so bile uporabljene pri določitvi politike upravljanja z likvidnostjo ter preverjati ustreznost postopkov in orodij za zmanjševanje likvidnostnega tveganja, vključno z uporabo različnih scenarijev za upravljanje likvidnostnega tveganja. Na podlagi ugotovitev preverjanja mora banka sprejeti ustrezne ukrepe za izboljšanje politike, postopkov in orodij

currencies of transactions a bank carries out and to entities in a group and shall include an appropriate methodology for allocating the costs, benefits and risks in the provision of liquidity.

(4) The strategies, policy and procedures referred to in paragraph one of this Article shall be proportionate to the nature, scale and complexity of transactions executed by the bank and shall take into account a still acceptable level of liquidity risk as defined by the bank's management board, taking into account the significance of the bank. A bank shall ensure that all significant business areas at the bank take into account the still acceptable level of liquidity risk.

Article 159 (Treatment of liquidity risk)

(1) A bank's liquidity risk profile shall be in line with the nature, scale and complexity of the activity the bank performs.

(2) A bank shall establish the appropriate procedures and tools for:

1. identifying, measuring, managing and monitoring funding positions, taking into account current and planned significant cash flows associated with assets, liabilities and off-balance-sheet items, including contingent liabilities, and the possible effect of reputation risk, and
2. mitigating liquidity risk, including a system of limits and liquidity buffers that increase the bank's resilience to liquidity risks in crisis situations.

(3) A bank shall ensure a diverse structure of funding sources and access thereto.

(4) At least once a year, a bank shall employ various liquidity management scenarios, including the mitigation of liquidity risk, to verify the accuracy and adequacy of the assumptions used to define its liquidity management policy and verify the appropriateness of procedures and tools for mitigating liquidity risk, including the use of various liquidity risk management scenarios. Based on the findings of that verification, the bank shall adopt the appropriate measures to improve its liquidity risk management policy, procedures and tools.

upravljanja likvidnostnega tveganja.

160. člen

(načrt ukrepov za ponovno vzpostavitev ustrezne likvidnosti)

(1) Banka mora sprejeti strategijo in načrt ukrepov, ki se uporabijo v primeru nastanka morebitnih likvidnostnih primanjkljajev banke, pri čemer upošteva tudi poslovanje podružnic, ustanovljenih v drugih državah članicah.

(2) Banka mora vsaj enkrat na leto preveriti ustreznost strategij in načrta ukrepov za ponovno vzpostavitev ustreznega likvidnostnega položaja in jih posodablja na podlagi rezultatov scenarijev upravljanja likvidnosti. Uprava banke mora na podlagi ugotovitev preverjanja sprejeti ustrezne ukrepe za prilagoditev strategij, politike in postopkov upravljanja likvidnostnega tveganja.

(3) Banka mora na podlagi načrta ukrepov za ponovno vzpostavitev ustreznega likvidnostnega položaja zagotoviti vse operativne pogoje, da se lahko v primeru nastanka likvidnostnega primanjkljaja začnejo predvideni ukrepi takoj uresničevati.

6.3.6. Upravljanje operativnega tveganja

161. člen

(politika in procesi upravljanja operativnega tveganja)

(1) Banka mora vzpostaviti in uresničevati ustrezno politiko in procese za upravljanje operativnega tveganja, vključno z modelskim tveganjem.

(2) Banka mora za namene iz prejšnjega odstavka opredeliti dejavnike operativnega tveganja, ki vključujejo tudi redke dogodke, ki ustvarjajo pomembne posledice za banko.

162. člen

(načrt neprekinjenega poslovanja)

Article 160

(Action plan for re-establishing adequate liquidity)

(1) A bank shall adopt a strategy and action plan to be used in the event of potential bank liquidity deficits, taking into account also the operations of branches established in other Member States.

(2) At least once a year, a bank shall verify the appropriateness of strategies and the action plan to re-establish adequate liquidity and update them based on the results of liquidity management scenarios. Based on the findings of the verification, the bank's management board shall adopt the appropriate measures to adjust the bank's liquidity risk management strategies, policy and procedures.

(3) Based on its action plan for re-establishing adequate liquidity, a bank shall ensure all operational conditions to facilitate the prompt implementation of envisaged measures should a liquidity deficit arise.

6.3.6. Operational risk management

Article 161

(Operational risk management policy and processes)

(1) A bank shall establish and implement an appropriate policy and processes for managing operational risk, including model risk.

(2) For the purposes referred to in the preceding paragraph, a bank shall define operational risk factors that include also rare events that create important consequences for the bank.

Article 162

(Business continuity plan)

Banka mora izdelati načrt neprekinjenega poslovanja za primer kriznih razmer, ki določa ukrepe za zagotavljanje nemotenega poslovanja banke, da se ustrezno omejijo izgube banke zaradi teh motenj.

6.3.7. Upravljanje drugih tveganj

163. člen (tveganje koncentracije)

(1) Banka mora vzpostaviti in uresničevati jasno politiko in procese za obravnavo tveganj, ki jih prevzema banka v primeru koncentracije izpostavljenosti banke (tveganje koncentracije).

(2) Banka mora zlasti obravnavati koncentracije, ki so posledica:

1. izpostavljenosti do posamezne nasprotne stranke, vključno s centralnimi nasprotnimi strankami, in skupin povezanih nasprotnih strank;
2. izpostavljenosti do nasprotnih strank v istem gospodarskem sektorju, geografski regiji ali v isti dejavnosti ali v zvezi s posli v istem blagu; ali
3. uporabe tehnik za zmanjševanje kreditnega tveganja, zlasti tveganj, ki so povezana z veliko posredno kreditno izpostavljenostjo, kot v primeru enega samega izdajatelja zavarovanja.

164. člen (soglasje nadzornega sveta za sklenitev posameznih poslov)

(1) Za sklenitev pravnega posla, na podlagi katerega bi ob upoštevanju celotne izpostavljenosti banke, vključno s posredno kreditno izpostavljenostjo, nastala izpostavljenost banke do posamezne stranke ali skupine povezanih strank, ki dosega ali presega deset odstotkov sprejemljivega kapitala banke iz 71(b) točke prvega odstavka 4. člena Uredbe (EU) št. 575/2013, je treba pridobiti predhodno soglasje nadzornega sveta banke. Predhodno soglasje nadzornega sveta je treba

A bank shall draw up a business continuity plan for emergency situations that defines measures to ensure business continuity at the bank with the aim of appropriately limiting bank's losses due to such disruptions.

6.3.7. Management of other risks

Article 163 (Concentration risk)

(1) A bank shall establish and implement a clear policy and processes for handling the risks that the bank takes up in the case of concentration of the bank's exposure (concentration risk).

(2) In particular, a bank shall address concentrations resulting from:

1. exposure to an individual counterparty, including central counterparties and groups of related counterparties;
2. exposure to counterparties in the same economic sector, geographical region or in the same activity or in connection with transactions in the same commodities; or
3. the use of techniques to mitigate credit risk, in particular risks related to a large indirect credit exposure, as in the case of single issuer of collateral.

Article 164 (Consent of the supervisory board to conclude individual transactions)

(1) Prior consent of a bank's supervisory board shall be obtained for the conclusion of a legal transaction based on which, taking into account the bank's total exposure, including indirect credit exposure, the bank's exposure to an individual client or a group of related clients would reach or exceed ten percent of the bank's eligible capital referred to in Article 4(1)(71(b)) of Regulation (EU) No 575/2013. The prior consent of a bank's supervisory board shall also be obtained for the conclusion of

pridobiti tudi za sklenitev pravnega posla, zaradi katerega se celotna izpostavljenost, vključno s posredno kreditno izpostavljenostjo banke do posamezne stranke ali skupine povezanih strank poveča za vsakih nadaljnjih pet odstotkov sprejemljivega kapitala banke.

(2) Pri ugotavljanju skupine povezanih strank za namen iz prejšnjega odstavka banka ne upošteva povezav s centralno ravno države.

(3) Pri določanju izpostavljenosti iz prvega odstavka tega člena banka upošteva vrednost izpostavljenosti, ki še ni zmanjšana za oslabitve in rezervacije.

165. člen (tveganja, povezana z listinjenjem)

(1) Banka mora ocenjevati in obravnavati tveganja, ki izhajajo iz poslov listinjenja, pri katerih ima vlogo investitorja, originatorja ali sponzorja, vključno s tveganjem ugleda (kakršno na primer nastane v povezavi s kompleksnimi strukturami ali produkti), na podlagi ustrezne politike in postopkov, zlasti zaradi zagotovitve, da se ekonomska vsebina posla ustrezno in v celoti odraža v oceni tveganj in v vodstvenih odločitvah glede upravljanja teh tveganj.

(2) Banka, ki ima vlogo originatorja v primeru obnavljajočih se poslov listinjenja, ki vsebujejo določbe o predčasnem odplačilu, mora vzpostaviti načrte za zagotavljanje likvidnosti za primere načrtovanega in predčasnega odplačila.

166. člen (tveganje prevelikega finančnega vzvoda)

(1) Banka mora vzpostaviti in uresničevati politiko in procese za upravljanje tveganja prevelikega finančnega vzvoda.

(2) Banka mora za namene iz prejšnjega odstavka opredeliti kazalnike tveganja prevelikega finančnega vzvoda, ki vključujejo količnik finančnega vzvoda, določen v skladu s 429. členom Uredbe (EU) št.

a legal transaction based on which the total exposure, including the bank's indirect credit exposure, to an individual client or a group of related clients increases by each subsequent five percent of the bank's eligible capital.

(2) A bank shall not take into account relationships with central government when determining groups of related clients for the purpose referred to in the preceding paragraph.

(3) A bank shall take into account the value of exposure not yet reduced for impairments and provisions when defining the exposure referred to in paragraph one of this Article.

Article 165 (Securitisation risks)

(1) A bank shall assess and address risks arising from securitisation transactions in which the bank acts in the role of investor, originator or sponsor, including reputation risk (that arises, for example, in connection with complex structures or products), based on the appropriate policy and procedures, in particular to ensure that the economic substance of a transaction is appropriately and fully reflected in the assessment of risks and executive decisions regarding the management of those risks.

(2) A bank that acts in the role of originator in revolving securitisation transactions that include early repayment provisions shall formulate plans for providing liquidity in the event of planned and early repayments.

Article 166 (Risk of excessive leverage)

(1) A bank shall establish and implement a policy and processes for managing the risk of excessive leverage.

(2) For the purposes referred to in the preceding paragraph, a bank shall define indicators of the risk of excessive leverage that include a leverage ratio determined in accordance with Article 429 of Regulation

575/2013, ter neusklajenost med sredstvi in obveznostmi.

(3) Banka mora tveganje prevelikega finančnega vzvoda obravnavati tako, da ustrezno upošteva morebitno povečanje tega tveganja, ki je posledica zmanjšanja kapitala banke, zaradi pričakovanih ali dejanskih izgub banke. Za ta namen mora biti banka sposobna prestat različne stresne scenarije, ki upoštevajo tveganje prevelikega finančnega vzvoda.

6.4. Mehanizmi notranjih kontrol

167. člen (mehanizmi notranjih kontrol)

Banka mora zagotoviti, da mehanizmi notranjih kontrol iz 3. točke prvega odstavka 128. člena tega zakona vključujejo postopke za preverjanje ustreznosti upravljanja tveganj, ki jim je banka izpostavljena pri svojem poslovanju ali bi jim lahko bila, zlasti v zvezi z:

1. ocenjevanjem in zagotavljanjem notranjega kapitala za ta tveganja;
2. skladnostjo praks pri prevzemanju tveganj s politiko banke glede upravljanja teh tveganj;
3. ustreznostjo izvajanja ureditve notranjega upravljanja in preprečevanja nasprotij interesov na ravni upravljalnega organa ali banke.

168. člen (vodenje poslovnih evidenc)

Banka mora organizirati svoje poslovanje in tekoče voditi poslovne knjige, poslovno dokumentacijo in druge administrativne oziroma poslovne evidence tako, da je mogoče kadarkoli preveriti, ali banka posluje v skladu s predpisi iz drugega odstavka 9. člena tega zakona.

6.5. Politika prejemkov

(EU) No 575/2013, and the mismatch of assets and liabilities.

(3) A bank shall treat the risk of excessive leverage by taking appropriate account of a possible increase in the aforementioned risk resulting from a decrease in the bank's capital due to expected or actual losses of the bank. To that end, a bank shall be able to withstand various stress scenarios that take into account the risk of excessive leverage.

6.4. Internal control mechanisms

Article 167 (Internal control mechanisms)

A bank shall ensure that the internal control mechanisms referred to in point 3 of paragraph one of Article 128 of this Act include procedures for verifying the appropriateness of the management of the risks to which a bank is or could be exposed in its operations, in particular with regard to:

1. assessing and ensuring internal capital for those risks;
2. the compliance of practices in taking up risks with the bank's policy on the management of those risks; and
3. the appropriateness of the implementation of internal governance arrangements and the prevention of conflicts of interest at the level of the governing body or bank.

Article 168 (Keeping of business records)

A bank shall organise its operations and keep current books of account, business documentation, and other administrative or business records current, this in such a manner that it is possible at any time to verify whether the bank is operating in accordance with the regulations referred to in paragraph two of Article 9 of this Act.

6.5. Remuneration policy

169. člen
(politika prejemkov)

(1) Banka mora oblikovati politiko prejemkov na ravni skupine, nadrejene družbe in podrejenih družb, vključno s tistimi, ustanovljenimi na območjih z ugodnejšim davčnim režimom (davčne oaze).

(2) Politike prejemkov iz prejšnjega odstavka vključujejo plače in diskrecijske pokojninske ugodnosti in se uporabljajo za kategorije zaposlenih, ki lahko v okviru svojih pristojnosti ali delovnih nalog in aktivnosti pomembno vplivajo na profil tveganosti banke, zlasti:

1. upravo in višje vodstvo;
2. vodstvo funkcij sistema notranjih kontrol in drugih neodvisnih kontrolnih funkcij v banki;
3. zaposlene, ki lahko v okviru svojih pristojnosti sklepajo posle, ki vplivajo na profil tveganosti banke;
4. druge zaposlene, katerih celotni prejemki so po velikosti enaki ali višji od prejemkov višjega vodstva ali zaposlenih, ki pomembno vplivajo na profil tveganosti banke.

(3) Prejemki za namene iz prvega odstavka tega člena vključujejo vse oblike neposrednih ali posrednih finančnih in nefinančnih plačil ter ugodnosti, do katerih so zaposleni upravičeni na podlagi sklenjenih pogodb z banko ali drugo osebo v isti skupini.

(4) Nadzorni svet banke mora sprejeti in redno preverjati ustreznost sprejete politike in praks glede prejemkov, uprava banke pa mora najmanj enkrat na leto zagotoviti celovit in neodvisen pregled skladnosti dejanskih prejemkov s to politiko in praksami.

(5) Banka Slovenije zbira in uporablja informacije, ki jih banka razkrije v skladu z merili za razkritje iz točk (g), (h) in (i) prvega odstavka 450. člena Uredbe (EU) št. 575/2013, za primerjavo trendov in praks prejemkov ter te informacije posreduje Evropskemu bančnemu organu.

Article 169
(Remuneration policy)

(1) A bank shall formulate remuneration policy at the level of the group, parent company and subsidiaries, including those established in areas with more favourable tax regimes (tax havens).

(2) The remuneration policies referred to in the preceding paragraph shall include salaries and discretionary pension benefits and shall apply to categories of employees who, in the scope of their competences or work tasks and activities, could have a material impact on the bank's risk profile, in particular:

1. the management board and senior management;
2. management functions within the internal control system and other independent control functions at the bank;
3. employees who, in the scope of their competences, may conclude transactions that have an impact on the bank's risk profile; and
4. other employees whose total remuneration is equal to or exceeds the remuneration of senior management or employees who have a material impact on the bank's risk profile.

(3) For the purposes referred to in paragraph one of this Article, remuneration shall include all forms of direct or indirect financial and non-financial payments and benefits to which employees are entitled on the basis of agreements concluded with a bank or other entity in the same group.

(4) The bank's supervisory board shall adopt and regularly verify the appropriateness of the remuneration policy and practices, while the bank's management board shall ensure a comprehensive and independent review of the compliance of actual remuneration with that policy and practices at least once a year.

(5) The Bank of Slovenia shall collect and use the information that a bank discloses in accordance with the disclosure criteria referred to in Article 450(1)(g), (h) and (i) of Regulation (EU) No 575/2013 for the comparison of remuneration trends and practices and shall submit that information to the European Banking Authority.

(6) Poleg informacij iz prejšnjega odstavka Banka Slovenije na podlagi poročil, ki jih posredujejo banke v skladu s predpisom, izdanim na podlagi 135. člena tega zakona, zbira informacije o številu fizičnih oseb v posamezni banki, ki imajo 1.000.000 eurov prejemkov ali več na poslovno leto, z upoštevanjem plačilnih razredov v razponih po 1.000.000 eurov, vključno z njihovimi delovnimi pristojnostmi, zadevnim poslovnim področjem in glavnimi elementi plače, bonusi, dolgoročnimi nagradami in pokojninskimi prispevki, ter te informacije posreduje Evropskemu bančnemu organu zaradi objave zbirnih podatkov na ravni Republike Slovenije glede prejemkov, ki jih izplačujejo banke.

170. člen

(temeljna načela za določanje politike in praks glede prejemkov)

(1) Banka pri določanju politike in praks glede prejemkov posameznikov iz drugega odstavka prejšnjega člena upošteva naslednja načela:

1. politika prejemkov je združljiva s preudarnim in učinkovitim upravljanjem tveganj in tako upravljanje tveganj tudi spodbuja, pri čemer ne spodbuja izpostavljanja tveganjem, ki presega raven sprejemljivega tveganja za banko;
2. politika prejemkov je v skladu s poslovno strategijo, cilji, vrednotami in dolgoročnimi interesi banke ter vključuje ukrepe za preprečevanje nasprotja interesov;
3. zaposleni, ki opravljajo kontrolne funkcije, so neodvisni od poslovnih enot, ki jih nadzorujejo, ter imajo ustrezne pristojnosti in prejemajo prejemke glede na doseganje ciljev, povezanih z njihovimi funkcijami, neodvisno od uspešnosti poslovnih področij, katera nadzirajo;
4. politika prejemkov jasno razlikuje med merili za določanje:
 - fiksnega prejemka, ki bi moral zlasti odražati ustrezne poklicne izkušnje in odgovornosti v banki, kot je določeno v opisu delovnih nalog zaposlenega, ki so del pogojev za zaposlitev, ter
 - variabilnega prejemka, ki mora odražati vzdržno in tveganju

(6) In addition to the information referred to in the preceding paragraph, the Bank of Slovenia shall, based on reports submitted by banks in accordance with the regulation issued on the basis of Article 135 of this Act, collect information regarding the number of natural persons at an individual bank whose remuneration is equal to or greater than EUR 1,000,000 per business year, taking into account pay bands of EUR 1,000,000, including their work responsibilities, the business area in question, and the main components of salaries, bonuses, long-term awards and pension contributions, and submit that information to the European Banking Authority for the publication of aggregate information at the level of the Republic of Slovenia regarding remuneration paid by banks.

Article 170

(Basic principles for determining a remuneration policy and practices)

(1) A bank shall take into account the following principles when determining the remuneration policy and practices for individuals referred to in paragraph two of the preceding Article:

1. the remuneration policy shall be compatible with prudent and effective risk management and shall also encourage such risk management without encouraging exposure to risk that exceeds the acceptable level of risk for the bank;
2. the remuneration policy shall be in line with the bank's business strategy, objectives, values and long-term interests and shall include measures to prevent conflicts of interest;
3. employees who perform control functions shall be independent from the organisational units that they control and shall have the appropriate powers and receive remuneration with respect to the achievement of objectives linked to their functions, independent of the performance of the business areas that they control;
4. the remuneration policy shall make a clear distinction between the criteria for setting:
 - fixed remuneration which, in particular, should reflect a person's appropriate professional experience and responsibilities at the bank, as defined in the description of the employee's work tasks as part of the terms and conditions of employment, and
 - variable remuneration, which shall reflect sustainable and risk-

- prilagojeno uspešnost ter uspešnost, ki je višja od pričakovane uspešnosti, kot je določeno v opisu delovnih nalog zaposlenega, ki so del pogojev za zaposlitev;
5. variabilni del prejemka mora temeljiti na kombinaciji ocene uspešnosti posameznika in njegove poslovno-organizacijske enote ter splošnega poslovnega rezultata banke;
 6. variabilni prejemek vsakega posameznika ne sme presegati 100 odstotkov fiksnega prejemka tega posameznika;
 7. najmanj 50 odstotkov variabilnega prejemka vsakega posameznika mora biti sestavljenega iz navadnih oziroma prednostnih delnic banke, ali z delnicami povezanih instrumentov oziroma enakovrednih nadenarnih instrumentov, kadar delnice banke niso uvrščene na organiziran trg, pri čemer lahko pridobitelj te delnice oziroma instrumente prenese le z dovoljenjem banke, ki se lahko izda šele po poteku najmanj dveh let od pridobitve;
 8. znaten delež, vendar najmanj 40 odstotkov variabilnega prejemka vsakega posameznika, mora banka odložiti za obdobje treh do petih let;
 9. variabilni prejemki, vključno z odloženim deležem iz prejšnje točke, se izplačajo ali dospejo v plačilo le, če so glede na finančno stanje banke kot celote vzdržni in če jih upravičuje uspešnost zadevne banke, poslovne enote in posameznika;
 10. za variabilne prejemke mora banka vzpostaviti interna pravila o sistemu zmanjšanja variabilnega prejemka ali vračila sredstev ter merila za njihovo uporabo, ki v zvezi s posameznikom vključujejo zlasti presojo okoliščin glede:
 - sodelovanja ali odgovornosti posameznika za ravnanje, ki je vodilo do pomembnih izgub za banko, ali
 - izpolnjevanja standardov primernosti;
 11. posameznik se mora zavezati, da ne bo uporabljal osebnega zavarovanja pred tveganji ali zavarovanja v zvezi s prejemki in odgovornostjo z namenom poseganja v učinke prilagoditve njegovega variabilnega prejemka tveganjem;
 12. plačilo vsakemu posamezniku v zvezi s predčasno prekinitvijo pogodbe o zaposlitvi mora izražati doseženo uspešnost tega posameznika v določenem obdobju in ne sme nagrajevati njegove neuspešnosti ali morebitnih kršitev v banki.

(2) Banka mora upoštevati načela iz prejšnjega odstavka na

- adjusted performance and performance that exceeds expectations, as defined in the description of the employee's work tasks as part of the terms and conditions of employment;
5. the variable component of remuneration shall be based on a combination of an assessment of the performance of an individual and their business-organisational unit and the overall operating results of the bank;
 6. the variable remuneration of each individual shall not exceed 100% of the fixed remuneration of this individual;
 7. at least 50% of the variable remuneration of each individual shall comprise ordinary or preference shares of the bank, or share-linked instruments or equivalent non-cash instruments whenever the bank's shares are not listed on a regulated market, whereby the acquirer may only transfer such shares or instruments with the bank's permission, which may be issued only after the expiry of at least two years following acquisition;
 8. a bank shall defer a significant proportion, but no less than 40%, of the variable remuneration of each individual for a period of three to five years;
 9. variable remuneration, including the deferred proportion referred to in the preceding point, shall be paid out or fall due for payment only if sustainable with respect to the financial position of the bank as a whole and if justified by the performance of the bank, the business unit and the individual in question;
 10. with regard to variable remuneration, the bank shall establish internal rules on a malus or clawback arrangement and criteria for the application of those rules which, in connection with an individual, include an assessment of circumstances surrounding:
 - an individual's participation in or responsibility for conduct that led to significant losses for the bank or
 - the fulfilment of fitness and propriety standards;
 11. an individual shall undertake to avoid using personal hedging or remuneration- and liability-related insurance to undermine the risk alignment effects embedded in their variable remuneration; and
 12. payment to each individual in connection with an early termination of employment contract shall reflect the achieved performance of that individual during a specific period and shall not reward this person for failures or possible breaches at the bank.

(2) A bank shall take into account the principles referred to in

način in v obsegu, ki ustreza njeni velikosti, notranji organiziranosti ter naravi, obsegu in zapletenosti dejavnosti, ki jih opravlja.

(3) Prejemki, za katere velja odlog iz 8. točke prvega odstavka tega člena, dospejo v plačilo po načelu sorazmernosti. Če je znesek variabilne sestavine prejemka izrazito visok, mora banka odložiti vsaj 60 odstotkov zneska. Trajanje obdobja odložitve banka določi v skladu s poslovnim ciklom, naravo poslovanja, pripadajočimi tveganji in dejavnostmi zadevnega zaposlenega.

(4) Celotni variabilni prejemki morajo biti na splošno bistveno manjši, kadar je finančna uspešnost banke slaba ali negativna, pri čemer se upoštevajo tako trenutni prejemki kot zmanjšanje izplačil predhodno zasluženih zneskov, vključno z dogovori o sistemu malusa ali vračilu sredstev z upoštevanjem zakona, ki ureja delovna razmerja, ali kolektivno pogodbo dejavnosti.

(5) Prejemki, ki se izplačajo posameznikom iz drugega odstavka prejšnjega člena v banki, ki se v skladu z zakonom, ki ureja prejemke poslovodnih oseb v gospodarskih družbah v večinski lasti Republike Slovenije in samoupravnih lokalnih skupnosti, šteje za banko v večinski lasti Republike Slovenije ali samoupravne lokalne skupnosti, ne smejo preseči prejemkov, ki jih določa zakon, ki ureja prejemke poslovodnih oseb v gospodarskih družbah v večinski lasti Republike Slovenije in samoupravnih lokalnih skupnosti. Pri izplačilu teh prejemkov se ne uporablja določba zakona, ki ureja prejemke poslovodnih oseb v gospodarskih družbah v večinski lasti Republike Slovenije in samoupravnih lokalnih skupnosti, ki prepoveduje plačila direktorjev z delnicami ali njihovo sodelovanje v delniških shemah.

(6) Posameznik, ki pridobi delnice banke v skladu s 7. točko prvega odstavka tega člena, lahko uveljavlja pravico iz 389. člena ZGD-1 šele po poteku dveh let od pridobitve teh delnic.

171. člen

(prejemki v bankah, ki jim je dodeljena izredna javnofinančna

the preceding paragraph in a manner and to an extent appropriate to its size and internal organisational structure and to the nature, scale and complexity of the activities that it performs.

(3) The remuneration subject to the deferral referred to in point 8 of paragraph one of this Article shall fall due for payment in accordance with the principle of proportionality. If the amount of the variable component of remuneration is particularly high, the bank shall defer at least 60% of the amount. The length of the deferral period shall be determined by the bank in accordance with the business cycle, the nature of operations and the accompanying risks, and the activities of the employee in question.

(4) Total variable remuneration shall generally be significantly lower when a bank's financial performance is weak or negative, taking into account both current remuneration and reductions in payments of previously earned amounts, including through malus or clawback arrangements, taking into account the Act governing employment relationships or the sector-level collective agreement.

(5) The remuneration paid to individuals referred to in paragraph two of the preceding Article in a bank deemed to be a bank with majority ownership held by the Republic of Slovenia or a self-governing local community in accordance with the Act governing the remuneration of managers of companies with majority ownership held by the Republic of Slovenia and self-governing local communities shall not exceed the remuneration provided by the aforementioned Act. The provision of the Act governing the remuneration of managers of companies with majority ownership held by the Republic of Slovenia and self-governing local communities that prohibits the payment of directors in the form of shares or their participation in share schemes shall not apply to the payment of this remuneration.

(6) An individual who acquires bank shares in accordance with point 7 of paragraph one of this Article may only exercise the right referred to in Article 389 of the ZGD-1 after the expiry of two years following the acquisition of those shares.

Article 171

(Remuneration at banks to which emergency fiscal aid has been

pomoč)

(1) Banke, ki so prejele izredno javnofinančno pomoč v skladu s pravili Evropske unije o državnih pomočeh, morajo politiko in prakse prejemkov ustrezno prilagoditi na način, da ustrezajo varnemu in zanesljivemu upravljanju tveganj banke.

(2) Prilagoditve iz prejšnjega odstavka morajo prispevati k pravočasnemu povračilu izredne javnofinančne pomoči s ciljem, da se zagotovijo pogoji za vzpostavitev dolgoročno uspešnega poslovanja in vključujejo zlasti ustrezne omejitve za prejemke članov upravljalnega organa.

(3) Banka lahko članom upravljalnega organa v banki, ki je prejela izredno javnofinančno pomoč, zagotovi in izplača variabilne prejemke le, če je to upravičeno glede na okoliščine posamičnega primera in položaj banke.

(4) Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz točke (e) prvega odstavka 4. člena te uredbe, lahko v primerih iz prvega odstavka tega člena zahteva od banke, da spremeni politiko prejemkov na način, da ustreza preudarnemu upravljanju tveganj in zagotavljanju dolgoročne rasti, in po potrebi določi omejitve za prejemke članov upravljalnega organa institucije.

6.6. Proces nadzorniškega pregledovanja in ovrednotenja tveganj

6.6.1. Splošne določbe

172. člen

(namen in obseg nadzorniškega pregledovanja in ovrednotenja tveganj)

(1) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje

granted)

(1) Banks that have received emergency fiscal aid in accordance with the European Union's rules on state aid shall appropriately adjust the remuneration policy and practices in such a manner that they are in line with the banks' secure and reliable risk management.

(2) The adjustments referred to in the preceding paragraph shall contribute to the timely repayment of emergency fiscal aid, with the aim of ensuring the conditions for establishing successful long-term operations and shall include, in particular, appropriate limitations on the remuneration of members of the governing body.

(3) A bank that has received emergency fiscal aid shall only ensure and pay variable remuneration to the members of its governing body if so justified by the circumstances surrounding an individual case and the position of the bank.

(4) In the cases referred to in paragraph one of this Article, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(e) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation may request that a bank amend the remuneration policy to bring it in line with prudent risk management and to ensure long-term growth and may set limits on the remuneration of the members of an institution's governing body, as required.

6.6. Supervisory review and risk evaluation process

6.6.1. General provisions

Article 172

(Purpose and scope of the supervisory review and risk evaluation process)

(1) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the

nalog iz (f) točke prvega odstavka 4. člena te uredbe, z izvajanjem nadzora nad banko preverja, ali ureditev notranjega upravljanja ter kapital in likvidnost, ki jih banka zagotavlja v skladu s tem zakonom in Uredbo (EU) št. 575/2013, omogočajo učinkovito in skrbno upravljanje banke ter ustrezno pokritje vseh tveganj, ki jim je izpostavljena pri svojem poslovanju ali bi jim lahko bila. Pri tem v skladu s 133. in 134. členom tega zakona upošteva raven izpolnjevanja obveznosti, kot so določene za banko na podlagi Uredbe (EU) št. 575/2013.

(2) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, z namenom zagotavljanja učinkovitega in skrbnega upravljanja banke ocenjuje:

1. tveganja, ki jim je banka izpostavljena pri svojem poslovanju ali bi jim lahko bila;
2. tveganja, ki jih banka pomeni za finančni sistem, z upoštevanjem meril za ocenjevanje sistemskih tveganj v skladu z Uredbo (EU) št. 1093/2010 in priporočili Evropskega odbora za sistemska tveganja;
3. tveganja, ki so ugotovljena v okviru stresnih testov, z upoštevanjem narave, obsega in zapletenosti dejavnosti, ki jih opravlja banka.

(3) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, določi pogostost in podrobnost nadzorniškega pregledovanja iz prvega in drugega odstavka tega člena in pri tem upošteva velikost in pomen posamezne banke za finančni sistem ter naravo, obseg in zapletenost dejavnosti, ki jih banka opravlja.

(4) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, preverjanje in oceno iz prvega in drugega odstavka tega člena izvede najmanj enkrat na leto.

(5) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, vsaj enkrat na leto

supervision of a bank in accordance with the same regulation, the Bank of Slovenia shall verify whether internal governance arrangements and the capital and liquidity that a bank provides in accordance with this Act and Regulation (EU) No 575/2013 facilitate the effective and prudent governance of the bank and the appropriate coverage of all risks to which the bank is or could be exposed to in its operations. To that end, the level of compliance with the obligations as determined for the bank based on Regulation (EU) No 575/2013 shall be taken into account in accordance with Articles 133 and 134 of this Act.

(2) With the purpose of ensuring the effective and prudent governance of a bank, the Bank of Slovenia, whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, shall assess:

1. the risks to which the bank is or could be exposed in its operations;
2. the risks that the bank represents to the financial system, taking into account criteria for the assessment of systemic risks in accordance with Regulation (EU) No 1093/2010 and the recommendations of the European Systemic Risk Board; and
3. the risks identified during stress tests, taking into account the nature, scale and complexity of the activities performed by the bank.

(3) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the Bank of Slovenia shall determine the frequency and intensity of the supervisory review referred to in paragraphs one and two of this Article, taking into account the size and significance of the bank to the financial system and the nature, scale and complexity of the activities that the bank performs.

(4) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the Bank of Slovenia shall perform the review and evaluation referred to in paragraphs one and two of this Article at least once a year.

(5) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the Bank of

izvede stresne teste, s katerimi se dopolnjuje proces pregledovanja in ovrednotenja tveganj iz prvega in drugega odstavka tega člena.

(6) Banka Slovenije posreduje Evropskemu bančnemu organu informacije glede:

1. izvajanja procesa nadzorniškega pregledovanja in ovrednotenja v skladu s tem členom;
2. metodologije, ki se uporablja za utemeljitev odločitev in ukrepov nadzora, ki jih izreče v skladu s tem zakonom na podlagi ugotovitev nadzorniškega pregledovanja in ovrednotenja.

173. člen

(tehnična merila nadzorniškega pregledovanja in ovrednotenja)

Banka Slovenije pri nadzorniškem pregledovanju in ovrednotenju v skladu s prejšnjim členom poleg kreditnega, tržnega in operativnega tveganja upošteva tudi:

1. rezultate stresnih testov, ki jih v skladu s 177. členom Uredbe (EU) št. 575/2013 izvede banka, ki uporablja pristop na podlagi notranjih bonitetnih ocen;
2. izpostavljenost banke tveganju koncentracije in upravljanje tega tveganja v banki, vključno z izpolnjevanjem zahtev iz 4. dela Uredbe (EU) št. 575/2013 in 163. člena tega zakona;
3. stabilnost, ustreznost in način uporabe politik in postopkov, ki jih izvaja banka za upravljanje preostalega kreditnega tveganja iz 155. člena tega zakona v povezavi z uporabo tehnik za zmanjševanje kreditnega tveganja;
4. ustrezen obseg kapitala, ki ga zagotavlja banka, glede na sredstva, ki jih je banka olistinila, ob upoštevanju ekonomske vsebine posla, vključno z doseženo stopnjo prenosa tveganja;
5. izpostavljenost banke likvidnostnemu tveganju ter merjenje in obvladovanje tega tveganja v banki, vključno z razvojem analiz alternativnih scenarijev, upravljanjem instrumentov za zmanjševanje tveganja (zlasti ravni, sestave in kakovosti likvidnostnih blažilnikov) ter učinkovitimi načrti neprekinjenega poslovanja;
6. vpliv učinkov razpršitve in način vključevanja teh učinkov v sistem merjenja tveganja;

Slovenia shall perform stress tests at least once a year with the aim of supplementing the review and risk evaluation process referred to in paragraphs one and two of this Article.

(6) The Bank of Slovenia shall submit the information to the European Banking Authority regarding:

1. the performance of the supervisory review and evaluation process in accordance with this Article and
2. the methodology used to justify supervisory decisions and measures imposed in accordance with this Act based on the findings of the supervisory review and evaluation process.

Article 173

(Technical criteria of the supervisory review and evaluation process)

In addition to credit, market and operational risks, the supervisory review and evaluation process performed by the Bank of Slovenia in accordance with the preceding Article shall also take into account:

1. the results of the stress tests carried out in accordance with Article 177 of Regulation (EU) No 575/2013 by a bank applying an Internal Ratings Based Approach;
2. the exposure to and management of concentration risk by the bank, including the fulfilment of the requirements referred to in Part 4 of Regulation (EU) No 575/2013 and Article 163 of this Act;
3. the stability, suitability and manner of application of the policies and procedures implemented by the bank for the management of the residual credit risk referred to in Article 155 of this Act in connection with the use of credit risk mitigation techniques;
4. the adequate extent of capital provided by the bank in respect of assets that the bank has securitised, taking into account the economic substance of a transaction, including the degree of risk transfer achieved;
5. the bank's exposure to liquidity risk and measurement and management of this risk in the bank, including the development of alternative scenario analyses, the management of instruments to mitigate risk (in particular the level, composition and quality of liquidity buffers), and effective contingency plans;
6. the impact of diversification effects and how such effects are included in the risk measurement system;

7. rezultate stresnih testov, ki jih izvede banka, ki uporablja notranji model za izračun kapitalske zahteve za tržno tveganje v skladu s 5. poglavjem IV. naslova 3. dela Uredbe (EU) št. 575/2013;
8. geografsko lokacijo izpostavljenosti banke;
9. poslovni model banke;
10. oceno sistemskega tveganja v skladu z merili iz prejšnjega člena.

174. člen **(ocena likvidnostnega tveganja)**

Banka Slovenije v okviru ocenjevanja likvidnostnega tveganja banke redno in celovito preverja strategije, politike in postopke za upravljanje likvidnostnega tveganja v banki in spodbuja razvoj zanesljivih notranjih metodologij v banki, ki upoštevajo pomen in vlogo banke za finančni sistem.

175. člen **(ocena tveganj, povezanih z listinjenjem)**

(1) Banka Slovenije v okviru ocenjevanja tveganj povezanih z listinjenjem, redno preverja in ocenjuje zlasti, ali banka zagotavlja posredno podporo pri listinjenju.

(2) Banka Slovenije na podlagi ocene iz prejšnjega odstavka od banke zahteva ustrezne spremembe pri izračunu kapitalskih zahtev, povezanih z listinjenjem, zlasti če je banka zagotavljala posredno podporo v več kot enem primeru listinjenja in je verjetno, da bo banka tudi v bodoče zagotavljala podporo pri listinjenju, zaradi česar ne doseže prenosa pomembnega deleža tveganja.

176. člen **(ocena tržnega in obrestnega tveganja)**

(1) Banka Slovenije v okviru ocenjevanja tržnih tveganj banke redno preverja in ocenjuje zlasti, ali prilagoditve vrednotenja za pozicije ali

7. the results of stress tests carried out by a bank that uses an internal model to calculate capital requirements for market risk in accordance with Chapter 5 of Title IV of Part 3 of Regulation (EU) No 575/2013;
8. the geographical location of the bank's exposure;
9. the bank's business model; and
10. the assessment of systemic risk in accordance with the criteria referred to in the preceding Article.

Article 174 **(Assessment of liquidity risk)**

When assessing the liquidity risk to which a bank is exposed, the Bank of Slovenia shall regularly and comprehensively verify that bank's liquidity risk management strategies, policies and procedures and shall encourage the development of reliable internal methodologies at the bank that take into account the bank's significance to and role in the financial system.

Article 175 **(Assessment of securitisation risks)**

(1) When assessing securitisation risks, the Bank of Slovenia shall, in particular, verify and assess on a regular basis whether a bank provides indirect support in securitisation.

(2) Based on the assessment referred to in the preceding paragraph, the Bank of Slovenia shall request that a bank make the necessary changes in the calculation of capital requirements linked to securitisation, particularly if the bank provided indirect support in more than one case of securitisation and it is likely that the bank will provide support in securitisation also in the future, for which reason it fails to transfer a significant portion of the associated risk.

Article 176 **(Assessment of market risk and interest-rate risk)**

(1) When assessing the market risks to which a bank is exposed, the Bank of Slovenia shall, in particular, verify and assess on a

portfelje v trgovalni knjigi, kot so določeni v 105. členu Uredbe (EU) št. 575/2013, banki omogočajo, da v kratkem časovnem obdobju proda svoje pozicije ali zanje uvede varovanje brez pomembne izgube v običajnih tržnih pogojih.

(2) Banka Slovenije v okviru preverjanja in ocenjevanja iz prejšnjega odstavka preverja tudi izpostavljenost banke tveganju spremembe obrestne mere, ki izhaja iz netrgovalnih dejavnosti. Banka Slovenije od banke zahteva ustrezne spremembe pri upravljanju obrestnega tveganja zlasti, če zaradi nenadnih in nepričakovanih sprememb obrestnih mer za 200 bazičnih točk banka izkaže izgubo, ki presega 20 odstotkov njenega kapitala, ki se upošteva pri izpolnjevanju kapitalskih zahtev.

177. člen

(ocenjevanje tveganj prevelikega finančnega vzvoda)

(1) Banka Slovenije v okviru ocenjevanja izpostavljenosti banke tveganju prevelikega finančnega vzvoda preverja zlasti izpostavljenosti, kot izhajajo iz kazalnikov prevelikega finančnega vzvoda in zlasti količnika finančnega vzvoda, določenega v skladu s 429. členom Uredbe (EU) št. 575/2013.

(2) Banka Slovenije v okviru preverjanja iz prejšnjega odstavka pri oceni ustreznosti količnika finančnega vzvoda institucij ter oceni ustreznosti ureditev, strategij, procesov in mehanizmov, ki jih je vzpostavila banka glede upravljanja tveganja prevelikega finančnega vzvoda, ustrezno upošteva poslovni model banke.

178. člen

(ocenjevanje ustreznosti ureditve notranjega upravljanja banke)

(1) Banka Slovenije pregleduje in ovrednoti ustreznost ureditve notranjega upravljanja banke, korporativne kulture in vrednot banke ter usposobljenost članov upravljalnega organa za opravljanje njihovih nalog.

regular basis whether adjustments to valuation for positions or portfolios in the trading book as determined in Article 105 of Regulation (EU) No 575/2013 enable the bank to sell its positions in a short period of time or exercise collateral on those positions without incurring a material loss under normal market conditions.

(2) As part of the verification and assessment referred to in the preceding paragraph, the Bank of Slovenia shall also verify a bank's exposure to the interest rate risk that derives from non-trading activities. The Bank of Slovenia shall require a bank to make appropriate changes to its interest rate risk management, particularly if due to sudden and unexpected changes in interest rates of 200 basis points, the bank discloses a loss that exceeds 20% of its capital that is taken into account in the fulfilment of capital requirements.

Article 177

(Assessment of the risk of excessive leverage)

(1) When assessing a bank's exposure to the risk of excessive leverage, the Bank of Slovenia shall verify, in particular, the exposures that derive from indicators of excessive leverage and, in particular, the leverage ratio determined in accordance with Article 429 of Regulation (EU) No 575/2013.

(2) As part of the verification referred to in the preceding paragraph, the Bank of Slovenia shall take appropriate account of a bank's business model in its assessment of the appropriateness of the leverage ratio of institutions and its assessment of the appropriateness of arrangements, strategies, processes and mechanisms established by the bank for managing the risk of excessive leverage.

Article 178

(Assessment of the appropriateness of a bank's internal governance arrangements)

(1) The Bank of Slovenia shall examine and evaluate the appropriateness of a bank's internal governance arrangements, corporate culture and banking values and the qualifications of members of the governing body to perform their tasks.

(2) Banka Slovenije lahko za namene pregledovanja in ovrednotenja iz prejšnjega odstavka kadarkoli zahteva od banke predložitev dnevnega reda in druge dokumentacije, ki se obravnava na sestankih upravljalnega organa oziroma njegovih komisij, zapisnike teh sestankov ter rezultate morebitne notranjega ali zunanjega ocenjevanja uspešnosti delovanja upravljalnega organa banke.

6.6.2. Pregled in ovrednotenje uporabe notranjih pristopov

179. člen (poročanje o notranjih pristopih za izračun kapitalskih zahtev)

(1) Banka, ki uporablja notranji pristop za izračun zneskov tveganju prilagojenih izpostavljenosti ali kapitalskih zahtev, določenih v skladu z Uredbo (EU) št. 575/2013, razen za operativna tveganja, vsaj enkrat letno predloži Evropskemu bančnemu organu in Banki Slovenije ali Evropski centralni banki, kadar je ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje vseh nalog iz prvega odstavka 4. člena te uredbe, poročilo o rezultatih izračunov svojih notranjih pristopov za izpostavljenosti ali pozicije, ki so vključene v referenčne portfelje, določene v skladu z drugim odstavkom tega člena, skupaj z razlago metodologij, ki jih je uporabila.

(2) Banka posreduje poročilo iz prejšnjega odstavka glede referenčnih portfeljev, ki jih določi Komisija s predpisom na podlagi osmega odstavka 78. člena Direktive 2013/36/EU.

(3) Banka Slovenije ali Evropska centralna banka, kadar je ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje vseh nalog iz prvega odstavka 4. člena te uredbe, lahko poleg referenčnih portfeljev iz prejšnjega odstavka določi dodatne referenčne portfelje, za katere mora banka predložiti poročilo o rezultatih izračunov svojih notranjih pristopov za izpostavljenosti ali pozicije, ki so vključene v te dodatne referenčne portfelje, skupaj z razlago metodologij, ki jih je uporabila. Banka Slovenije se o določitvi dodatnih referenčnih

(2) For the purpose of examination and evaluation referred to in the preceding paragraph, the Bank of Slovenia may request at any time that a bank submit the agendas and other documentation discussed at meetings of the governing body or its committees, the minutes of those meetings, and the results of possible internal or external assessment of the performance of the bank's governing body.

6.6.2. Examination and evaluation of the use of internal approaches

Article 179 (Reporting on internal approaches for the calculation of capital requirements)

(1) A bank that uses an internal approach to calculate the amounts of risk-weighted exposure or capital requirements determined in accordance with Regulation (EU) No 575/2013, except for operational risks, shall submit a report at least once a year to the European Banking Authority and to the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing all tasks referred to in Article 4(1) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, detailing the results of the calculations of its internal approaches for exposures or positions included in benchmark portfolios determined in accordance with paragraph two of this Article, together with an explanation of the methodologies it used.

(2) A bank shall submit the report referred to in the preceding paragraph regarding the benchmark portfolios determined by the Commission via a regulation based on paragraph eight of Article 78 of Directive 2013/36/EU.

(3) In addition to the benchmark portfolios referred to in the preceding paragraph, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing all tasks referred to in Article 4(1) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation may determine additional benchmark portfolios for which a bank shall submit a report detailing the results of the calculations of its internal approaches for exposures or positions included in those additional benchmark portfolios, together with

portfeljev za namene poročanja predhodno posvetuje z Evropskim bančnim organom.

(4) Banka poroča o rezultatih izračunov za referenčne portfelje iz prvega odstavka ločeno od rezultatov za referenčne portfelje iz prejšnjega odstavka.

180. člen (presoja notranjih pristopov)

(1) Banka Slovenije na podlagi informacij iz poročil, določenih v prejšnjem členu, spremlja in analizira razpon tveganju prilagojenih zneskov izpostavljenosti ali kapitalskih zahtev, razen za operativna tveganja, za izpostavljenosti v referenčnem portfelju.

(2) Banka Slovenije na podlagi ugotovitev iz prejšnjega odstavka vsaj enkrat letno oceni kakovost notranjih pristopov bank, zlasti:

1. pristopov, pri katerih so pri enaki izpostavljenosti velike razlike v kapitalskih zahtevah, določenih v skladu z Uredbo (EU) št. 575/2013;
2. pristopov, ki so izjemno raznoliki ali izjemno podobni in pri katerih so kapitalске zahteve, določene v skladu z Uredbo (EU) št. 575/2013, znatno in sistematično podcenjene.

(3) Če se rezultati izračunov posameznih bank znatno razlikujejo od rezultatov pretežnega dela bank ali če pristopi dajejo veliko število različnih rezultatov, Banka Slovenije preuči razloge za te razlike.

(4) Če z upoštevanjem ugotovitev iz prejšnjega odstavka Banke Slovenije oceni, da rezultati na podlagi notranjih pristopov, ki jih uporablja banka, vodijo v podcenjenost kapitalskih zahtev za banko, ki je ni mogoče utemeljiti z razlikami v tveganjih posameznih izpostavljenosti ali pozicij, Banka Slovenije od banke zahteva ustrezne popravke v metodologiji, ki jo uporablja banka.

an explanation of the methodologies it used. The Bank of Slovenia shall consult with the European Banking Authority before making a decision determining additional benchmark portfolios for reporting purposes.

(4) A bank shall report the results of calculations for the benchmark portfolios referred to in paragraph one separately from the results for the benchmark portfolios referred to in the preceding paragraph.

Article 180 (Assessment of internal approaches)

(1) Based on the information from the reports laid down in the preceding Article, the Bank of Slovenia shall monitor and analyse the range of risk-weighted exposure amounts or capital requirements, excluding operational risks, for exposures in a benchmark portfolio.

(2) Based on the findings referred to in the preceding paragraph, the Bank of Slovenia shall assess the quality of banks' internal approaches at least once a year, in particular:

1. approaches for which significant differences in capital requirements determined in accordance with Regulation (EU) No 575/2013 exist for the same exposure and
2. approaches that differ greatly or are exceptionally similar and for which capital requirements determined in accordance with Regulation (EU) No 575/2013 are significantly and systematically underestimated.

(3) If the results of calculations of individual banks differ significantly from the results of the majority of banks or if approaches provide a large number of different results, the Bank of Slovenia shall study the reasons for those differences.

(4) If, taking into account the findings referred to in the preceding paragraph, the Bank of Slovenia assesses that the results based on the internal approaches used by a bank lead to an underestimation of capital requirements for that bank that cannot be justified by the differences in the risks associated with specific exposures or positions, the Bank of Slovenia shall require the bank to make the requisite corrections to the methodology that the bank uses.

(5) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, v zvezi z ocenjevanjem notranjih pristopov bank in pri določanju zahtev glede popravkov metodologije, ki jo uporablja banka, zagotovi, da ne:

1. spodbuja standardizacije notranjih pristopov bank ali uporabe posameznih notranjih pristopov pred drugimi;
2. ustvarja napačnih spodbud za uporabo notranjih pristopov;
3. spodbuja nekritičnega posnemanja uporabe notranjih pristopov.

181. člen

(uporaba notranjih pristopov za izračunavanje kapitalskih zahtev)

(1) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, spodbuja banke, ki pri ocenjevanju kreditne sposobnosti subjekta ali finančnega instrumenta uporabljajo zunanje bonitetne ocene, da teh ocen ne uporabljajo kot izključnega ali avtomatičnega merila za oceno kreditne sposobnosti. Pri tem Banka Slovenije upošteva velikost in notranjo organiziranost banke ter naravo, obseg in zapletenost dejavnosti, ki jih banka opravlja.

(2) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, usmerja banke, da glede na naravo, obseg in zapletenost dejavnosti, ki jih opravlja ter ob upoštevanju meril iz 1. oddelka 3. poglavja II. naslova 3. dela oziroma 1. do 5. oddelkov 5. Poglavja IV. naslova 3. dela Uredbe (EU) št. 575/2013 razvijejo notranje zmogljivosti za ocenjevanje kreditnega tveganja in pogosteje uporabljajo:

1. pristop na podlagi notranjih bonitetnih ocen za izračunavanje kapitalskih zahtev za kreditno tveganje, kadar so njihove izpostavljenosti pomembne v absolutnem smislu in kadar imajo hkrati veliko število pomembnih nasprotnih strank;
2. notranje modele za izračun kapitalskih zahtev za posebno tveganje dolžniških instrumentov v trgovalni knjigi skupaj z notranjimi modeli

(5) In connection with the assessment of banks' internal approaches and, when determining requirements, to correct the methodology used by a bank, the Bank of Slovenia, whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, shall ensure that it does not:

1. promote the standardisation of banks' internal approaches or the use of particular internal approaches over others;
2. erroneously promote the use of internal approaches; or
3. promote non-critical copying of use of internal approaches.

Article 181

(Use of internal approaches to calculate capital requirements)

(1) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the Bank of Slovenia shall encourage banks that use external credit ratings to assess the creditworthiness of an entity or a financial instrument not to use those ratings as the only criteria or as automatic criteria to assess creditworthiness. To that end, the Bank of Slovenia shall take into account the size and internal organisational structure of a bank and the nature, scale and complexity of the activities performed by the bank.

(2) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the Bank of Slovenia shall encourage banks to develop internal capacities for assessing credit risk with respect to the nature, scale and complexity of the activities they perform and taking into account the criteria referred to in Section 1 of Chapter 3 of Title II of Part 3 or Sections 1 to 5 of Chapter 5 of Title IV of Part 3 of Regulation (EU) No 575/2013 and to use the following more frequently:

1. an Internal Ratings Based Approach for calculating capital requirements for credit risk, whenever banks' exposures are significant in absolute terms and whenever banks also have a large number of significant counterparties and
2. internal models for calculating capital requirements for the specific risk of debt instruments in the trading book, together with internal

za izračun kapitalskih zahtev za tveganje neplačila in migracije, kadar je njihova izpostavljenost posebnemu tveganju pomembna v absolutnem smislu in kadar imajo veliko število pomembnih pozicij v dolžniških instrumentih različnih izdajateljev.

182. člen

(redno preverjanje pogojev za uporabo notranjih pristopov)

(1) Banka Slovenije, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (f) točke prvega odstavka 4. člena te uredbe, redno, vendar najmanj vsaka tri leta preverja, ali banke, ki so pridobile dovoljenje Banke Slovenije za uporabo notranjih pristopov za izračun kapitalskih zahtev v skladu z 3. delom Uredbe (EU) št. 575/2013, izpolnjujejo pogoje in zahteve, ki so s tem zakonom ali Uredbo (EU) št. 575/2013 določene za pridobitev tega dovoljenja.

(2) Banka Slovenije pri presoji iz prejšnjega odstavka pregleduje in ocenjuje, ali banka pri notranjih pristopih uporablja dobro razvite in sodobne tehnike ter prakse ter pri tem zlasti upošteva morebitne spremembe v poslovanju banke in uporabi navedenih pristopov pri novih produktih banke.

(3) Če Banka Slovenije na podlagi pregleda in ocene iz prejšnjega odstavka ugotovi pomembne pomanjkljivosti pri zajetju tveganj z notranjim pristopom, od banke zahteva ustrezne spremembe v zvezi z notranjim pristopom na način, da se pomanjkljivosti odpravijo ali ublažijo njihove posledice. Banka Slovenije lahko v teh primerih zahteva od banke zlasti uvedbo višjih multiplikatorjev, določi kapitalske pribitke ali izreče druge ustrezne ukrepe.

(4) Če v zvezi z notranjim modelom za tržna tveganja Banka Slovenije na podlagi preverjanja iz prvega odstavka tega člena ugotovi veliko število preseganj iz 366. člena Uredbe (EU) št. 575/2013, ki kažejo, da model ni dovolj natančen, lahko Banka Slovenije odvzame dovoljenje banki za uporabo tega notranjega modela ali zahteva od banke, da izvede

models for calculating capital requirements for the risk of default and migration, whenever banks' exposure to specific risk is significant in absolute terms and whenever banks have a large number of significant positions in the debt instruments of various issuers.

Article 182

(Regular verification of conditions for the use of internal approaches)

(1) Whenever it is responsible for performing the tasks referred to in Article 4(1)(f) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the Bank of Slovenia shall verify regularly, but at a minimum every three years, whether banks that have obtained Bank of Slovenia's authorisation to use internal approaches for the calculation of capital requirements in accordance with Part 3 of Regulation (EU) No 575/2013 meet the conditions and requirements laid down in this Act or Regulation (EU) No 575/2013 to obtain that authorisation.

(2) In its assessment referred to in the preceding paragraph, the Bank of Slovenia shall review and assess whether a bank uses well-developed and contemporary techniques and practices in the internal approaches and in particular it shall take into account potential changes in the bank's operations and in the use of the aforementioned approaches for the bank's new products.

(3) If, based on the review and assessment referred to in the preceding paragraph, the Bank of Slovenia identifies significant deficiencies in the capture of risks using an internal approach, it shall require the bank in question to make the necessary changes to that internal approach with the aim of eliminating those deficiencies or mitigating the consequences thereof. In such cases, the Bank of Slovenia may, in particular, require the bank to use higher multiplication factors, determine capital add-ons or impose other appropriate measures.

(4) If, based on the verification referred to in paragraph one of this Article and in connection with the internal model for market risks, the Bank of Slovenia identifies a large number of the overshootings referred to in Article 366 of Regulation (EU) No 575/2013, which indicate that the aforementioned model is not sufficiently accurate, the Bank of Slovenia

ustrezne ukrepe, s katerimi se zagotovi takojšnje izboljšanje modela notranjega pristopa.

(5) Če Banka Slovenije na podlagi preverjanja iz prvega odstavka tega člena ugotovi, da banka ne izpolnjuje več zahtev za uporabo notranjega pristopa za izračun kapitalskih zahtev v skladu z 3. delom Uredbe (EU) št. 575/2013, lahko od banke zahteva, da:

1. dokaže, da učinek neskladnosti z zahtevami za uporabo pristopa ni pomemben za izračun kapitalskih zahtev v skladu z Uredbo (EU) št. 575/2013, ali
2. predloži načrt za pravočasno ponovno vzpostavitev skladnosti z zahtevami in določi rok za izvedbo načrta.

(6) Banka Slovenije lahko v primerih iz 2. točke prejšnjega odstavka zahteva od banke ustrezne spremembe načrta, če iz načrta, ki ga je predložila banka, ni razvidno, da bo banka zagotovila popolno skladnost z zahtevami za uporabo notranjega pristopa, ali če rok, ki ga je predlagala banka, ni ustrezen.

(7) Banka Slovenije na podlagi preverjanja iz prvega odstavka tega člena banki odvzame dovoljenje za uporabo notranjega pristopa ali omeji uporabo notranjega pristopa na določena področja, če banka:

1. z načrtovanimi ukrepi verjetno ne bo sposobna zagotoviti skladnosti z zahtevami za uporabo notranjega pristopa v ustreznem roku ali
2. ni zadovoljivo dokazala, da učinek neskladnosti ni pomemben.

6.6.3. Pregled in ocena ustreznega notranjega kapitala

183. člen **(presoja ustreznega notranjega kapitala)**

(1) Če Banka Slovenije na podlagi ugotovitev procesa

may revoke authorisation for the use of that internal model or may require a bank to implement the necessary measures to ensure the immediate improvement of the internal approach model.

(5) If, based on the verification referred to in paragraph one of this Article, the Bank of Slovenia establishes that a bank no longer meets the requirements to use an internal approach for the calculation of capital requirements in accordance with Part 3 of Regulation (EU) No 575/2013, the Bank of Slovenia may require the bank:

1. to prove that the effect of non-compliance with the requirements to use that approach is not material for the calculation of capital requirements in accordance with Regulation (EU) No 575/2013 or
2. to submit a plan for the timely re-establishment of compliance with those requirements and set a time limit for the implementation of the plan.

(6) In the cases referred to in point 2 of the preceding paragraph, the Bank of Slovenia may require a bank to make the necessary changes to its plan if it is not evident from the plan submitted by the bank that the latter will ensure full compliance with the requirements for the use of an internal approach or if the time limit proposed by the bank is inappropriate.

(7) Based on the verification referred to in paragraph one of this Article, the Bank of Slovenia shall revoke authorisation for the use of an internal approach or limit the use of an internal approach to specific areas if:

1. it is unlikely that a bank will be able to ensure compliance with the requirements to use an internal approach by a relevant time limit based on planned measures or
2. the bank did not satisfactorily prove that the effect of non-compliance would be insignificant.

6.6.3. Internal capital adequacy review and assessment

Article 183 **(Internal capital adequacy assessment)**

(1) If, based on the findings of the supervisory review and

nadzorniškega pregledovanja in ovrednotenja v skladu s pododdelkom 6.6.1. tega zakona ugotovi, da banka glede na tveganja, ki jim je ali bi jim lahko bila izpostavljena pri svojem poslovanju, ne zagotavlja ustreznega notranjega kapitala v skladu s 131. členom tega zakona, banko pisno obvesti o svoji oceni ustreznega zneska, vrst ali razporeditve notranjega kapitala banke ter opredeli rok, v katerem mora banka predložiti poročilo o ukrepih, ki jih bo sprejela za zagotavljanje ustreznega notranjega kapitala, in o okoliščinah, ki vplivajo na drugačno oceno ustreznega zneska, vrst ali razporeditve notranjega kapitala.

(2) Banka Slovenije na podlagi ugotovitev procesa nadzorniškega pregledovanja in ovrednotenja v skladu s pododdelkom 6.6.1. tega zakona izdela oceno iz prejšnjega odstavka ob upoštevanju:

1. kvantitativnih in kvalitativnih elementov procesa ocenjevanja ustreznega notranjega kapitala iz 131. člena tega zakona;
2. ureditve, procese in mehanizme notranjega upravljanja banke iz 128. člena tega zakona;
3. ocene sistemskega tveganja.

(3) Če banka v določenem roku ne predloži poročila o ukrepih za uskladitev z oceno Banke Slovenije iz prvega odstavka tega člena ali ne predloži poročila o okoliščinah, ki vplivajo na drugačno oceno ustreznega zneska, vrst ali razporeditve notranjega kapitala, lahko Banka Slovenije banki odredi zagotavljanje kapitala v skladu s 1. točko drugega odstavka 250. člena tega zakona.

(4) Če iz poročila banke izhajajo okoliščine, ki vplivajo na drugačno oceno potrebnih zneskov, vrst ali razporeditve notranjega kapitala, Banka Slovenije spremeni svojo oceno ustreznega notranjega kapitala in postopa v skladu s prvim odstavkom tega člena.

(5) Zoper oceno iz prvega ali četrtega odstavka tega člena banka nima posebnega ugovora, ampak lahko okoliščine in razloge, ki vplivajo na drugačno oceno obsega, vrst ali razporeditve notranjega kapitala, uveljavlja v postopku zoper odredbo o zagotavljanju dodatnega kapitala, ki jo izda Banka Slovenije na podlagi tretjega odstavka tega člena.

evaluation process in accordance with Subsection 6.6.1. of this Act, the Bank of Slovenia establishes that a bank fails to ensure internal capital adequacy in accordance with Article 131 of this Act with respect to the risks to which the bank is or could be exposed in its operations, the Bank of Slovenia shall notify the bank in writing of its own assessment of the adequate amount, types or allocation of the bank's internal capital and set a time limit by which the bank shall submit a report on the measures it will adopt to ensure internal capital adequacy and regarding circumstances that could influence a different assessment of the adequate amount, types or allocation of internal capital.

(2) Based on the findings of the supervisory review and evaluation process in accordance with Subsection 6.6.1. of this Act, the Bank of Slovenia shall draw up the assessment referred to in the preceding paragraph, taking into account:

1. quantitative and qualitative elements of the internal capital adequacy assessment process referred to in Article 131 of this Act;
2. a bank's internal governance arrangements, processes and mechanisms referred to in Article 128 of this Act; and
3. an assessment of systemic risk.

(3) If by a specific time limit a bank fails to submit the report on measures to bring its assessment in line with the Bank of Slovenia's assessment referred to in paragraph one of this Article or fails to submit the report on circumstances that could lead to a different assessment of the adequate amount, types or allocation of internal capital, the Bank of Slovenia may order the bank to provide capital in accordance with point 1 of paragraph two of Article 250 of this Act.

(4) If circumstances that could lead to a different assessment of the necessary amounts, types or allocation of internal capital are evident from a bank's report, the Bank of Slovenia shall amend its own internal capital adequacy assessment and proceed in accordance with paragraph one of this Article.

(5) A bank may not file a specific objection against the assessment referred to in the first or fourth paragraphs of this Article but may present the circumstances and factors that could lead to a different assessment of the scope or types or allocation of internal capital in a procedure against an order to provide additional capital issued by the Bank of Slovenia based on paragraph three of this Article.

6.7. Načrtovanje sanacije in znotrajgupska finančna podpora

6.7.1. Načrt sanacije

184. člen (načrt sanacije)

(1) Banka, ki ni del skupine, nad katero Banka Slovenije ali drug pristojni organ izvaja nadzor na konsolidirani podlagi, mora sprejeti načrt ukrepov (v nadaljnjem besedilu: načrt sanacije), s katerimi se v primeru znatnega poslabšanja finančnega položaja banke omogoči prestrukturiranje banke tako, da se ohrani ali ponovno vzpostavi uspešno poslovanje in finančna trdnost banke.

(2) Banka, ki je del skupine, nad katero Banka Slovenije, Evropska centralna banka ali drug pristojni organ izvaja nadzor na konsolidirani podlagi, in ni EU nadrejena banka, mora sprejeti individualni načrt sanacije z upoštevanjem okoliščin in ukrepov na ravni te banke, če je sprejeta odločitev iz 3. točke tretjega odstavka 199. člena tega zakona.

185. člen (vsebina načrta sanacije banke)

(1) Banka mora v načrtu sanacije upoštevati različne možnosti ukrepanja za ohranjanje ali ponovno vzpostavitev uspešnega poslovanja banke in njene finančne trdnosti (ukrepi sanacije), glede na različne stresne scenarije, ki predvidevajo poslabšanje različnih makroekonomskih in finančnih dejavnikov, ki lahko pomembno vplivajo na položaj banke, vključno z dogodki na ravni celotnega sistema ter posebnimi okoliščinami posameznega subjekta in skupine. Načrt sanacije ne sme upoštevati možnosti uporabe izredne javnofinančne pomoči in ne sme ustvarjati drugih neposrednih negativnih javnofinančnih učinkov.

(2) Načrt sanacije banke mora vključevati zlasti naslednje informacije:

6.7. Recovery planning and intra-group financial support

6.7.1. Recovery plan

Article 184 (Recovery plan)

(1) A bank that is not a part of a group subject to supervision by the Bank of Slovenia or another competent authority on a consolidated basis shall adopt a plan of measures (hereinafter: recovery plan) that will facilitate the restructuring of the bank in the event of a significant deterioration in its financial position, with the aim of maintaining or restoring the viability and financial soundness of the bank.

(2) A bank that is a part of a group subject to supervision by the Bank of Slovenia, the European Central Bank or another competent authority on a consolidated basis and that is not an EU parent bank shall adopt an individual recovery plan, taking into account circumstances and measures at the level of that bank, if the decision referred to in point 3 of paragraph three of Article 199 of this Act is adopted.

Article 185 (Content of a bank's recovery plan)

(1) A bank's recovery plan shall take into account various possible measures to maintain or restore the bank's viability and financial soundness (recovery measures) with respect to various stress scenarios that envisage a deterioration in various macroeconomic and financial factors that could have a significant impact on the bank's position, including events at the level of the whole system and special circumstances relating to an individual entity and a group. A recovery plan shall not take into account the possible use of emergency fiscal aid and shall not generate other direct negative fiscal effects.

(2) A bank's recovery plan shall include in particular the following information:

1. povzetek glavnih vsebin načrta sanacije, vključno z navedbo bistvenih sprememb glede na predhodni načrt sanacije;
2. strateško analizo banke, ki mora vsebovati opis organizacijske strukture in poslovni model banke ter glavne poslovne dejavnosti in kritične funkcije;
3. opis razpoložljivih možnosti prestrukturiranja, da se zagotovi ali ponovno vzpostavi uspešno poslovanje in finančna trdnost banke, vključno z ukrepi s časovnim okvirom za njihovo izvedbo;
4. analizo učinkov vsake od možnosti, ki je obravnavana v načrtu, vključno z učinki, ki jih ima posamezna možnost za nadaljevanje ključnih funkcij in vpliva na druge udeležence na trgu, upnike, delničarje banke ter za zaposlene;
5. analizo izvedljivosti posameznih možnosti, ki so obravnavane v načrtu, vključno z navedbo morebitnih ovir za njihovo izvajanje ter opis postopkov in ukrepov, s katerim se te ovire odpravijo;
6. opis ureditev, ki zagotavljajo vire financiranja banke v izrednih pogojih, vključno z opredelitvijo potencialnih virov, ki bi bili na razpolago ter oceno razpoložljivega zavarovanja, vključno z analizo izpolnjevanja pogojev za dostop banke do posojila v skrajni sili pri Banki Slovenije;
7. opredelitev kvalitativnih in kvantitativnih kazalnikov poslabšanja finančnega položaja banke, ki zagotavljajo pravočasno izvedbo ukrepov za ohranitev ali ponovno vzpostavitev finančne trdnosti banke, z lastnimi prizadevanji banke, vključno z opredelitvijo postopkov stopnjevanja ukrepov, ki zagotavljajo, da je uprava pravočasno informirana o stopnjevanju ukrepov in vključena v procese odločanja o teh ukrepih, ter, da se zagotovi pravočasno obveščanje Banke Slovenije ali Evropske centralne banke, kadar ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe, o stopnjevanju ukrepov ter o doseganju ali preseganju mejnih vrednosti kazalnikov poslabšanja;
8. opis stresnih scenarijev, ki so upoštevani v načrtu, ter oceno učinkovitosti in izvedljivosti izvajanja načrta sanacije v pogojih posameznega stresnega scenarija,
9. opis ukrepov, ki bi se lahko izvedli, če se izpolnijo pogoji za ukrepe zgodnjega posredovanja v skladu s tem zakonom;

1. a summary of the recovery plan's key elements, including stating any material changes in relation to the previous recovery plan;
2. a strategic analysis of the bank, which shall include a description of the bank's organisational structure and business model and core business activities and critical functions;
3. a description of available restructuring options to ensure or restore the bank's viability and financial soundness, including measures with a time frame for their implementation;
4. an analysis of the effects of each option considered in the plan, including the effects that an individual option has for the continuation of key functions and the impact on other market participants, creditors, the bank's shareholders and employees;
5. an analysis of the feasibility of individual options considered in the plan, including stating possible impediments to the implementation of those options and a description of procedures and measures to eliminate those impediments;
6. a description of arrangements to secure bank funding sources in emergencies, including a definition of potential sources that might be available, and an assessment of available collateral, including an analysis of the fulfilment of conditions for a bank to access loans via the Bank of Slovenia as a lender of last resort;
7. a definition of qualitative and quantitative indicators of a deterioration in the bank's financial position that ensure the timely implementation of measures to maintain or restore the financial soundness of the bank through the latter's own efforts, including a definition of procedures for the escalation of measures that ensure that the management board is notified in a timely manner of that escalation and that it is included in decision-making processes regarding those measures and that the timely notification of the Bank of Slovenia or the European Central Bank is ensured, whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, with regard to the escalation of measures and with regard to limit values of deterioration indicators that have been reached or exceeded;
8. a description of stress scenarios taken into account in the plan and an assessment of the effectiveness and feasibility of implementing the recovery plan under the conditions of an individual stress scenario;
9. a description of measures that could be implemented if the conditions for early intervention measures in accordance with this Act are met;

10. načrt interne izmenjave informacij in komunikacije z javnostjo, vključno z razkritji, ki jih izvede banka v zvezi z izvajanjem ukrepov sanacije, da se glede na posebne značilnosti, ki veljajo za posamezne možnosti sanacije, preprečijo ali zmanjšajo morebitni negativni učinki na trgu;
11. seznam pripravljanih ukrepov, ki jih je sprejela banka ali bo z namenom, da se olajša izvajanje načrta sanacije.

(3) Banka Slovenije predpiše podrobnejše informacije, ki jih mora vključevati načrt sanacije banke.

(4) Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz točke (i) prvega odstavka 4. člena te uredbe, lahko za posamezno banko:

1. določi dodatne informacije, ki jih mora banka vključiti v načrt sanacije;
2. zahteva, da banka za namene ocenjevanja in izvajanja načrta sanacije vodi podrobne evidence s podatki o sklenjenih finančnih pogodbah.

186. člen

(kazalniki poslabšanja finančnega položaja banke)

(1) Banka mora zagotoviti, da kvantitativni in kvalitativni kazalniki poslabšanja finančnega položaja, ki na podlagi načrta sanacije sprožijo posamezne ukrepe sanacije ali pripravljalne aktivnosti za uporabo posameznih ukrepov sanacije, omogočajo enostavno, tekoče in ustrezno spremljanje finančnega položaja banke.

(2) Banka mora vzpostaviti ustrezne notranje ureditve za redno spremljanje kazalnikov iz prejšnjega odstavka.

(3) Če z upoštevanjem kazalnikov poslabšanja finančnega položaja banke, ki so opredeljeni v načrtu sanacije, nastopijo okoliščine

10. a plan outlining the internal exchange of information and public communication, including disclosures made by the bank in connection with the implementation of recovery measures that, taking into account special characteristics valid for individual recovery options, prevent or mitigate possible negative effects on the market; and
11. a list of measures of inquiry adopted or that will be adopted by the bank with the aim of facilitating the implementation of the recovery plan.

(3) The Bank of Slovenia shall prescribe more detailed information that shall be included in a bank's recovery plan.

(4) With respect to an individual bank, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation may:

1. determine additional information that a bank shall include in the recovery plan and
2. request that a bank keep detailed records with data regarding concluded financial agreements for the purpose of assessing and implementing the recovery plan.

Article 186

(Indicators of a deterioration in a bank's financial position)

(1) A bank shall ensure that the quantitative and qualitative indicators of a deterioration in its financial position which, based on the recovery plan, trigger individual recovery measures or preparatory activities for the implementation of individual recovery measures, enable the simple, continuous and appropriate monitoring of the bank's financial position.

(2) A bank shall establish the appropriate internal arrangements for the regular monitoring of indicators referred to in the preceding paragraph.

(3) If circumstances arise for the implementation of individual recovery measures by taking into account the indicators of a deterioration

za uporabo posameznih ukrepov sanacije, banka ni zavezana uporabiti ukrepov sanacije, ki so za te primere predvideni v načrtu sanacije, če upravljalni organ banke meni, da glede na dejanske razmere uporaba teh ukrepov ni primerna.

(4) Banka lahko uporabi ukrepe sanacije, predvidene v načrtu sanacije tudi, če z upoštevanjem kazalnikov poslabšanja finančnega položaja banke, ki so opredeljeni v načrtu sanacije, niso nastopile okoliščine za uporabo posameznih ukrepov sanacije, če upravljalni organ banke meni, da je glede na razmere to primerno.

(5) Banka mora nemudoma obvestiti Banko Slovenije ali Evropsko centralno banko, kadar ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe, o odločitvi iz tretjega ali četrtega odstavka tega člena.

187. člen

(interna potrditev in preverjanje ustreznosti načrta sanacije)

(1) Načrt sanacije ter vsakokratne spremembe načrta sprejme upravljalni organ banke preden ga predloži Banki Slovenije ali Evropski centralni banki, kadar ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe. Banka hkrati predloži dokazila, da:

1. se bo z izvajanjem ukrepov, določenih v načrtu sanacije, z ustrezno verjetnostjo ohranilo ali ponovno vzpostavilo uspešno poslovanje in trden finančni položaj banke, pri čemer se upoštevajo pripravljalni ukrepi, ki jih je banka sprejela ali jih bo sprejela;
2. se bodo načrt sanacije in v njem predvideni posebni ukrepi z ustrezno verjetnostjo hitro in učinkovito izvajali tudi v primeru stresnih okoliščin, tako da se bo v čim večji meri preprečil resnejši negativni vpliv na finančni sistem, tudi po stresnih scenarijih, v katerih bi druge institucije izvajale načrte sanacije v istem obdobju.

in a bank's financial position defined in the recovery plan, the bank shall not be obliged to implement the recovery measures envisaged in the recovery plan for those cases if the bank's governing body considers the implementation of those measures inappropriate given the actual situation.

(4) A bank may implement the recovery measures envisaged in the recovery plan, even if circumstances for the application of individual recovery measures did not arise by taking into account the indicators of a deterioration in the bank's financial position defined in the recovery plan if the bank's governing body considers the implementation of those measures appropriate given the actual circumstances.

(5) A bank shall immediately notify the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation with regard to the decision referred to in the third or fourth paragraph of this Article.

Article 187

(Internal approval and verification of the appropriateness of a recovery plan)

(1) A bank's governing body shall adopt the recovery plan and all changes thereto before it is submitted to the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation. At the same time a bank shall submit supporting documents that:

1. the implementation of measures defined in the recovery plan is reasonably likely to maintain or restore the viability and sound financial position of the bank, taking into account the measures of inquiry that the bank has adopted or will adopt and
2. the recovery plan and special measures envisaged in the plan are reasonably likely to be implemented quickly and effectively also in stress circumstances, thus preventing to the maximum extent possible any significant adverse effect on the financial system, including based on stress scenarios in which other institutions would implement recovery plans in the same period.

(2) Banka mora redno preverjati ustreznost ukrepov sanacije, določenih v načrtu sanacije. Na podlagi ugotovitev rednega preverjanja mora banka načrt sanacije posodobiti najmanj enkrat letno. Ne glede na prejšnji stavek mora banka načrt sanacije posodobiti ob vsakokratni spremembi njene pravne ali organizacijske strukture ali ob vsaki spremembi njenega poslovnega ali finančnega položaja, ki bi lahko pomembno vplival na izvajanje predvidenih ukrepov sanacije ali na uspešnost načrta sanacije za stabilizacijo poslovanja banke. Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, lahko določi, da mora banka načrt sanacije redno posodabljeni v obdobjih, ki so krajša od enega leta.

(3) Banka posreduje načrt sanacije na način, ki ga določi Banka Slovenije, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe.

188. člen (poenostavljene obveznosti)

(1) Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, lahko odloči, da se za to banko glede načrta sanacije ne uporabljajo obveznosti iz 185. do 187. člena tega zakona, če oceni, da prenehanje ali stečaj banke ali nadrejene družbe verjetno ne bi povzročil pomembnejših negativnih posledic na delovanje finančnega trga in drugih institucij, na pogoje financiranja ali širše gospodarstvo.

(2) Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, pri oceni iz prejšnjega odstavka upošteva naravo poslovanja, delniško strukturo, profil tveganja, velikost in statusno obliko, medsebojno povezanost z drugimi institucijami ali finančnim sistemom na splošno,

(2) A bank shall regularly verify the appropriateness of the recovery measures determined in the recovery plan. The bank shall update the recovery plan at least once a year based on the findings of regular verification. Notwithstanding the preceding sentence, the bank shall update the recovery plan upon every change to its legal or organisational structure or upon every change of its business or financial situation that could have a material effect on the implementation of envisaged recovery measures or the success of the recovery plan with regard to stabilising the bank's operations. The Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation may require a bank to update the recovery plan regularly in periods shorter than one year.

(3) A bank shall submit the recovery plan in the manner determined by the Bank of Slovenia whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation.

Article 188 (Simplified obligations)

(1) The Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation may decide that the obligations referred to in Articles 185 to 187 of this Act shall not apply to a bank's recovery plan if it assesses that the winding up or bankruptcy of the bank or parent undertaking is not likely to have significant negative consequences on the functioning of the financial market and other institutions, on funding conditions or on the wider economy.

(2) In the assessment referred to in the preceding paragraph, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation shall take into account the nature of operations, shareholding structure, risk profile, size and legal form,

obseg in zapletenosti aktivnosti, vključenosti v institucionalno shemo za zaščito vlog, ki izpolnjuje zahteve iz sedmega odstavka 113. člena Uredbe (EU) št. 575/2013, ter opravljanje investicijskih storitev in poslov. Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, se v zvezi z oceno iz prejšnjega odstavka posvetuje z Odborom za finančno stabilnost.

(3) V primeru iz prvega odstavka tega člena Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, določi obseg obveznosti ter vsebino in podrobnosti načrta sanacije in informacij, ki jih je treba zagotoviti v poenostavljenem načrtu sanacije, ter pogostost posodabljanja teh načrtov.

(4) Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, lahko kadarkoli prekliče poenostavljene obveznosti iz prvega odstavka tega člena in zahteva, da banka ali njena nadrejena družba iz prvega odstavka tega člena izdela in sprejme načrt sanacije v skladu z 185. do 187. členom tega zakona.

(5) Banka Slovenije ali Evropska centralna banka, kadar je v zvezi z banko na podlagi Uredbe (EU) št. 1024/2013 odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, lahko za posamezno banko glede načrta sanacije v celoti ali delno opusti uporabo zahtev iz oddelka 6.7. tega zakona, tudi če:

1. je za to banko v skladu z 10. členom Uredbe (EU) št. 575/2013 v celoti ali delno opustila uporabo bonitetnih zahtev in se zahteve iz oddelka 6.7. tega zakona uporabljajo na konsolidirani podlagi za centralni organ in z njim povezane institucije v smislu 10. člena Uredbe (EU) št. 575/2013 ali
2. je banka vključena v institucionalno shemo za zaščito vlog, ki

interconnectedness to other institutions or the financial system in general, the scope and complexity of activities, engagement in an institutional deposit protection scheme that meets the requirements referred to in Article 113(7) of Regulation (EU) No 575/2013, and the provision of investment services and activities. The Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation shall consult with the Financial Stability Board in connection with the assessment referred to in the preceding paragraph.

(3) In the case referred to in paragraph one of this Article, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation shall determine the extent of obligations and the content and details of the recovery plan and information that shall be provided in a simplified recovery plan and the frequency of updates to those plans.

(4) The Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation may revoke the simplified obligations referred to in paragraph one of this Article at any time and require a bank or its parent undertaking referred to in paragraph one of this Article to draw up and adopt a recovery plan in accordance with Articles 185 to 187 of this Act.

(5) The Bank of Slovenia or the European Central Bank whenever the latter is, in connection with the bank, responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 may waive the application of the requirements referred to in Section 6.7. of this Act, in whole or in part, for an individual bank with regard to its recovery plan even if:

1. that bank is exempted wholly or partially from prudential requirements in accordance with Article 10 of Regulation (EU) No 575/2013 and the requirements referred to in Section 6.7. of this Act are applied on a consolidated basis to the central body and institutions affiliated to it within the meaning of Article 10 of Regulation (EU) No 575/2013 or
2. the bank is included in an institutional deposit protection scheme that

izpolnjuje zahteve iz sedmega odstavka 113. člena Uredbe (EU) št. 575/2013, in shema izpolnjuje zahteve iz oddelka 6.7. tega zakona v sodelovanju z vsemi članicami sheme, za katere velja takšna opustitev.

(6) Za namen iz prejšnjega odstavka se šteje, da vsa sklicevanja na:

1. oddelek 6.7. tega zakona vključujejo centralni organ in z njim povezane institucije v smislu 10. člena Uredbe (EU) št. 575/2013 ter njihove podrejene družbe in
2. nadrejene družbe ali institucije, nad katerimi se izvaja konsolidirani nadzor v skladu z 291. členom tega zakona, vključujejo centralni organ.

(7) Ne glede na peti odstavek te ga člena mora banka pripraviti načrt sanacije v skladu s 185. do 187. členom tega zakona:

1. če je pri opravljanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 Evropska centralna banka odgovorna za izvajanje vseh nalog iz prvega odstavka 4. člena te uredbe ali
2. če banka pomeni pomemben delež finančnega sistema Republike Slovenije.

(8) Za namene iz prejšnjega odstavka se šteje, da dejavnosti banke pomenijo pomemben delež finančnega sistema Republike Slovenije, če je izpolnjen eden od naslednjih pogojev:

1. skupna vrednost njenih sredstev presega 30.000.000.000 eurov ali
2. delež njenih skupnih sredstev presega 20 odstotkov bruto domačega proizvoda Republike Slovenije, razen če skupna vrednost njenih sredstev ne dosega 5.000.000.000 eurov.

(9) Banka Slovenije o svoji odločitvi, ki jo sprejme na podlagi prvega, petega ali sedmega odstavka tega člena, obvesti Evropski bančni organ.

189. člen (načrt sanacije skupine)

- (1) EU nadrejena družba, ki je v skladu z 291. členom tega

fulfils the requirements referred to in paragraph seven of Article 113 of Regulation (EU) No 575/2013 and the scheme fulfils the requirements referred to in Section 6.7. of this Act in cooperation with all members of the scheme for which such a waiver applies.

(6) For the purpose referred to in the preceding paragraph, it shall be deemed that all references:

1. to Section 6.7. of this Act include the central body and institutions affiliated to it within the meaning of Article 10 of Regulation (EU) No 575/2013 and their subsidiaries and
2. to parent undertakings or institutions that are subject to consolidated supervision in accordance with Article 291 of this Act include the central body.

(7) Notwithstanding paragraph five of this Article, a bank shall draw up a recovery plan in accordance with Articles 185 to 187 of this Act:

1. if the European Central Bank is responsible for performing all tasks referred to in paragraph one of Article 4 of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation or
2. if the bank represents a significant share of the financial system in the Republic of Slovenia.

(8) For the purposes referred to in the preceding paragraph, the activities of a bank shall be deemed to constitute a significant share of the financial system in the Republic of Slovenia if any one of the following conditions are met:

1. the total value of its assets exceeds EUR 30,000,000,000 or
2. the share of its total assets exceeds 20% of the gross domestic product of the Republic of Slovenia, unless the total value of its assets is below EUR 5,000,000,000.

(9) The Bank of Slovenia shall notify the European Banking Authority of decisions it makes on the basis of paragraph one, five or seven of this Article.

Article 189 (Group recovery plan)

- (1) An EU parent undertaking that is, in accordance with Article

zakona vključena v nadzor na konsolidirani podlagi, ki ga izvaja Banka Slovenije ali Evropska centralna banka, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko opravlja naloge iz (g) točke prvega odstavka 4. člena te uredbe, mora pripraviti načrt sanacije skupine, katerega cilj je stabilizacija skupine kot celote ali katerekoli institucije v skupini, če je v težavah, da se razrešijo ali odpravijo razlogi za težave in izboljša finančni položaj zadevne skupine ali posamezne institucije, pri čemer se upošteva tudi finančni položaj drugih subjektov v skupini.

(2) Načrt sanacije skupine mora določati:

1. opis različnih možnosti ukrepanja za ohranjanje ali ponovno vzpostavitev pogojev za vzpostavitev stabilnega poslovanja skupine kot celote, nadrejene družbe in vseh podrejenih družb v skupini in za izboljšanje finančnega položaja vsake od njih (ukrepi sanacije), pri čemer mora upoštevati različne stresne scenarije, ki predvidevajo poslabšanje različnih makroekonomskih in finančnih dejavnikov, ki lahko pomembno vplivajo na položaj skupine kot celote in vseh družb v njej, vključno z dogodki na ravni celotnega sistema ter posebnimi okoliščinami posameznega subjekta in skupine;
2. ustrezne kvalitativne in kvantitativne kazalnike iz 186. člena tega zakona;
3. opis postopkov in pogojev za pravočasno in učinkovito izvajanje predvidenih ukrepov sanacije, vključno z oceno pogojev za dostop katerekoli družbe v skupini do posojila v skrajni sili pri pristojni centralni banki, zlasti glede zavarovanja, ki ga bo subjekt zagotovil v zvezi s tem posojilom v okoliščinah, ki so predvidene v načrtu sanacije;
4. opis ukrepov, ki bi se lahko izvedli, če se izpolnijo pogoji za ukrepe zgodnjega posredovanja v skladu s tem zakonom.

(3) Načrt sanacije skupine ne sme upoštevati možnosti uporabe izredne javnofinančne pomoči niti ne sme ustvarjati drugih neposrednih negativnih javnofinančnih učinkov.

(4) EU nadrejena družba mora v načrtu sanacije skupine opredeliti tudi dogovore za usklajeno in dosledno izvajanje ukrepov na ravni:

291 of this Act, included in supervision on a consolidated basis carried out by the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(g) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation shall draw up a group recovery plan whose aim shall be the stabilisation of the group as a whole or any institution within the group if it is in distress, so as to resolve or eliminate the causes of that distress and improve the financial position of the group in question or an individual institution, while also taking into account the financial position of other entities in the group.

(2) A group recovery plan shall include:

1. a description of various possible measures to maintain or restore conditions for establishing the stable operations of the group as a whole, its parent undertaking and all group subsidiaries and measures to improve the financial position of each undertaking (recovery measures), taking into account various stress scenarios that envisage a deterioration in various macroeconomic and financial factors that could have a significant impact on the position of the group as a whole and all of its undertakings, including events at the level of the whole system and specific circumstances relating to an individual entity and a group;
2. the relevant qualitative and quantitative indicators referred to in Article 186 of this Act;
3. a description of procedures and conditions for the timely and effective implementation of envisaged recovery measures, including an assessment of conditions for access by any undertaking in a group to loans via the competent central bank as a lender of last resort, in particular with regard to the collateral the entity will provide in connection with that loan in the circumstances envisaged in the recovery plan; and
4. a description of measures that could be implemented if the conditions for early intervention measures in accordance with this Act are met.

(3) A group recovery plan shall not take into account the possible use of emergency fiscal aid and shall not result in other direct negative fiscal effects.

(4) The group recovery plan of an EU parent undertaking shall also specify arrangements for the coordinated and consistent implementation of measures at the level of:

1. EU nadrejene družbe;
2. finančnega holdinga, mešanega finančnega holdinga in mešanega poslovnega holdinga s sedežem v državi članici;
3. nadrejenega finančnega holdinga v Republiki Sloveniji, EU nadrejenega finančnega holdinga, nadrejenega mešanega finančnega holdinga v Republiki Sloveniji in EU nadrejenega mešanega finančnega holdinga;
4. vsake posamezne družbe, ki je podrejena subjektu iz 1. do 3. točke tega odstavka, in pomembne podružnice.

(5) Načrt sanacije skupine mora za vsakega od stresnih scenarijev, ki so obravnavani v načrtu sanacije skupine, ugotoviti morebitne ovire za izvajanje ukrepov v skupini in na ravni posameznih subjektov, vključno z morebitnimi dejanskimi ali pravnimi ovirami za takojšen prenos kapitala, za odplačilo obveznosti ali sredstev znotraj skupine.

(6) Načrt sanacije skupine in vsak individualni načrt sanacije na ravni posamezne podrejene družbe v skupini mora vključevati tudi opis ureditev morebitne znotrajskupinske finančne podpore iz 190. člena tega zakona.

(7) Načrt sanacije skupine sprejme upravljalni organ EU nadrejene družbe iz prvega odstavka tega člena, preden ga predloži Banki Slovenije ali Evropski centralni banki, kadar ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (g) in (i) točke prvega odstavka 4. člena te uredbe, kot konsolidacijskemu nadzorniku na podlagi 291. člena tega zakona.

(8) Če ni v tem členu določeno drugače, se za načrt sanacije skupine uporablja 185. do 187. člen tega zakona.

6.7.2. Sporazum o finančni podpori v skupini

190. člen (sporazum o finančni podpori v skupini)

- (1) Sporazum o finančni podpori v skupini je dogovor, ki ga

1. the EU parent undertaking;
2. a financial holding company, mixed financial holding company and mixed-activity holding company established in a Member State;
3. a parent financial holding company in the Republic of Slovenia, an EU parent financial holding company, a parent mixed financial holding company in the Republic of Slovenia and an EU parent mixed financial holding company;
4. every subsidiary undertaking of an entity referred to in points 1 to 3 of this paragraph, and significant branches.

(5) For each of the stress scenarios considered in the group recovery plan, the group recovery plan shall identify potential impediments to the implementation of recovery measures within the group and at the level of individual entities, including any possible actual or legal impediments to the prompt transfer of capital or the repayment of liabilities or assets within the group.

(6) The group recovery plan and every individual recovery plan at the level of an individual group subsidiary shall also include a description of arrangements for possible intra-group financial support referred to in Article 190 of this Act.

(7) The governing body of the EU parent undertaking referred to in paragraph one of this Article shall adopt the group recovery plan before it is submitted to the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(g) and (i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation as the consolidating supervisor based on Article 291 of this Act.

(8) Unless otherwise provided by this Article, Articles 185 to 187 of this Act shall apply to a group recovery plan.

6.7.2. Group financial support agreement

Article 190 (Group financial support agreement)

- (1) A group financial support agreement shall be an agreement

sklenejo nadrejena banka v Republiki Sloveniji, EU nadrejena banka ali subjekt iz 2. ali 3. točke četrtega odstavka prejšnjega člena ter njene podrejene družbe v drugih državah članicah ali tretjih državah, ki so institucije ali finančne institucije in so vključene v konsolidirani nadzor, ki ga v skladu z 291. členom tega zakona opravlja Banka Slovenije ali Evropska centralna banka, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (g) točke prvega odstavka 4. člena te uredbe, in na podlagi katerega stranke sporazuma zagotovijo finančno podporo katerikoli instituciji, ki je stranka sporazuma in pri kateri so podane okoliščine za uporabo ukrepov zgodnjega posredovanja iz prvega odstavka 253. člena tega zakona.

(2) Sporazum o finančni podpori v skupini lahko zajema eno ali več podrejenih družb v skupini in lahko določa zagotavljanje finančne podpore nadrejene družbe podrejenim družbam, finančno podporo podrejenih družb nadrejeni družbi, finančno podporo med podrejenimi družbami skupine, ki so stranke sporazuma, ali kombinacijo navedenih subjektov.

(3) Sporazum o finančni podpori lahko določa finančno podporo v obliki posojila, zagotovitve jamstev, zagotovitve sredstev za zavarovanje s premoženjem ali kombinacijo teh oblik v eni ali več transakcijah, vključno s transakcijami med prejemnikom podpore in tretjo osebo. Sporazum o finančni podpori v skupini lahko vključuje zavezo o vzajemnosti, v skladu s katero bo subjekt v skupini, ki prejme podporo, zagotovil finančno podporo subjektu v skupini, ki zagotavlja podporo. Banka lahko sklene sporazum o finančni podpori le, če v trenutku, ko je bil predlog sporazuma predložen Banki Slovenije, banka ni izpolnjevala pogojev za zgodnje posredovanje iz 253. člena tega zakona.

(4) Tretje osebe, ki niso stranke sporazuma o finančni podpori, niso upravičene uveljavljati zahtevkov v razmerju do strank sporazuma glede izvajanja pravic, terjatev ali ukrepov na podlagi sporazuma o finančni podpori v skupini.

(5) Sporazum o finančni podpori v skupini ni predpogoj za:

1. zagotavljanje finančne podpore subjektom v skupini, ki so v finančnih

concluded by a parent bank in the Republic of Slovenia, an EU parent bank or an entity referred to in point 2 or 3 of paragraph four of the preceding Article and its subsidiaries in other Member States or third countries that are institutions or financial institutions included in consolidated supervision carried out by the Bank of Slovenia in accordance with Article 291 of this Act or by the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(g) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation and on the basis of which the parties to the agreement provide financial support to any other institution that is a party to the agreement and that meets the conditions for the implementation of the early intervention measures referred to in paragraph one of Article 253 of this Act.

(2) A group financial support agreement may cover one or more subsidiaries of the group and may determine the provision of financial support from the parent undertaking to subsidiaries, from subsidiaries to the parent undertaking, between subsidiaries of the group that are party to the agreement, or any combination of those entities.

(3) A group financial support agreement may determine financial support in the form of a loan, the provision of guarantees, the provision of assets for use as collateral or any combination of those forms of financial support, in one or more transactions, including transactions between the beneficiary of the support and a third party. A group financial support agreement may include a reciprocal agreement by which the entity in a group receiving the support will provide financial support to the entity in the group providing the support. A bank may only conclude a group financial support agreement if, at the time the proposed agreement was submitted to the Bank of Slovenia, the bank failed to meet the conditions for early intervention referred to in Article 253 of this Act.

(4) Third persons who are not party to a group financial support agreement shall not be entitled to exercise the rights, claims or actions arising from that agreement *vis-à-vis* parties to the group financial support agreement.

(5) A group financial support agreement shall not constitute a prerequisite:

1. to provide financial support to any entity in the group that experiences

težavah, če se banka tako odloči za vsak primer posebej in v skladu s politikami skupine, če to ne pomeni tveganja za vso skupino; ali

2. delovanje subjekta, ki je del skupine, v Republiki Sloveniji.

191. člen

(načela in pogoji za sklenitev sporazuma o finančni podpori v skupini)

(1) Pri sklepanju sporazuma o finančni podpori v skupini morajo stranke upoštevati naslednja načela:

1. vsaka stranka mora k sporazumu pristopiti prostovoljno;
2. vsaka stranka, ko pristopa k sporazumu in določa nadomestilo, mora delovati v svojo najboljšo korist, pri čemer se lahko upoštevajo vse neposredne ali posredne koristi, ki jih stranka lahko pridobi z zagotovitvijo finančne podpore;
3. vsaka stranka, ki zagotovi finančno podporo, mora imeti na voljo vse pomembne informacije o stranki, ki finančno podporo prejme, preden določi nadomestilo za zagotovitev finančne podpore in preden se odloči, da jo bo zagotovila;
4. za vsako transakcijo, izvedeno v skladu s sporazumom, se opredelijo pravila za določanje nadomestila, pri čemer:
 - se nadomestilo določi, ko se zagotovi finančna podpora,
 - se lahko za namene določanja nadomestila upoštevajo informacije, ki jih ima stranka, ki zagotovi finančno podporo, ker je v isti skupini kot stranka, ki finančno podporo prejme, niso pa na voljo trgu,
 - ni treba upoštevati pričakovanega začasnega učinka na tržne cene zaradi dogodkov zunaj skupine.

(2) Sporazum o finančni podpori mora zagotavljati, da se lahko finančna podpora na podlagi sporazuma zagotovi le, če so izpolnjeni vsi naslednji pogoji:

1. upravičeno je pričakovati, da bo zagotovljena podpora bistveno ublažila finančne težave subjekta v skupini, ki bo prejel podporo;

financial difficulties if the bank decides to do so, on a case-by-case basis and according to group policies, if this does not represent a risk for the whole group or

2. for the functioning of an entity in the group in the Republic of Slovenia.

Article 191

(Principles and conditions for the conclusion of a group financial support agreement)

(1) The parties shall comply with the following principles when concluding a group financial support agreement:

1. each party shall enter into the agreement freely;
2. when entering into the agreement and determining the compensation, each party shall act in its own best interests, which may take into account any direct or indirect benefit that a party may receive as a result of the provision of the financial support;
3. each party providing financial support shall have at their disposal all relevant information regarding the party receiving financial support prior to the determination of the compensation for the provision of financial support and prior to any decision to provide financial support;
4. rules are defined for determining the compensation for every transaction performed under the agreement, whereby:
 - compensation is determined when financial support is provided,
 - information in the possession of the party providing financial support may be taken into account for the purpose of determining compensation because it is in the same group as the party receiving financial support and that information is not available to the market, and
 - the parties are not obliged to take into account any anticipated temporary impact on market prices arising from events outside the group.

(2) A financial support agreement shall ensure that financial support based on such an agreement may only be provided if all of the following conditions are met:

1. it is reasonable to expect that support provided will significantly ease the financial difficulties of the entity in the group receiving that support;

2. zagotovitev finančne podpore je namenjena ohranitvi ali ponovni vzpostavitvi finančne stabilnosti skupine kot celote ali enega od subjektov v skupini in je v interesu subjekta v skupini, ki zagotovi podporo;
3. finančna podpora se zagotovi pod pogoji, ki so določeni v sporazumu, v skladu s prejšnjim odstavkom;
4. na podlagi informacij, ki so v času sprejetja odločitve o odobritvi finančne podpore na voljo upravljalnemu organu subjekta v skupini, ki zagotovi finančno podporo, je upravičeno pričakovati, da bo subjekt v skupini, ki prejme podporo, plačal nadomestilo za podporo, in če se finančna podpora zagotovi v obliki posojila, povrnil posojilo, če pa se podpora zagotovi v obliki jamstva ali kakršnegakoli poroštva, pa bo izpolnil obveznost, ki izhaja iz uveljavljanja jamstva ali poroštva;
5. zagotovitev finančne podpore ne bi ogrozila likvidnosti ali solventnosti subjekta v skupini, ki zagotovi podporo;
6. zagotovitev finančne podpore ne bi ogrozila finančne stabilnosti, zlasti ne v državi članici subjekta v skupini, ki zagotovi podporo;
7. subjekt v skupini, ki zagotovi podporo, ob zagotovitvi podpore izpolnjuje zahteve v zvezi s kapitalom ali likvidnostjo na podlagi veljavnih predpisov v državi sedeža ter zahteve pristojnega organa, ki je v zvezi s subjektom, ki zagotovi podporo, odgovoren za nadzor na posamični podlagi, v zvezi s kapitalsko zahtevo na podlagi 1. točke drugega odstavka 250. člena tega zakona, ter zagotovitev finančne podpore ne povzroči kršitve teh zahtev, razen če to odobri ta pristojni organ;
8. subjekt v skupini, ki zagotovi podporo, ob zagotovitvi podpore izpolnjuje zahteve glede velikih izpostavljenosti iz Uredbe (EU) št. 575/2013 in predpisov, ki veljajo v državi sedeža, zagotovitev finančne podpore pa ne povzroči kršitve teh zahtev, razen če to odobri pristojni organ, ki je v zvezi s subjektom v skupini, ki zagotovi podporo, odgovoren za nadzor na posamični podlagi;
9. zagotovitev finančne podpore ne bi ogrozila rešljivosti subjekta v skupini, ki zagotovi podporo.

2. the provision of financial support is intended to maintain or restore the financial stability of the group as a whole or one of the entities in the group and is in the interest of the entity in the group providing the support;
3. the financial support is provided under the terms and conditions determined in the agreement, this in accordance with the preceding paragraph;
4. it is reasonable to expect, based on the information available to the governing body of the entity in the group providing financial support at the time when the decision to approve financial support is adopted, that the entity in the group receiving support will pay compensation for the support and, if the financial support is provided in the form of a loan, that the loan will be repaid by the entity in the group receiving the support, and if the support is provided in the form of a guarantee or any form of surety, the entity in the group receiving the support will settle liability arising from the enforcement of the guarantee or surety;
5. the provision of financial support would not jeopardise the liquidity or solvency of the entity in the group providing the support;
6. the provision of financial support would not threaten financial stability, in particular in the Member State of the entity in the group providing the support;
7. at the time support is provided, the entity in the group providing the support fulfils requirements relating to capital or liquidity based on regulations valid in the country in which it is established and the requirements of the competent authority responsible for the supervision on an individual basis of the entity providing support relating to the capital requirement on the basis of point 1 of paragraph two of Article 250 of this Act and the provision of financial support does not result in a breach of those requirements, unless this is approved by that competent authority;
8. at the time support is provided, the entity in the group providing the support fulfils requirements relating to large exposures referred to in Regulation (EU) No 575/2013 and regulations valid in the country in which it is established and the provision of financial support does not result in a breach of those requirements, unless this is approved by the competent authority responsible for the supervision on an individual basis of the entity in the group providing support;
9. the provision of financial support would not undermine the resolvability of the entity in the group providing the support.

192. člen

(pregled skladnosti sporazuma o finančni podpori v skupini)

(1) EU nadrejena družba mora Banki Slovenije ali Evropski centralni banki, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe, kot konsolidacijskemu nadzorniku na podlagi 291. člena tega zakona pred sklenitvijo sporazuma o finančni podpori v skupini iz 190. člena tega zakona predložiti zahtevo za odobritev sporazuma in zahtevi priložiti predlog besedila sporazuma in navesti stranke predlaganega sporazuma.

(2) Banka Slovenije ali Evropska centralna banka, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe, kot konsolidacijski nadzornik na podlagi 291. člena tega zakona zahtevo iz prejšnjega odstavka nemudoma posreduje pristojnim organom vsake podrejene družbe, ki sodeluje kot stranka predlaganega sporazuma, da se sprejme skupna odločitev.

(3) V zvezi s predlaganim sporazumom o finančni podpori v skupini si mora Banka Slovenije ali Evropska centralna banka kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, skupaj z drugimi sodelujočimi pristojnimi organi prizadevati, da je v štirih mesecih od dneva, ko konsolidacijski nadzornik sodelujočim pristojnim organom posreduje vlogo za pregled predlaganega sporazuma o finančni podpori v skupini, sprejeta skupna odločitev sodelujočih pristojnih organov glede skladnosti predlaganega sporazuma s pogoji za finančno podporo iz drugega odstavka prejšnjega člena. Pri skupni odločitvi sodelujoči pristojni organi upoštevajo možni učinek izvajanja sporazuma v vseh državah članicah, v katerih skupina deluje, vključno s finančnimi posledicami. Skupna odločitev se navede v pisni obliki ter obrazloži in predloži konsolidacijskemu nadzorniku, ki jo posreduje vložniku iz prvega odstavka tega člena.

Article 192

(Review of the compliance of a group financial support agreement)

(1) Before concluding the group financial support agreement referred to in Article 190 of this Act, an EU parent undertaking shall submit a request for the approval of that agreement, accompanied by the proposed wording of the agreement and a list of parties thereto, to the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, as the consolidating supervisor based on Article 291 of this Act.

(2) The Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, as consolidating supervisor based on Article 291 of this Act, shall forward the request referred to in the preceding paragraph without delay to the competent authorities of each subsidiary that is party to the proposed agreement with the aim of reaching a joint decision.

(3) In connection with a proposed group financial support agreement, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation shall strive to adopt a joint decision together with other competent authorities involved regarding the compliance of the proposed agreement with the conditions for financial support referred to in paragraph two of the preceding Article within four months of the date when the consolidating supervisor forwards the application for review of the proposed group financial support agreement to the competent authorities involved. In making their joint decision, the competent authorities involved shall take into account the possible effect of the execution of the agreement in all Member States in which the group in question operates, including financial consequences. That joint decision shall be stated in writing and shall be justified and submitted to the consolidating supervisor, who shall forward it to the applicant referred to in paragraph one of this Article.

(4) Banka Slovenije ali Evropska centralna banka, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe, kot konsolidacijski nadzornik na podlagi 291. člena tega zakona:

1. odobri predlog sporazuma, če so z upoštevanjem skupne odločitve iz prejšnjega odstavka načela in pogoji sporazuma skladni s prejšnjim členom in če vsi pristojni organi iz drugega odstavka tega člena ocenijo, da v trenutku, ko je bil sporazum predložen, nobena od strank ni izpolnjevala pogojev za zgodnje posredovanje iz 253. člena tega zakona; ali
2. prepove sklenitev predlaganega sporazuma, če pogoji iz prejšnje točke niso izpolnjeni.

(5) Katerikoli pristojni organ, ki je vključen v nadzor na konsolidirani podlagi, lahko v zvezi s skupno odločitvijo iz tretjega odstavka tega člena do izteka štirimesečnega roka oziroma v vsakem primeru pred sprejetjem dokončne odločitve predloži Evropskemu bančnemu organu zahtevo v skladu s 19. členom Uredbe (EU) št. 1093/2010/EU.

(6) Konsolidacijski nadzornik sam sprejme odločitev glede skladnosti predlaganega sporazuma s pogoji za finančno podporo iz drugega odstavka prejšnjega člena, če:

1. skupna odločitev iz tretjega odstavka tega člena ni sprejeta v štirih mesecih ali
2. Evropski bančni organ o zahtevi iz prejšnjega odstavka ne odloči v enem mesecu.

(7) Banka Slovenije kot konsolidacijski nadzornik v primeru iz prejšnjega odstavka pri odločitvi po presoji upošteva mnenja in pomisleke, ki so jih izrazili sodelujoči pristojni organi. Če je vložena zahteva iz petega odstavka tega člena, Banka Slovenije kot konsolidacijski nadzornik prekine postopek odločanja do odločitve Evropskega bančnega organa. Če slednji na podlagi tretjega odstavka 19. člena Uredbe (EU) št. 1093/2010 sprejme svojo odločitev o zadevi, Banka Slovenije kot konsolidacijski nadzornik to odločitev upošteva in ravna v skladu s četrtem odstavkom tega člena. Obrazloženo odločitev Banka Slovenije kot konsolidacijski nadzornik posreduje sodelujočim pristojnim organom ter

(4) The Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, as consolidating supervisor based on Article 291 of this Act, shall:

1. approve the proposed agreement if, by taking into account the joint decision referred to in the preceding paragraph, the principles and conditions of the agreement are in line with the preceding Article and if all competent authorities referred to in paragraph two of this Article assess that none of the parties met the conditions for early intervention referred to in Article 253 of this Act at the time the agreement was submitted or
2. prohibit the conclusion of the proposed agreement if the conditions referred to in the preceding point are not fulfilled.

(5) In connection with the joint decision referred to in paragraph three of this Article, any of the competent authorities included in supervision on a consolidated basis may submit a request to the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010 before the expiry of the four-month time limit or in any case before the adoption of a final decision.

(6) The consolidating supervisor shall adopt its own decision regarding the compliance of a proposed agreement with the conditions for financial support referred to in paragraph two of the preceding Article if:

1. the joint decision referred to in paragraph three of this Article fails to be adopted within four months or
2. the European Banking Authority fails to make a decision regarding the request referred to in the preceding paragraph within one month.

(7) As consolidating supervisor in the case referred to in the preceding paragraph, the Bank of Slovenia shall, at its own discretion, take into account the opinions and concerns expressed by the competent authorities involved in its decision. If the request referred to in paragraph five of this Article is filed, the Bank of Slovenia, as consolidating supervisor, shall halt the decision-making process until the European Banking Authority issues its own decision. If, based on paragraph three of Article 19 of Regulation (EU) No 1093/2010, the European Banking Authority adopts its own decision regarding the matter, the Bank of Slovenia, as consolidating supervisor, shall take into account that

vložniku iz prvega odstavka tega člena.

(8) Banka Slovenije kot sodelujoči pristojni organ v primeru iz prejšnjega odstavka pri izvajanju nadzora nad banko na posamični podlagi upošteva odločitve konsolidacijskega nadzornika, kadar je to pristojni organ druge države članice, kot dokončno.

(9) Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje naloge iz (i) točke prvega odstavka 4. člena te uredbe, posreduje sporazum o finančni podpori v skupini, ki ga je odobril pristojni konsolidacijski nadzornik, in morebitne spremembe tega sporazuma, organu, ki je v zvezi z banko v skupini odgovoren za reševanje.

193. člen

(odobritev sporazuma o finančni podpori v skupini s strani delničarjev)

(1) Predlog sporazuma o finančni podpori v skupini, ki ga je odobril pristojni konsolidacijski nadzornik, mora pred sklenitvijo odobriti tudi skupščina delničarjev vsakega subjekta, ki sodeluje kot stranka tega sporazuma.

(2) Sporazum o finančni podpori v skupini velja le za tiste subjekte v skupini, katerih delničarji so na skupščini odločili, da:

1. subjekt pristopi kot stranka k sporazumu o finančni podpori v skupini, ki ga je odobril pristojni konsolidacijski nadzornik;
2. je upravljalni organ tega subjekta pooblaščen za sprejem odločitve, da kot stranka sporazuma zagotovi ali prejme finančno podporo v skladu s pogoji sporazuma.

(3) Sporazum o finančni podpri v skupini preneha veljati za posamezni subjekt, če skupščina delničarjev tega subjekta prekliče

decision and act in accordance with paragraph four of this Article. As consolidating supervisor, the Bank of Slovenia shall forward a justified decision to the competent authorities involved and to the applicant referred to in paragraph one of this Article.

(8) As a competent authority involved in the case referred to in the preceding paragraph during the supervision of a bank on an individual basis, the Bank of Slovenia shall treat the decision of the consolidating supervisor whenever this is the competent authority of another Member State as final.

(9) The Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation shall forward a group financial support agreement approved by the competent consolidating supervisor and any possible changes to that agreement to the resolution authority, competent for the bank in a group.

Article 193

(Approval of a group financial support agreement by shareholders)

(1) A proposed group financial support agreement that has been approved by the competent consolidating supervisor shall also be approved by the general meeting of shareholders of every entity that is party to that agreement before it is concluded.

(2) A group financial support agreement shall only be valid for those entities in the group whose shareholders have decided at the general meeting that:

1. the entity shall be party to a group financial support agreement that has been approved by the competent consolidating supervisor and
2. the governing body of that entity shall be authorised to adopt a decision that, as a party to the agreement, the entity shall provide or receive financial support in accordance with the terms and conditions of the agreement.

(3) A group financial support agreement shall cease to be valid for an individual entity if that entity's general meeting of shareholders

pooblastilo iz prejšnjega odstavka.

194. člen
(razkritja v zvezi s pristopom k sporazumu o finančni podpori v skupini)

(1) Vsak subjekt v skupini, ki je vključen v konsolidiran nadzor, ki ga v skladu z 291. členom tega zakona in 4. členom Uredbe (EU) št. 1024/2013 nad banko izvaja Banka Slovenije ali Evropska centralna banka, mora javno objaviti, ali je bil med vsemi ali posameznimi subjekti iz prvega odstavka 190. člena tega zakona sklenjen sporazumu o finančni podpori v skupini, vključno z informacijo, ali je pristopil kot stranka sporazuma. Če je pristopil kot stranka sporazuma, mora v objavi navesti vse stranke sporazuma in splošne pogoje tega sporazuma.

(2) Informacije iz prejšnjega odstavka, ki so predmet objave, mora subjekt v skupini posodobiti vsaj enkrat letno.

(3) Za objavo informacij iz prvega odstavka tega člena se uporabljajo 431. do 434. člen Uredbe (EU) št. 575/2013.

195. člen
(odločitev o zagotovitvi ali prejemu finančne podpore)

(1) Odločitev o zagotovitvi finančne podpore v skladu s sporazumom o finančni podpori v skupini sprejme upravljalni organ subjekta v skupini, ki zagotovi finančno podporo, v skladu s pooblastilom iz 2. točke drugega odstavka 193. člena tega zakona.

(2) Upravljalni organ mora odločitev iz prejšnjega odstavka obrazložiti in pri tem navesti zlasti cilj predlagane finančne podpore in okoliščine, iz katerih izhajajo, da zagotovitev finančne podpore izpolnjuje pogoje iz drugega odstavka 191. člena tega zakona.

(3) Odločitev o prejemu finančne podpore v skladu s

revokes the authorisation referred to in the preceding paragraph.

Article 194
(Disclosure in connection with accession to a group financial support agreement)

(1) Every entity in the group included in consolidated supervision carried out by the Bank of Slovenia or the European Central Bank in accordance with Article 291 of this Act and Article 4 of Regulation (EU) No 1024/2013 shall make public whether a group financial support agreement was concluded between all or individual entities referred to in paragraph one of Article 190 of this Act, including information as to whether an entity has entered into such an agreement. If an entity entered into that agreement, it shall make public all parties to and the general terms and conditions of that agreement.

(2) The entity in the group shall update the information referred to in the preceding paragraph that it makes public at least once a year.

(3) Articles 431 to 434 of Regulation (EU) No 575/2013 shall apply to the publication of information referred to in paragraph one of this Article.

Article 195
(Decision regarding the provision or receipt of financial support)

(1) A decision to provide financial support in accordance with a group financial support agreement shall be adopted by the governing body of the entity in the group providing financial support, this in accordance with the authorisation referred to in point 2 of paragraph two of Article 193 of this Act.

(2) The governing body shall justify the decision referred to in the preceding paragraph and in particular shall indicate the objective of the proposed financial support and the circumstances from which it is evident that the provision of the financial support meets the conditions referred to in paragraph two of Article 191 of this Act.

(3) A decision to receive financial support in accordance with a

sporazumom o finančni podpori v skupini sprejme upravljalni organ subjekta v skupini, ki prejme finančno podporo, v skladu s pooblastilom iz 2. točke drugega odstavka 193. člena tega zakona.

(4) Upravljalni organ vsakega subjekta, ki je stranka sporazuma o finančni podpori v skupini, mora skupščini delničarjev vsako leto poročati o izvajanju sporazuma in o vseh odločitvah, sprejetih na podlagi sporazuma.

196. člen

(presoja pogojev za zagotovitev finančne podpore v skupini)

(1) Upravljalni organ subjekta v skupini, ki namerava zagotoviti finančno podporo na podlagi sporazuma o finančni podpori v skupini, pred zagotovitvijo podpore o tem obvesti:

1. Banko Slovenije ali Evropsko centralno banko, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko v skupini izvaja naloge iz (b) ter (d) do (i) točke prvega odstavka 4. člena te uredbe;
2. konsolidacijskega nadzornika;
3. pristojni organ, ki je v zvezi s subjektom, ki bo prejel finančno podporo, pristojen za nadzor na posamični podlagi;
4. Evropski bančni organ.

(2) Obvestilo iz prvega odstavka tega člena vključuje obrazloženo odločitev iz prvega odstavka prejšnjega člena ter podrobnosti predlagane finančne podpore, vključno s fotokopijo veljavnega sporazuma o finančni podpori v skupini.

(3) Če namerava finančno podporo na podlagi sporazuma o finančni podpori v skupini zagotoviti banka, lahko Banka Slovenije ali Evropska centralna banka, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko v skupini izvaja naloge iz (b) ter (d) do (i) točke prvega odstavka 4. člena te uredbe, v petih delovnih dneh po prejemu obvestila iz prvega odstavka tega člena banki prepove ali omeji zagotovitev finančne podpore, če oceni, da pogoji iz drugega odstavka 191. člena tega zakona za zagotovitev finančne podpore v skupini niso

group financial support agreement shall be adopted by the governing body of the entity in the group receiving financial support, this in accordance with the authorisation referred to in point 2 of paragraph two of Article 193 of this Act.

(4) The governing body of every entity that is party to a group financial support agreement shall report every year to the general meeting of shareholders with regard to the implementation of the agreement and regarding all decisions adopted on the basis thereof.

Article 196

(Assessment of conditions for the provision of group financial support)

(1) The governing body of the entity in the group intending to provide financial support based on a group financial support agreement shall notify the following authorities before providing that support:

1. the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(b) and (d) to (i) of Regulation (EU) No 1024/2013 during the supervision of a bank in a group in accordance with the same regulation;
2. the consolidating supervisor;
3. the competent authority responsible for supervision on an individual basis in connection with the entity that is to receive financial support; and
4. the European Banking Authority.

(2) The notification referred to in paragraph one of this Article shall include the justified decision referred to in paragraph one of the preceding Article and details of the proposed financial support, including a copy of the valid group financial support agreement.

(3) If a bank intends to provide financial support on the basis of a group financial support agreement, the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(b) and (d) to (i) of Regulation (EU) No 1024/2013 during the supervision of a bank in a group in accordance with the same regulation may prohibit or restrict the provision of financial support within five working days from the receipt of the notification referred to in paragraph one of this Article if it assesses that the conditions referred to in

izpolnjeni, in svojo odločitev obrazloži.

(4) Banka Slovenije v primeru iz prejšnjega odstavka o svoji odločitvi glede odobritve, prepovedi ali omejitve finančne podpore subjekta v skupini nemudoma obvesti:

1. konsolidacijskega nadzornika;
2. pristojni organ, ki je v zvezi s subjektom, ki bo prejel finančno podporo, pristojen za nadzor na posamični podlagi;
3. Evropski bančni organ.

(5) Banka Slovenije kot konsolidacijski nadzornik na podlagi 291. člena tega zakona in Uredbe (EU) št. 1024/2013 nemudoma obvesti druge člane kolegija nadzornikov in člane kolegija za reševanje o odločitvi pristojnega organa, ki je v zvezi s subjektom, ki bo zagotovil finančno podporo v skupini, pristojen za nadzor na posamični podlagi, glede odobritve, prepovedi ali omejitve finančne podpore, ki jo namerava zagotoviti subjekt v skupini.

(6) Če ima konsolidacijski nadzornik ali pristojni organ, ki je v zvezi s subjektom, ki bo prejel finančno podporo, pristojen za nadzor na posamični podlagi, ugovore v zvezi z odločitvijo iz tretjega odstavka tega člena o prepovedi ali omejitvi finančne podpore, lahko zadevo v dveh dneh predloži Evropskemu bančnemu organu in ga zaprosi za pomoč v skladu z 31. členom Uredbe (EU) št. 1093/2010.

(7) Če Banka Slovenije v zvezi z namero banke iz prvega odstavka tega člena ali drug pristojni organ, ki je v zvezi s subjektom, ki bo zagotovil finančno podporo, pristojen za nadzor na posamični podlagi, v zvezi z namero subjekta o zagotovitvi finančne podpore, v obdobju iz tretjega odstavka tega člena ne prepove ali omeji nameravane finančne podpore ali jo pred iztekom tega obdobja odobri, se lahko finančna podpora zagotovi pod pogoji, navedenimi v obvestilu iz drugega odstavka tega člena.

paragraph two of Article 191 of this Act for the provision of group financial support are not met and shall justify its decision.

(4) In the case referred to in the preceding paragraph, the Bank of Slovenia shall notify the following authorities immediately of its decision to approve, prohibit or restrict the provision of financial support by an entity in the group:

1. the consolidating supervisor;
2. the competent authority responsible for supervision on an individual basis in connection with the entity that will receive financial support; and
3. the European Banking Authority.

(5) As the consolidating supervisor based on Article 291 of this Act and Regulation (EU) No 1024/2013, the Bank of Slovenia shall notify other members of the supervisory college and the members of the resolution college immediately with regard to the decision of the competent authority responsible for supervision on an individual basis in connection with the entity that will provide financial support regarding the approval, prohibition or restriction of the financial support that the entity in the group intends to provide.

(6) If the consolidating supervisor or the competent authority responsible for supervision on an individual basis in connection with the entity that will receive financial support has objections regarding the decision referred to in paragraph three of this Article to prohibit or restrict financial support, it may submit the matter to the European Banking Authority within two days and request for its assistance in accordance with Article 31 of Regulation (EU) No 1093/2010.

(7) If the Bank of Slovenia, in connection with a bank's intention referred to in paragraph one of this Article or, in connection with an entity's intention to provide financial support, another competent authority responsible for supervision on an individual basis in connection with an entity that will provide financial support fails to prohibit or restrict the intended financial support within the period referred to in paragraph three of this Article or approves that support before the expiry of the aforementioned period, the financial support may be provided under the conditions stated in the notification referred to in paragraph two of this Article.

(8) Banka sporoči odločitev upravljalnega organa o zagotovitvi finančne podpore:

1. Banki Slovenije ali Evropski centralni banki, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko v skupini izvaja naloge iz (b) ter (d) do (i) točke prvega odstavka 4. člena te uredbe;
2. konsolidacijskemu nadzorniku, ki o tem nemudoma obvesti druge člane kolegija nadzornikov in člane kolegija za reševanje;
3. pristojnemu organu, ki je v zvezi s subjektom, ki bo prejel finančno podporo, pristojen za nadzor na posamični podlagi;
4. Evropskemu bančnemu organu.

(9) Če je sporazum o finančni podpori v skupini vključen v načrt sanacije skupine in pristojni organ, ki je v zvezi s subjektom, ki bo zagotovil finančno podporo, pristojen za nadzor na posamični podlagi, omeji ali prepove finančno podporo banki, lahko Banka Slovenije, kadar v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz (i) točke prvega odstavka 4. člena te uredbe, zahteva, da pristojni konsolidacijski nadzornik v skladu s 197. členom tega zakona in po postopku iz 199. člena tega zakona ponovno oceni načrt sanacije skupine ali da banka predloži popravljen individualni načrt sanacije.

6.7.3. Pregled in ocena načrta sanacije

197. člen (ocenjevanje načrta sanacije)

(1) Banka Slovenije v okviru pregleda in ovrednotenja iz 172. člena tega zakona preverja ali načrt sanacije, ki ga je v skladu s 184. členom tega zakona predložila banka, vsebuje vse informacije in izpolnjuje zahteve iz 185. do 187. člena tega zakona.

(2) Pri oceni iz prejšnjega odstavka Banka Slovenije upošteva

(8) The decision of a bank's governing body regarding the provision of financial support shall be sent by the bank to:

1. the Bank of Slovenia or the European Central Bank whenever the latter performs the tasks referred to in Article 4(1)(b) and (d) to (i) of Regulation (EU) No 1024/2013 during the supervision of a bank in a group in accordance with the same regulation;
2. the consolidating supervisor, who shall immediately notify other members of the supervisory college and the members of the resolution college accordingly;
3. the competent authority responsible for supervision on an individual basis in connection with the entity that will receive financial support; and
4. the European Banking Authority.

(9) If a group financial support agreement is included in a group recovery plan and the competent authority responsible for supervision on an individual basis in connection with the entity that will provide financial support restricts or prohibits financial support to a bank, the Bank of Slovenia may, whenever it performs the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, request that the competent consolidating supervisor reassess the group recovery plan in accordance with Article 197 of this Act and according to the procedure referred to in Article 199 of this Act or request that the bank in question submits a revised individual recovery plan.

6.7.3. Review and assessment of a recovery plan

Article 197 (Assessment of a recovery plan)

(1) In the scope of the review and evaluation referred to in Article 172 of this Act, the Bank of Slovenia shall assess whether a recovery plan, submitted by a bank in accordance with Article 184 of this Act, includes all information and fulfils the requirements referred to in Articles 185 to 187 of this Act.

(2) During the assessment referred to in the preceding

zlasti naslednje:

1. ali je struktura kapitala banke ter virov financiranja ustrezna glede na kompleksnost organizacijske strukture in glede na profil tveganosti banke;
2. ali se bosta z izvajanjem ukrepov, predlaganih v načrtu, verjetno ohranila ali ponovno vzpostavila uspešno poslovanje in stabilni finančni položaj institucije ali skupine, pri čemer upošteva pripravljalne ukrepe, ki jih je institucija sprejela ali jih namerava sprejeti;
3. ali se bodo načrt in posamezne aktivnosti v načrtu z ustrezno verjetnostjo lahko izvajali dovolj hitro in učinkovito tudi v primeru znatnih finančnih težav na način, da se bo v čim večji meri preprečil resnejši negativni vpliv na finančni sistem, pri čemer upošteva tudi scenarije, ko bi v istem obdobju tudi druge institucije izvajale načrte sanacije;
4. ali imajo lahko ukrepi in aktivnosti, ki so predvideni v načrtu sanacije, negativen vpliv na rešljivost banke.

(3) Banka Slovenije lahko za namene ocenjevanja načrta sanacije v skladu s prvim odstavkom tega člena od banke zahteva, da:

1. v določenem roku predloži dodatna pojasnila in dokaze v zvezi z okoliščinami iz prejšnjega odstavka;
2. v določenem roku načrt sanacije uskladi z zahtevami iz 185. do 187. člena tega zakona;
3. vzpostavi in vzdržuje evidenco podatkov o finančnih pogodbah, ki jih je sklenila banka.

(4) Banka Slovenije načrt sanacije iz prvega odstavka tega člena posreduje organu, ki je pristojen za reševanje, ter pridobi njegovo oceno glede okoliščin iz 4. točke drugega odstavka tega člena.

(5) Banka Slovenije izdela oceno iz prvega odstavka tega člena v šestih mesecih od predložitve načrta in pri tem upošteva oceno in priporočila organa, pristojnega za reševanje.

paragraph, the Bank of Slovenia shall take particular account of the following:

1. whether the bank's capital and resource funding structure is appropriate with respect to the complexity of organisational structure and risk profile of the bank;
2. whether the implementation of measures proposed in the plan is likely to maintain or restore the viability and stable financial position of the institution or group, taking into account the preparatory measures that the institution has adopted or intends to adopt;
3. whether the plan and individual activities in the plan are likely to be implemented quickly and effectively, including in the case of significant financial distress, and in a manner that will prevent to the maximum extent possible any serious negative effect on the financial system, taking into account scenarios in which other institutions also implement recovery plans in the same period; and
4. whether measures and activities envisaged in the recovery plan could adversely impact the resolvability of the bank.

(3) For the purpose of assessing a recovery plan in accordance with paragraph one of this Article, the Bank of Slovenia may require that a bank:

1. submit additional explanations and evidence in connection with the circumstances referred to in the preceding paragraph by a specified time limit;
2. harmonise the recovery plan with the requirements referred to in Articles 185 to 187 of this Act by a specified time limit; and
3. establish and maintain data records regarding financial agreements concluded by the bank.

(4) The Bank of Slovenia shall forward the recovery plan referred to in paragraph one of this Article to the resolution authority and shall obtain the latter's assessment with regard to the circumstances referred to in point 4 of paragraph two of this Article.

(5) The Bank of Slovenia shall draw up the assessment referred to in paragraph one of this Article within six months from the submission of the plan, taking into account the assessment and recommendations of the resolution authority.

198. člen
(odprava ugotovljenih pomanjkljivosti in ovir)

(1) Če Banka Slovenije v okviru preverjanja na podlagi prvega odstavka prejšnjega člena oceni, da ima načrt sanacije banke bistvene pomanjkljivosti ali da obstajajo bistvene ovire za njegovo učinkovito izvajanje, o svoji oceni pisno obvesti banko ali nadrejeno družbo v skupini in jo pozove, da v določenem roku predloži poročilo o okoliščinah in razlogih, ki utemeljeno vplivajo na drugačno oceno ustreznosti načrta sanacije, ali pa v dveh mesecih predloži popravljen načrt sanacije, v katerem je prikazano, kako je banka odpravila ugotovljene pomanjkljivosti oziroma ovire. Banka Slovenije lahko rok iz prvega stavka na predlog banke podaljša za največ en mesec.

(2) Če banka ne ravna v skladu s prejšnjim odstavkom, Banka Slovenije z odredbo o odpravi kršitev zahteva, da v določenem roku uveljavi določene spremembe v načrtu sanacije.

(3) Če Banka Slovenije v okviru preverjanja na podlagi prvega odstavka prejšnjega člena oceni, da ugotovljenih pomanjkljivosti ali ovir ni mogoče odpraviti s spremembo načrta sanacije, od banke zahteva, da v določenem roku sprejme ustrezne spremembe v poslovanju, s katerimi bo odpravila ugotovljene pomanjkljivosti ali ovire pri izvajanju načrta sanacije, in pri tem upošteva nujnost in sorazmernost zahtevanih sprememb glede na resnost ugotovljenih pomanjkljivosti in ovir ter učinek zahtevanih sprememb na poslovanje banke.

(4) Banka Slovenije lahko poleg drugih ukrepov nadzora, določenih v tem zakonu, v primeru iz prejšnjega odstavka od banke zahteva zlasti, da:

1. zmanjša profil tveganosti, vključno z likvidnostnim tveganjem;
2. zagotovi pogoje in izvede potrebne aktivnosti za pravočasno dokapitalizacijo;
3. oceni ustreznost strategij in organizacijske strukture banke;

Article 198
(Elimination of identified deficiencies and impediments)

(1) If, in the scope of verification based on paragraph one of the preceding Article, the Bank of Slovenia assesses that there are material deficiencies in the bank's recovery plan or material impediments to its effective implementation, it shall notify the bank or parent undertaking of the group in writing of its assessment and call on it to submit a report on the circumstances and reasons that justify a different assessment of the recovery plan's suitability by a specified time limit or to submit, within two months, a revised recovery plan demonstrating how the bank has eliminated the identified deficiencies or impediments. Upon the bank's proposal, the Bank of Slovenia may extend the time limit referred to in the previous sentence up to one month.

(2) If a bank fails to comply with the preceding paragraph, the Bank of Slovenia shall issue an order to eliminate breaches, requiring the bank to make specific changes to the recovery plan by a specified time limit.

(3) If, in the scope of verification based on paragraph one of the preceding Article, the Bank of Slovenia assesses that identified deficiencies or impediments cannot be eliminated by revising the recovery plan, it shall require the bank to make appropriate changes in its operations by a specified time limit in order to eliminate identified deficiencies or impediments to the implementation of the recovery plan, taking into account the necessity and proportionality of the requested changes in relation to the seriousness of identified deficiencies and impediments and the effect of the required changes on the bank's operations.

(4) In addition to the other supervisory measures laid down in this Act, the Bank of Slovenia may, in the case referred to in the preceding paragraph, request that a bank in particular:

1. reduce its risk profile, including liquidity risk;
2. ensure the conditions and carry out the necessary activities for its timely recapitalisation;
3. assess the appropriateness of its strategies and organisational structure;

4. spremeni strategijo financiranja, da se izboljša stabilnost izvajanja osnovnih poslovnih dejavnosti in ključnih funkcij;
5. spremeni strukturo upravljanja banke.

199. člen (ocena načrta sanacije skupine)

(1) Banka Slovenije kot konsolidacijski nadzornik skupaj s pristojnimi organi, ki so pristojni za nadzor subjektov v skupini na posamični podlagi, pregleda načrt sanacije skupine, ki ga je predložila EU nadrejena družba, ki je v skladu z 291. členom tega zakona vključena v nadzor na konsolidirani podlagi, ki ga izvaja Banka Slovenije na podlagi tega zakona in Uredbe (EU) št. 1024/2013, ter oceni, ali načrt sanacije skupine vsebuje vse informacije in izpolnjuje zahteve ter merila iz 187. člena tega zakona.

(2) Za oceno iz prejšnjega odstavka se smiselno uporabljajo določbe prvega do četrtega odstavka 197. člena tega zakona in prejšnji člen. Pri tem Banka Slovenije kot konsolidacijski nadzornik upošteva tudi možen učinek ukrepov sanacije na finančno stabilnost v vseh državah članicah, v katerih deluje skupina.

(3) Pri ocenjevanju načrta sanacije skupine v skladu prvim in drugim odstavkom tega člena si mora Banka Slovenije skupaj z drugimi sodelujočimi pristojnimi organi prizadevati za sprejem skupne odločitve:

1. o izvedbi pregleda in o oceni načrta sanacije skupine;
2. o ukrepih za odpravo pomanjkljivosti tega načrta in o ukrepih za odpravo ovir za njegovo izvajanje, ki se morajo izvršiti na ravni nadrejene družbe v skupini;
3. o zahtevi, da posamezna institucija, ki je del skupine, pripravi individualni načrt sanacije ter o ukrepih za odpravo pomanjkljivosti načrta sanacije skupine ali o ukrepih za odpravo ovir za njegovo izvajanje, ki se morajo izvršiti na ravni podrejene družbe.

(4) Banka Slovenije si mora skupaj z drugimi pristojnimi organi

4. change its funding strategy to improve the stability of performing core business activities and key functions; and
5. make changes to its governance structure.

Article 199 (Assessment of a group recovery plan)

(1) The Bank of Slovenia, as consolidating supervisor, shall, together with the competent authorities responsible for the supervision of entities in a group on an individual basis, review the group recovery plan submitted by an EU parent undertaking that is included in accordance with Article 291 of this Act in supervision on a consolidated basis carried out by the Bank of Slovenia based on this Act and Regulation (EU) No 1024/2013 and assess whether the group recovery plan includes all the information and meets the requirements and criteria referred to in Article 187 of this Act.

(2) The provisions of paragraphs one to four of Article 197 of this Act and the preceding Article shall apply *mutatis mutandis* to the assessment referred to in the preceding paragraph. To that end, the Bank of Slovenia, as consolidating supervisor, shall take into account also the potential impact of recovery measures on the financial stability in all Member States in which the group operates.

(3) When assessing a group recovery plan in accordance with paragraphs one and two of this Article, the Bank of Slovenia shall strive, together with other participating competent authorities, to reach a joint decision on:

1. the implementation of review and assessment of the group recovery plan;
2. the measures that shall be implemented by the group's parent undertaking to eliminate any deficiencies in the plan and the measures to eliminate impediments to its implementation; and
3. the requirement that an individual institution that is part of a group draw up an individual recovery plan and the measures that shall be implemented by the subsidiary to eliminate any deficiencies in the group recovery plan or measures to eliminate impediments to its implementation.

(4) The Bank of Slovenia shall strive, together with other

prizadevati, da bi bila skupna odločitev iz prejšnjega odstavka sprejeta v štirih mesecih od dneva, ko konsolidacijski nadzornik sodelujočim pristojnim organom posreduje načrt sanacije skupine.

(5) Banka Slovenije ali katerikoli drug pristojni organ, ki je vključen v nadzor na konsolidirani podlagi, lahko v zvezi s skupno odločitvijo iz tretjega odstavka tega člena, do izteka roka iz prejšnjega odstavka oziroma v vsakem primeru pred sprejetjem odločitve v skladu s šestim ali sedmim odstavkom tega člena predloži Evropskemu bančnemu organu zahtevo v skladu z 19. členom Uredbe (EU) št. 1093/2010/EU.

(6) Konsolidacijski nadzornik sam sprejme odločitev iz prvega odstavka tega člena, če:

1. skupna odločitev o teh zadevah ni sprejeta v roku iz četrtega odstavka tega člena ali
2. je v zvezi s skupno odločitvijo iz tretjega odstavka tega člena vložena zahteva iz prejšnjega odstavka in Evropski bančni organ ni odločil o zadevi v enem mesecu.

(7) Pristojni organ sam sprejme odločitev iz 3. točke tretjega odstavka tega člena, če:

1. skupna odločitev o teh zadevah ni sprejeta v roku iz četrtega odstavka tega člena ali
2. je v zvezi s skupno odločitvijo iz tretjega odstavka tega člena vložena zahteva iz petega odstavka tega člena in Evropski bančni organ ni odločil o zadevi v enem mesecu.

(8) Če skupna odločitev iz 3. točke tretjega odstavka tega člena ni sprejeta v roku iz četrtega odstavka tega člena, lahko posamezni sodelujoči pristojni organi, ki si pri sprejemanju odločitve iz 3. točke tretjega odstavka tega člena ne nasprotujejo, sprejmejo skupno odločitev za skupino, v katero so zajeti le subjekti pod njihovo pristojnostjo.

(9) Banka Slovenije kot konsolidacijski nadzornik v zvezi z odločitvijo iz šestega odstavka tega člena po presoji upošteva mnenja in pomisleke, ki so jih izrazili sodelujoči pristojni organi. Če je v zvezi z

competent authorities, to reach a joint decision referred to in the preceding paragraph within four months of the date on which the consolidating supervisor submits the group recovery plan to the competent authorities involved.

(5) In connection with the joint decision referred to in paragraph three of this Article, the Bank of Slovenia or any of the competent authorities included in supervision on a consolidated basis may submit a request to the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010/EU before the expiry of the time limit referred to in the preceding paragraph or in any case before the adoption of a decision in accordance with paragraph six or seven of this Article.

(6) The consolidating supervisor shall adopt the decision referred to in paragraph one of this Article itself if:

1. the joint decision on these matters fails to be adopted by the time limit referred to in paragraph four of this Article or
2. the request referred to in the preceding paragraph, in connection with the joint decision referred to in paragraph three of this Article, has been filed and the European Banking Authority failed to make a decision on the matter within one month.

(7) A competent authority shall adopt the decision referred to in point 3 of paragraph three of this Article itself if:

1. the joint decision on these matters is not adopted by the time limit referred to in paragraph four of this Article or
2. the request referred to in paragraph five of this Article, in connection with the joint decision referred to in paragraph three of this Article, has been filed and the European Banking Authority failed to make a decision on the matter within one month.

(8) If the joint decision referred to in point 3 of paragraph three of this Article fails to be adopted by the time limit referred to in paragraph four of this Article, individual competent authorities involved that did not oppose to the adoption of the decision referred to in point 3 of paragraph three of this Article may adopt a joint decision for a group that covers only the entities under their jurisdiction.

(9) As consolidating supervisor, the Bank of Slovenia shall, at its own discretion, take into account the opinions and concerns expressed by the competent authorities involved in connection with the decision

odločitvijo iz 1. ali 2. točke tretjega odstavka tega člena vložena zahteva iz petega odstavka tega člena, Banka Slovenije kot konsolidacijski nadzornik prekine postopek odločanja do odločitve Evropskega bančnega organa. Če slednji na podlagi tretjega odstavka 19. člena Uredbe (EU) št. 1093/2010 sprejme svojo odločitev o zadevi, Banka Slovenije to odločitev upošteva. Obrazloženo odločitev Banka Slovenije kot konsolidacijski nadzornik posreduje EU nadrejeni družbi in sodelujočim pristojnim organom.

(10) Banka Slovenije kot sodelujoči pristojni organ pri izvajanju nadzora nad banko na posamični podlagi upošteva skupno odločitev iz tretjega ali osmega odstavka tega člena ter odločitev konsolidacijskega nadzornika, ki je sprejeta v skladu s šestim odstavkom tega člena, kot dokončno.

(11) Če je v zvezi z odločitvijo iz 3. točke tretjega odstavka tega člena vložena zahteva iz petega odstavka tega člena, Banka Slovenije kot sodelujoči pristojni organ prekine postopek odločanja na podlagi sedmega odstavka tega člena do odločitve Evropskega bančnega organa. Če slednji na podlagi tretjega odstavka 19. člena Uredbe (EU) št. 1093/2010 sprejme svojo odločitev o zadevi, Banka Slovenije pri odločitvi iz sedmega odstavka tega člena njegovo odločitev upošteva. Obrazloženo odločitev Banka Slovenija posreduje banki in konsolidacijskemu nadzorniku.

6.8. Kvalificirane naložbe banke

200. člen **(dovoljenje za kvalificirane naložbe)**

(1) Kvalificirana naložba po tem zakonu je naložba, na podlagi katere pridobi banka kvalificiran delež v:

1. finančni instituciji s sedežem v Republiki Sloveniji ali drugi državi članici, z izjemo finančnih institucij, pri katerih mora banka za pridobitev kvalificiranega deleža v teh osebah pridobiti dovoljenje nadzornega organa Republike Slovenije ali druge države članice; ali

referred to in paragraph six of this Article. If, in connection with the decision referred to in point 1 or 2 of paragraph three of this Article, the request referred to in paragraph five of this Article is filed, the Bank of Slovenia, as consolidating supervisor, shall halt the decision-making process until the European Banking Authority issues its own decision. If, based on Article 19(3) of Regulation (EU) No 1093/2010, the European Banking Authority adopts its own decision regarding the matter, the Bank of Slovenia shall take that decision into account. As consolidating supervisor, the Bank of Slovenia shall forward a justified decision to the EU parent undertaking and the competent authorities involved.

(10) As a competent authority involved in conducting supervision of a bank on an individual basis, the Bank of Slovenia shall treat the joint decision referred to in paragraph three or eight of this Article and the decision of the consolidating supervisor adopted in accordance with paragraph six of this Article as final.

(11) If, in connection with the decision referred to in point 3 of paragraph three of this Article, the request referred to in paragraph five of this Article is filed, the Bank of Slovenia, as a competent authority involved, shall halt the decision-making process on the basis of paragraph seven of this Article until the European Banking Authority issues its own decision. If, based on Article 19(3) of Regulation (EU) No 1093/2010, the European Banking Authority adopts its own decision regarding the matter, the Bank of Slovenia shall take that decision into account in the decision referred to in paragraph seven of this Article. The Bank of Slovenia shall forward a justified decision to the bank and the consolidating supervisor.

6.8. Qualifying holdings of a bank

Article 200 **(Authorisation for the acquisition of qualifying holdings)**

(1) A qualifying holding under this Act shall mean an investment on the basis of which a bank acquires a qualifying holding in:

1. a financial institution established in the Republic of Slovenia or another Member State, with the exception of financial institutions for which a bank shall obtain authorisation from the supervisory authority in the Republic of Slovenia or another Member State to acquire a

2. subjektu finančnega sektorja s sedežem v tretji državi.

(2) Banka mora pred vsako pridobitvijo kvalificirane naložbe pridobiti dovoljenje Banke Slovenije (v nadaljnjem besedilu: dovoljenje za kvalificirano naložbo).

(3) Banka Slovenije banki izda dovoljenje za kvalificirano naložbo, če:

1. je banka zagotovila ustrezno ureditev notranjega upravljanja iz naslova pridobitve in upravljanja kvalificirane naložbe,
2. zaradi pridobitve takšne naložbe ne bo ovirano učinkovito izvajanje nadzora nad banko in
3. zaradi pridobitve takšne naložbe ne bo ogrožena kapitalska ustreznost ali ustrezna likvidnost banke na posamični ali konsolidirani podlagi.

(4) Za namen iz 2. točke prejšnjega odstavka se šteje, da je izvajanje učinkovitega nadzora oteženo zlasti, če:

1. je ob upoštevanju predpisov tretje države ali ob upoštevanju prakse te države pri uporabi in izvajanju teh predpisov verjetno, da bo ovirano izvajanje nadzora v skladu z določbami tega zakona ali
2. bi bilo zaradi poslovnih ali lastniških povezav subjekta, v katerem bo banka pridobila kvalificirano naložbo, z drugimi družbami ali posamezniki zaradi medsebojnih povezav na podlagi udeležbe v kapitalu ali zaradi nepreglednega poslovanja oteženo izvajanje nadzora v skladu z določbami tega zakona.

(5) Drugi odstavek tega člena se ne uporablja glede naložb, ki jih banka pridobi v okviru:

1. izvajanja storitev za račun stranke;
2. poplačila svojih terjatev z uresničitvijo pravic iz zavarovanja, če so bile naložbe dane banki kot zavarovanje njenih terjatev in banka te naložbe odsvoji v petih letih po pridobitvi;
3. preoblikovanja svojih terjatev do subjekta finančnega sektorja v deleže v kapitalu tega subjekta v postopku prisilne poravnave ali podobnem postopku zaradi insolventnosti, ki se vodi nad tem

qualifying holding in those entities or

2. a financial sector entity established in a third country.

(2) A bank shall obtain an authorisation from the Bank of Slovenia before each acquisition of a qualifying holding (hereinafter: authorisation to acquire a qualifying holding).

(3) The Bank of Slovenia shall issue authorisation to acquire a qualifying holding to a bank if:

1. the bank has provided for the appropriate internal governance arrangements arising from the acquisition and management of the qualifying holding;
2. effective conduct of supervision of the bank is not impeded due to the acquisition of such an investment; and
3. the capital or liquidity adequacy of the bank on an individual or consolidated basis is not jeopardised due to the acquisition of such an investment.

(4) For the purpose referred to in point 2 of the preceding paragraph, conduct of effective supervision shall be deemed impeded in particular if:

1. taking into account a third country's regulations or the practices of that country in the application and implementation of those regulations, it is likely that conduct of supervision in accordance with the provisions of this Act will be impeded or
2. conduct of supervision in accordance with the provisions of this Act would be impeded due to the business or ownership links that the entity in which a bank will acquire a qualifying holding has with other undertakings or individuals, due to mutual links based on participation in capital or due to non-transparent operations.

(5) Paragraph two of this Article shall not apply to holdings that a bank acquires in the scope of:

1. the provision of services for the account of a client;
2. the repayment of its claims through the exercising of rights arising from collateral where those holdings were given to the bank as collateral for its claims and the bank disposes of those holdings within five years following acquisition; and
3. the restructuring of its claims against a financial sector entity into a participating interest in that entity during compulsory composition or similar insolvency proceedings pending against that entity.

subjektom.

(6) Banka mora Banko Slovenije nemudoma obvestiti o pridobitvi kvalificirane naložbe in o pogojih iz prejšnjega odstavka in predložiti dokazila o izpolnjevanju teh pogojev. Če banka, ki je pridobila kvalificirano naložbo na podlagi 2. točke prejšnjega odstavka, ne odsvoji ali ne zmanjša pridobljene kvalificirane naložbe v petih letih po pridobitvi, mora za ohranitev kvalificirane naložbe pridobiti dovoljenje Banke Slovenije za kvalificirano naložbo.

(7) Banka Slovenije v odločbi o izdaji dovoljenja za pridobitev kvalificirane naložbe določi višino deleža glasovalnih pravic ali deleža v kapitalu subjekta finančnega sektorja, za katerega se izdaja dovoljenje, kot enega od razponov iz prvega odstavka 70. člena tega zakona. Banka mora pred vsako nadaljnjo pridobitvijo deleža, na podlagi katere bi presegla razpon, za katerega velja dovoljenje, pridobiti novo dovoljenje Banke Slovenije za kvalificirano naložbo.

(8) Banka Slovenije predpiše dokumentacijo, ki jo predloži banka zahtevi za izdajo dovoljenja za kvalificirano naložbo.

201. člen

(prenehanje veljavnosti dovoljenja)

(1) Banka Slovenije z odločbo o dovoljenju za kvalificirano naložbo določi rok, v katerem mora banka pridobiti kvalificirano naložbo, za katero je bilo izdano dovoljenje. Rok ne sme biti krajši od treh mesecev.

(2) Za prenehanje veljavnosti dovoljenja za kvalificirano naložbo se smiselno uporablja 72. člen tega zakona.

(3) Ne glede na tretji odstavek 72. člena tega zakona dovoljenje za kvalificirano naložbo ne preneha veljati, če banka po pridobitvi kvalificirane naložbe v razponu, za katerega je bilo izdano dovoljenje, zmanjša delež naložbe tako, da ne dosega več razpona, za katerega je bilo izdano dovoljenje, in v treh mesecih po odsvojitvi ponovno poveča

(6) A bank shall notify the Bank of Slovenia without delay with regard to the acquisition of a qualifying holding and the conditions referred to in the preceding paragraph and submit supporting documents regarding the fulfilment of those conditions. If a bank that acquired a qualifying holding on the basis of point 2 of the preceding paragraph fails to dispose of or reduce the obtained qualifying holding within five years following acquisition, it shall obtain authorisation from the Bank of Slovenia to keep the qualifying holding.

(7) In its decision to issue authorisation to acquire a qualifying holding, the Bank of Slovenia shall set out the level of participation in the voting rights or capital of the financial sector entity for which authorisation is issued, this as one of the ranges referred to in Article 70 of this Act. A bank shall obtain new authorisation from the Bank of Slovenia to acquire a qualifying holding prior to every further acquisition of holdings based on which it would exceed the range to which a previously issued authorisation relates.

(8) The Bank of Slovenia shall prescribe the documentation that a bank shall submit with its application for authorisation to acquire a qualifying holding.

Article 201

(Cessation of the validity of authorisation)

(1) In its decision regarding authorisation to acquire a qualifying holding, the Bank of Slovenia shall set a time limit by which a bank shall acquire the qualifying holding for which authorisation was issued. The time limit shall not be shorter than three months.

(2) Article 72 of this Act shall apply *mutatis mutandis* to the cessation of the validity of authorisation for a qualifying holding.

(3) Notwithstanding paragraph three of Article 72 of this Act, authorisation for a qualifying holding shall not cease to be valid if, following the acquisition of the qualifying holding in the range for which authorisation was issued, the bank reduces the holding such that it no longer falls within the range for which authorisation was issued, and it

svoj delež tako, da ponovno dosega razpon, za katerega je bilo izdano dovoljenje.

(4) Banka mora Banko Slovenije nemudoma obvestiti, če delež kvalificirane naložbe zmanjša pod delež, za katerega je bilo izdano dovoljenje Banke Slovenije.

202. člen

(odvzem dovoljenja)

(1) Banka Slovenije banki odvzame dovoljenje za kvalificirano naložbo, če v zvezi s kvalificirano naložbo niso več izpolnjeni pogoji iz tretjega odstavka 200. člena tega zakona. Banka Slovenije v odločbi o odvzemu dovoljenja določi rok, v katerem mora banka zmanjšati kvalificirano naložbo ali izvesti ustrezno preoblikovanje naložbe.

(2) Če banka v roku iz prejšnjega odstavka ne zmanjša kvalificirane naložbe ali ne izvede ustreznega preoblikovanja naložbe, se šteje, da gre za neupravičeno pridobitev kvalificirane naložbe.

203. člen

(neupravičena pridobitev kvalificirane naložbe)

Če banka pridobi kvalificirano naložbo v nasprotju z 200. členom tega zakona, Banka Slovenije z odredbo banki določi rok, v katerem mora banka odsvojiti kvalificirano naložbo, izvesti ustrezno preoblikovanje naložbe ali vložiti zahtevo za izdajo dovoljenja.

204. člen

(poročanje na zahtevo Banke Slovenije)

(1) Banka Slovenije lahko od finančne institucije s sedežem v Republiki Sloveniji, v kateri je banka pridobila kvalificirano naložbo, zahteva, da poroča o dejstvih in okoliščinah, ki so pomembne za njeno poslovanje in vplivajo na oceno tveganj, ki nastajajo za banko v zvezi s

increases its holding within three months following disposal such that it once again falls within the range for which authorisation was issued.

(4) A bank shall notify the Bank of Slovenia without delay if the share of qualifying holding falls below the holding for which the Bank of Slovenia's authorisation was issued.

Article 202

(Withdrawal of authorisation)

(1) The Bank of Slovenia shall withdraw authorisation for a qualifying holding from a bank if the conditions referred to in paragraph three of Article 200 of this Act in connection with that qualifying holding are no longer met. In its decision to withdraw authorisation, the Bank of Slovenia shall set a time limit by which the bank shall reduce the qualifying holding in question or restructure the holding accordingly.

(2) If the bank fails to reduce the qualifying holding or fails to restructure the holding accordingly by the time limit referred to in the preceding paragraph, the acquisition of that qualifying holding shall be deemed unjust.

Article 203

(Unjust acquisition of a qualifying holding)

If a bank acquires a qualifying holding in contravention of Article 200 of this Act, the Bank of Slovenia shall issue to the bank an order determining a time limit by which the bank shall dispose of the qualifying holding, restructure the holding accordingly or file an application for authorisation.

Article 204

(Reporting upon request of the Bank of Slovenia)

(1) The Bank of Slovenia may request a financial institution with a registered office in the Republic of Slovenia in which a bank has obtained a qualifying holding to report on the facts and circumstances that are of significance to its operations and that have an impact on the

kvalificirano naložbo.

(2) Če finančna institucija iz prejšnjega odstavka poroča o navedenih dejstvih drugim nadzornim organom v Republiki Sloveniji, lahko Banka Slovenije od teh organov zahteva predložitev vseh informacij o njenem poslovanju, ki vplivajo na oceno tveganj, ki nastajajo za banko v zvezi s kvalificirano naložbo.

6.9. Poročanje o pomembnih okoliščinah

205. člen

(poročila banke o pomembnih dejstvih in okoliščinah)

(1) Banka mora Banko Slovenije in Evropsko centralno banko, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za opravljanje nalog iz (b) in (d) do (i) točke prvega odstavka 4. člena te uredbe, obveščati o naslednjih dejstvih in okoliščinah:

1. spremembah podatkov, ki se vpisujejo v sodni register;
2. sklicu skupščine in vseh sklepih, sprejetih na skupščini;
3. imetnikih delnic banke ter o pridobitvi oziroma spremembi kvalificiranih deležev;
4. pridobitvi oziroma odtujitvi delnic, poslovnih deležev oziroma članskih pravic, v pravnih osebah;
5. prenehanju opravljanja določenih storitev, ki jih opravlja banka;
6. o drugih dejstvih in okoliščinah, ki jih določi Banka Slovenije v podzakonskem predpisu iz 135. člena tega zakona in so pomembne za presojo, ali banka posluje v skladu s predpisi iz drugega odstavka 9. člena tega zakona.

(2) Uprava banke mora Banko Slovenije in Evropsko centralno banko, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za opravljanje nalog iz (b) in (d) do (i) točke prvega odstavka 4. člena te uredbe, nemudoma obvestiti o

assessment of the risks which arise for the bank in connection with the qualifying holding.

(2) If the financial institution referred to in the preceding paragraph reports about the aforementioned facts to other supervisory authorities in the Republic of Slovenia, the Bank of Slovenia may request from those authorities the submission of all information regarding that financial institution's operations that have an impact on the assessment of risks which arise for the bank in connection with the qualifying holding.

6.9. Reporting on important circumstances

Article 205

(Bank reports on important facts and circumstances)

(1) A bank shall notify the Bank of Slovenia and the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(b) and (d) to (i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation of the following facts and circumstances:

1. changes to data that are entered in the court register;
2. the convening of the general meeting and all resolutions adopted at that meeting;
3. holders of the bank's shares and the acquisition of or changes to qualifying holdings;
4. the acquisition or disposal of shares, participating interests or membership rights in legal persons;
5. cessation of the provision of certain services provided by the bank; and
6. other facts and circumstances determined by the Bank of Slovenia in the implementing regulation referred to in Article 135 of this Act that are important for assessing whether the bank operates in accordance with the regulations referred to in paragraph two of Article 9 of this Act.

(2) The management board of a bank shall notify the Bank of Slovenia and the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(b) and (d) to (i) of Regulation (EU) No 1024/2013 during the supervision of a bank in

naslednjih dogodkih:

1. če banka na zahtevo vlagatelja ni sposobna izplačati njegove dospele vloge;
2. če se položaj banke spremeni tako, da banka ne zagotavlja ali verjetno ne bo zagotavljala kapitalske ustreznosti iz 129. člena tega zakona ali ustrezne likvidnosti iz 130. člena tega zakona;
3. če je banka začela obširnejšo prenovu informacijskih sistemov ali če je banka začela razvoj nove ponudbe storitev, ki so pretežno podprte z informacijsko tehnologijo;
4. drugih dogodkih, ki lahko pomembno vplivajo na poslovanje banke v skladu s pravili o upravljanju tveganj.

7. POGLAVJE:

KAPITALSKI BLAŽILNIKI

7.1. Splošne določbe

206. člen (opredelitev pojmov)

V 7. poglavju imajo uporabljeni pojmi naslednji pomen:

1. »varovalni kapitalski blažilnik« pomeni kapital, ki ga mora banka zagotavljati v skladu z 208. členom tega zakona;
2. »posamezni banki lasten proticiklični kapitalski blažilnik « pomeni kapital, ki ga mora banka zagotavljati v skladu z 209. členom tega zakona;
3. »blažilnik za GSPB« pomeni kapital, ki ga mora banka zagotavljati v skladu z 220. členom tega zakona;
4. »blažilnik za DSPB« pomeni kapital, ki ga mora banka zagotavljati v skladu z 221. členom tega zakona;
5. »blažilnik sistemskih tveganj« pomeni kapital, ki ga mora banka zagotavljati v skladu z 222. členom tega zakona;
6. »zahteva po skupnem blažilniku« pomeni celoten kapital, ki ga mora

accordance with the same regulation without delay of the following events:

1. if the bank is unable to pay an investor's maturing deposits at the latter's request;
2. if the bank's position changes in such a way that it no longer ensures or it is likely that it will no longer ensure capital adequacy referred to in Article 129 of this Act or adequate liquidity referred to in Article 130 of this Act;
3. if the bank begins an extensive upgrade of information systems or if the bank begins to develop a new range of services that are predominantly supported by information technology; and
4. other events that could have a significant impact on the bank's operations in accordance with risk management rules.

CHAPTER 7:

CAPITAL BUFFERS

7.1. General provisions

Article 206 (Definitions)

In Chapter 7, the terms used shall have the following meanings:

1. "capital conservation buffer" shall mean the own funds that a bank shall maintain in accordance with Article 208 of this Act;
2. "institution-specific countercyclical capital buffer" shall mean the own funds that a bank shall maintain in accordance with Article 209 of this Act;
3. "G-SIB buffer" shall mean the own funds that a bank shall maintain in accordance with Article 220 of this Act;
4. "O-SIB buffer" shall mean the own funds that a bank shall maintain in accordance with Article 221 of this Act;
5. "systemic risk buffer" shall mean the own funds that a bank shall maintain in accordance with Article 222 of this Act;
6. "combined buffer requirement" shall mean the total capital that a bank

banka zagotavljati za izpolnjevanje zahtev v zvezi z:

- varovalnim kapitalnim blažilnikom,
- posamezni banki lastnim proticikličnim kapitalnim blažilnikom,
- blažilnikom za GSPB,
- blažilnikom za DSPB,
- blažilnikom sistemskih tveganj;

7. »stopnja proticikličnega blažilnika« pomeni stopnjo, ki jo mora uporabljati banka za izračun svojega proticikličnega kapitalnega blažilnika in ki je določena v skladu z 210. do 213. členom tega zakona, ali s strani ustreznega organa tretje države;
8. »vodilo za blažilnik« pomeni referenčno stopnjo blažilnika, izračunano v skladu z 210. členom tega zakona;
9. »znesek skupne izpostavljenosti tveganjem« pomeni znesek izpostavljenosti tveganjem, izračunan v skladu s tretjim odstavkom 92. člena Uredbe (EU) št. 575/2013;
10. »imenovani organ druge države« je organ druge države članice ali tretje države, ki je po pravu te države ali v skladu z Uredbo (EU) št. 1024/2013 pristojen za določanje zahtev glede kapitalnih blažilnikov, ki jih mora vzdrževati banka države članice ali tretje države, oziroma za opredelitev banke države članice ali tretje države kot GSPB ali DSPB;
11. »GSPB« je globalna sistemsko pomembna banka, ki jo na konsolidirani podlagi kot globalno sistemsko pomembno banko opredeli Banka Slovenije v skladu s tem zakonom in Uredbo (EU) št. 1024/2013;
12. »DSPB« je druga sistemsko pomembna banka, ki jo na posamični, subkonsolidirani ali konsolidirani podlagi kot drugo sistemsko pomembno banko opredeli Banka Slovenije v skladu s tem zakonom in Uredbo (EU) št. 1024/2013.

207. člen

(pristojnosti Banke Slovenije)

(1) Banka Slovenije v skladu s tem zakonom določi banki zahteve glede vzdrževanja kapitalnih blažilnikov z namenom preprečevanja ali omejevanja makrobonitetnega in sistema tveganja.

(2) Za namene iz prejšnjega odstavka Banka Slovenije določi

shall maintain to meet the requirements in connection with:

- the capital conservation buffer,
- the institution-specific countercyclical capital buffer,
- the G-SIB buffer,
- the O-SIB buffer, and
- the systemic risk buffer;

7. "countercyclical buffer rate" shall mean the rate a bank shall apply in order to calculate its institution-specific countercyclical capital buffer, this being determined in accordance with Articles 210 to 213 of this Act or by a relevant third-country authority;
8. "buffer guide" shall mean a benchmark buffer rate calculated in accordance with Article 210 of this Act;
9. "total risk exposure amount" shall mean the risk exposure amount calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013;
10. "designated authority of another country" shall mean an authority of another Member State or a third country that, according to the law of that country or in accordance with Regulation (EU) No 1024/2013, is responsible for setting requirements regarding capital buffers that shall be maintained by a Member State or third-country bank or for the designation of a Member State or third-country bank as a G-SIB or O-SIB;
11. "G-SIB" shall mean a global systemically important bank, defined as such on a consolidated basis by the Bank of Slovenia in accordance with this Act and Regulation (EU) No 1024/2013; and
12. "O-SIB" shall mean another systemically important bank, defined as such on an individual, sub-consolidated or consolidated basis by the Bank of Slovenia in accordance with this Act and Regulation (EU) No 1024/2013.

Article 207

(Powers of the Bank of Slovenia)

(1) In accordance with this Act, the Bank of Slovenia shall determine requirements regarding the maintenance of capital buffers that a bank shall meet for the purpose of preventing or mitigating macro-prudential and systemic risks.

(2) For the purposes referred to in the preceding paragraph, the

banki zahteve glede vzdrževanja enega ali več kapitalskih blažilnikov:

1. proticikličnega blažilnika iz 209. člena tega zakona;
2. blažilnika sistemskih tveganj iz 222. člena tega zakona;
3. blažilnika za GSPB iz 220. člena tega zakona;
4. blažilnika za DSPB iz 221. člena tega zakona.

(3) Banka Slovenije obvesti Odbor za finančno stabilnost pred odločitvijo glede:

1. določitve banke kot GSPB ali DSPB;
2. zahteve za vzdrževanje proticikličnega kapitalskega blažilnika;
3. zahteve za vzdrževanje blažilnika sistemskih tveganj; in
4. zahteve za vzdrževanje blažilnika za DSPB.

(4) Odbor za finančno stabilnost v roku, ki ga določi Banka Slovenije in ki ni krajši od osmih dni, poda mnenje v zvezi s predlagano odločitvijo Banke Slovenije v zadevah iz prejšnjega odstavka. Če Odbor za finančno stabilnost v določenem roku poda mnenje o predlogu odločitve, Banka Slovenije pri odločitvi to mnenje upošteva ali pisno pojasni razloge, zaradi katerih tega mnenja ni upoštevala.

7.2. Vrste kapitalskih blažilnikov

7.2.1. Varovalni kapitalski blažilnik

208. člen

(zahteva po vzdrževanju varovalnega kapitalskega blažilnika)

(1) Banka mora vzdrževati varovalni kapitalski blažilnik v višini 2,5 odstotka zneska skupne izpostavljenosti tveganjem na posamični in konsolidirani podlagi, kot velja v skladu z II. naslovom 1. dela Uredbe (EU) št. 575/2013.

(2) Banka izpolnjuje zahtevo iz prejšnjega odstavka z navadnim lastniškim temeljnim kapitalom. Banka navadnega lastniškega temeljnega kapitala, ki ga zagotavlja za izpolnjevanje zahteve iz prejšnjega odstavka,

Bank of Slovenia shall determine requirements regarding the maintenance of one or more capital buffers that a bank shall meet:

1. the countercyclical buffer referred to in Article 209 of this Act;
2. the systemic risk buffer referred to in Article 222 of this Act;
3. the G-SIB buffer referred to in Article 220 of this Act;
4. the O-SIB buffer referred to in Article 221 of this Act.

(3) The Bank of Slovenia shall notify the Financial Stability Board before making decisions regarding:

1. the designation of a bank as a G-SIB or O-SIB;
2. requirements to maintain a countercyclical capital buffer;
3. requirements to maintain a systemic risk buffer; and
4. requirements to maintain an O-SIB buffer.

(4) The Financial Stability Board shall issue an opinion in connection with the Bank of Slovenia's proposed decisions in the matters referred to in the preceding paragraph by the time limit set by the Bank of Slovenia, which shall be at least eight days. If the Financial Stability Board issues an opinion regarding a proposed decision by the aforementioned time limit, the Bank of Slovenia shall take that opinion into account in its decision or provide a written explanation as to why it did not do so.

7.2. Types of capital buffers

7.2.1. Capital conservation buffer

Article 208

(Requirement to maintain a capital conservation buffer)

(1) A bank shall maintain a capital conservation buffer equal to 2.5% of the total risk exposure amount on an individual and consolidated basis, as applicable in accordance with Title II of Part 1 of Regulation (EU) No 575/2013.

(2) A bank shall satisfy the requirement referred to in the preceding paragraph with Common Equity Tier 1 capital. The Common Equity Tier 1 capital that a bank maintains to satisfy the requirement

ne sme uporabiti za izpolnjevanje:

1. kapitalske zahteve iz 92. člena Uredbe (EU) št. 575/2013;
2. zahteve na podlagi tretjega odstavka 250. člena tega zakona;
3. zahteve glede zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona ali v skladu z oceno Banke Slovenije na podlagi 183. člena tega zakona.

7.2.2. Proticiklični kapitalski blažilnik

209. člen

(zahteva po vzdrževanju banki lastnega proticikličnega kapitalskega blažilnika)

(1) Banka mora vzdrževati lastni proticiklični kapitalski blažilnik, enak znesku njene skupne izpostavljenosti tveganjem, pomnoženemu s tehtanim povprečjem stopenj proticikličnega blažilnika, izračunanih v skladu s četrtim odstavkom tega člena na posamični in konsolidirani podlagi, kot velja v skladu z II. naslovom 1. dela Uredbe (EU) št. 575/2013.

(2) Banka izpolnjuje zahtevo iz prejšnjega odstavka z navadnim lastniškim temeljnim kapitalom. Banka navadnega lastniškega temeljnega kapitala, ki ga zagotavlja za izpolnjevanje zahteve iz prejšnjega odstavka, ne sme uporabiti za izpolnjevanje:

1. kapitalske zahteve iz 92. člena Uredbe (EU) št. 575/2013;
2. zahteve na podlagi tretjega odstavka 250. člena tega zakona;
3. zahteve glede zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona ali v skladu z oceno Banke Slovenije na podlagi 183. člena tega zakona; ali
4. zahteve po vzdrževanju varovalnega kapitalskega blažilnika iz prejšnjega člena.

(3) Stopnja banki lastnega proticikličnega kapitalskega blažilnika je sestavljena iz tehtanega povprečja stopenj proticikličnega

referred to in the preceding paragraph shall not be used to satisfy:

1. the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013;
2. the requirements based on paragraph three of Article 250 of this Act; or
3. the requirements regarding the maintenance of internal capital adequacy in accordance with Article 131 of this Act or in accordance with the Bank of Slovenia's assessment on the basis of Article 183 of this Act.

7.2.2. Countercyclical capital buffer

Article 209

(Requirement to maintain an institution-specific countercyclical capital buffer)

(1) A bank shall maintain an institution-specific countercyclical capital buffer equal to its total risk exposure amount multiplied by the weighted average of the countercyclical buffer rates calculated in accordance with paragraph four of this Article on an individual and consolidated basis, as applicable in accordance with Title II of Part 1 of Regulation (EU) No 575/2013.

(2) A bank shall satisfy the requirement referred to in the preceding paragraph with Common Equity Tier 1 capital. The Common Equity Tier 1 capital that a bank maintains to satisfy the requirement referred to in the preceding paragraph shall not be used to satisfy:

1. the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013;
2. the requirements based on paragraph three of Article 250 of this Act;
3. the requirements regarding the maintenance of internal capital adequacy in accordance with Article 131 of this Act or in accordance with the Bank of Slovenia's assessment on the basis of Article 183 of this Act; or
4. the requirements to maintain a capital conservation buffer referred to in the preceding Article.

(3) An institution-specific countercyclical capital buffer rate shall comprise the weighted average of countercyclical buffer rates that apply

blažilnika, ki se uporabljajo v državah, v katerih so kreditne izpostavljenosti te banke.

(4) Banka Slovenije predpiše podrobnejša pravila za izračun stopenj posamezni banki lastnega proticikličnega kapitalskega blažilnika.

210. člen **(določanje stopnje proticikličnega blažilnika)**

(1) Banka Slovenije četrtletno izračunava vodilo za blažilnik, ki smiselno odraža kreditni cikel in tveganja zaradi čezmerne kreditne rasti v Republiki Sloveniji, ter ustrezno upošteva posebnosti gospodarstva v Republiki Sloveniji. Vodilo za blažilnik temelji na odstopanju razmerja med krediti in bruto domačim proizvodom (v nadaljnjem besedilu: BDP) od dolgoročnega trenda tega razmerja, pri čemer upošteva:

1. kazalnik rasti ravni kreditov v Republiki Sloveniji ter zlasti kazalnik, ki odraža spremembe razmerja med krediti, odobrenimi v Republiki Sloveniji, in BDP;
2. smernice Evropskega odbora za sistemska tveganja glede izračuna vodila za blažilnik.

(2) Banka Slovenije četrtletno oceni in določi stopnjo proticikličnega blažilnika, ki se uporablja za izračun stopnje banki lastnega proticikličnega kapitalskega blažilnika v zvezi s kreditnimi izpostavljenostmi v Republiki Sloveniji (v nadaljnjem besedilu: stopnja proticikličnega blažilnika za Republiko Slovenijo).

(3) Banka Slovenije pri določitvi stopnje proticikličnega blažilnika za Republiko Slovenijo upošteva:

1. vodilo za blažilnik, izračunano v skladu s prvim odstavkom tega člena;
2. smernice ter priporočila Evropskega odbora za sistemska tveganja glede določanja stopnje blažilnika;
3. druge spremenljivke, ki so po mnenju Banke Slovenije pomembne pri ugotavljanju cikličnega sistemskega tveganja.

211. člen **(višina stopnje proticikličnega blažilnika)**

in countries in which the credit exposures of the bank in question are located.

(4) The Bank of Slovenia shall prescribe detailed rules for the calculation of institution-specific countercyclical capital buffer rates.

Article 210 **(Setting of a countercyclical buffer rate)**

(1) On a quarterly basis, the Bank of Slovenia shall calculate a buffer guide, which shall be a meaningful reflection of the credit cycle and risks due to excess credit growth in the Republic of Slovenia and take into account the specificities of the economy in the Republic of Slovenia. The buffer guide shall be based on the deviation of the ratio of credit to gross domestic product (hereinafter: GDP) from its long-term trend, taking into account:

1. an indicator of growth of levels of credit in the Republic of Slovenia and, in particular, an indicator reflective of the changes in the ratio of credit granted in the Republic of Slovenia to GDP and
2. guidance of the European Systemic Risk Board regarding the calculation of the buffer guide.

(2) On a quarterly basis, the Bank of Slovenia shall assess and set the countercyclical buffer rate used to calculate the institution-specific countercyclical capital buffer rate with respect to credit exposure in the Republic of Slovenia (hereinafter: the countercyclical buffer rate for the Republic of Slovenia).

(3) When setting the countercyclical buffer rate for the Republic of Slovenia, the Bank of Slovenia shall take into account:

1. the buffer guide calculated in accordance with paragraph one of this Article;
2. guidance and recommendations of the European Systemic Risk Board regarding the setting of the buffer rate; and
3. other variables that the Bank of Slovenia deems important for establishing cyclical systemic risk.

Article 211 **(Countercyclical buffer rate level)**

(1) Banka Slovenije določi stopnjo proticikličnega blažilnika za Republiko Slovenijo v razponu med 0 odstotkov in 2,5 odstotkov zneska skupne izpostavljenosti tveganjem, pri čemer se stopnja določa v korakih po 0,25 odstotne točke ali z večkratniki 0,25 odstotne točke.

(2) Ne glede na prejšnji odstavek lahko Banka Slovenije določi stopnjo proticikličnega blažilnika za Republiko Slovenijo, ki presega 2,5 odstotka zneska skupne izpostavljenosti tveganjem, če je to utemeljeno na podlagi ocene iz prejšnjega člena.

212. člen **(začetek uporabe proticikličnega blažilnika)**

(1) Ko Banka Slovenije določi stopnjo proticikličnega blažilnika za Republiko Slovenijo, ki je višja od 0 odstotkov, ali poviša že uveljavljeno stopnjo, se nova stopnja proticikličnega blažilnika za Republiko Slovenijo začne uporabljati 12 mesecev po objavi iz 215. člena tega zakona.

(2) Ne glede na prejšnji odstavek lahko Banka Slovenije v kriznih razmerah določi, da se nova stopnja proticikličnega blažilnika za Republiko Slovenijo, ki je objavljena v skladu z 215. členom tega zakona, začne uporabljati pred potekom 12 mesecev od objave.

(3) Če Banka Slovenije zniža veljavno stopnjo proticikličnega blažilnika za Republiko Slovenijo ali jo zniža na 0 odstotkov, določi tudi okvirno obdobje, v katerem se povečanje blažilnika ne pričakuje. Tako določeno okvirno obdobje Banke Slovenije ne zavezuje.

213. člen **(priznavanje stopenj proticikličnega blažilnika, ki presegajo 2,5 odstotka)**

(1) Kadar imenovani organ druge države določi stopnjo proticikličnega blažilnika za to državo, ki presega 2,5 odstotka zneska skupne izpostavljenosti tveganjem, lahko Banka Slovenije prizna to

(1) The Bank of Slovenia shall set the countercyclical buffer rate for the Republic of Slovenia within a range between 0% and 2.5% of the total risk exposure amount, whereby the rate shall be set in steps of 0.25 percentage points or multiples of 0.25 percentage points.

(2) Notwithstanding the preceding paragraph, the Bank of Slovenia may set a countercyclical buffer rate for the Republic of Slovenia that exceeds 2.5% of the total risk exposure amount if that is justified based on the assessment referred to in the preceding Article.

Article 212 **(Date of application of the countercyclical buffer)**

(1) When the Bank of Slovenia sets a countercyclical buffer rate for the Republic of Slovenia above 0% or increases the prevailing rate, the new countercyclical buffer rate for the Republic of Slovenia shall begin to apply 12 months following the publication referred to in Article 215 of this Act.

(2) Notwithstanding the preceding paragraph, the Bank of Slovenia may decide to apply the new countercyclical buffer rate for the Republic of Slovenia, published in accordance with Article 215 of this Act, before the expiry of 12 months from such publication should exceptional circumstances arise.

(3) If the Bank of Slovenia reduces the valid countercyclical buffer rate for the Republic of Slovenia or reduces it to 0%, it shall also set an indicative period during which no increase in the buffer is expected. However, the Bank of Slovenia shall not be bound by that indicative period.

Article 213 **(Recognition of countercyclical buffer rates exceeding 2.5%)**

(1) When a designated authority of another country sets a countercyclical buffer rate for that country that exceeds 2.5% of the total risk exposure amount, the Bank of Slovenia may recognise that buffer

stopnjo blažilnika za namene izračuna banki lastnega proticikličnega kapitalskega blažilnika.

(2) Kadar Banka Slovenije prizna stopnjo proticikličnega blažilnika druge države, ki presega 2,5 odstotka zneska skupne izpostavljenosti tveganjem, banka pri izračunu svojega lastnega proticikličnega kapitalskega blažilnika upošteva to stopnjo v zvezi z izpostavljenostmi v tej državi članici ali tretji državi.

(3) Kadar Banka Slovenije ne prizna stopnje proticikličnega blažilnika druge države, ki presega 2,5 odstotka zneska skupne izpostavljenosti tveganjem, banke pri izračunu svojega lastnega proticikličnega kapitalskega blažilnika v zvezi z izpostavljenostmi v tej državi članici ali tretji državi upoštevajo stopnjo proticikličnega blažilnika v višini 2,5 odstotka.

214. člen

(odločitev o stopnjah proticikličnega blažilnika za izpostavljenosti bank v tretjih državah)

(1) Če imenovani organ tretje države ni določil in objavil stopnje proticikličnega blažilnika za to državo, lahko Banka Slovenije določi stopnjo proticikličnega blažilnika za izpostavljenosti bank v tej državi, ki jo banke upoštevajo pri izračunu banki lastnega proticikličnega kapitalskega blažilnika.

(2) Kadar je imenovani organ tretje države določil in objavil stopnjo proticikličnega blažilnika za to državo, lahko Banka Slovenije določi drugačno stopnjo proticikličnega blažilnika za izpostavljenosti bank v tej državi, če stopnja blažilnika, ki jo je določil imenovani organ tretje države, ne zadostuje za ustrezno zaščito bank pred tveganji čezmerne kreditne rasti v tej državi.

(3) Stopnja proticikličnega blažilnika za izpostavljenosti bank v tretji državi, ki jo določi Banka Slovenije na podlagi prejšnjega odstavka, ne sme biti nižja od stopnje, ki jo določi imenovani organ tretje države, razen če stopnja blažilnika, ki jo je določil imenovani organ tretje države, presega 2,5 odstotka zneska skupne izpostavljenosti tveganjem.

(4) Banka Slovenije lahko obvesti Evropski odbor za sistemska

rate for the purpose of calculating an institution-specific countercyclical capital buffer.

(2) When the Bank of Slovenia recognises another country's countercyclical buffer rate that exceeds 2.5% of the total risk exposure amount, the bank shall take that rate into account in the calculation of its own institution-specific countercyclical capital buffer in connection with exposures located in that Member State or third country.

(3) When the Bank of Slovenia does not recognise another country's countercyclical buffer rate that exceeds 2.5% of the total risk exposure amount, banks shall take into account a countercyclical buffer rate of 2.5% in the calculation of their own institution-specific countercyclical capital buffer in connection with exposures located in that Member State or third country.

Article 214

(Decision on countercyclical buffer rates for banks' exposures located in third countries)

(1) If a designated authority of a third country does not set and publish a countercyclical buffer rate for that country, the Bank of Slovenia may set a countercyclical buffer rate for banks' exposures located in that country, which banks shall take into account when calculating their institution-specific countercyclical capital buffer.

(2) When a designated authority of a third country sets and publishes a countercyclical buffer rate for that country, the Bank of Slovenia may set a different countercyclical buffer rate for banks' exposures located in that country if the buffer rate set by that third country's designated authority is not sufficient to appropriately protect the banks against the risk of excessive credit growth in that country.

(3) The countercyclical buffer rate for banks' exposures located in a third country set by the Bank of Slovenia based on the preceding paragraph shall not be lower than the rate set by the designated authority of that third country unless the buffer rate set by the designated authority of the third country exceeds 2.5% of the total risk exposure amount.

(4) The Bank of Slovenia may notify the European Systemic

tveganja, da stopnja proticikličnega blažilnika za tretjo državo, ki jo je določil imenovani organ tretje države, za to tretjo državo ni zadostna.

(5) Če Evropski odbor za sistemska tveganja na podlagi obvestila iz prejšnjega odstavka ali na lastno pobudo izda priporočilo, ga Banka Slovenije upošteva pri presoji na podlagi prvega do tretjega odstavka tega člena.

(6) Kadar Banka Slovenije določi stopnjo proticikličnega blažilnika za izpostavljenosti bank v tretji državi v skladu z drugim in tretjim odstavkom tega člena, zaradi česar se zviša stopnja proticikličnega blažilnika, ki jo je določil imenovani organ tretje države, se nova stopnja proticikličnega blažilnika za izpostavljenosti bank v tej državi začne uporabljati 12 mesecev po objavi iz 216. člena tega zakona.

(7) Ne glede na prejšnji odstavek lahko Banka Slovenije v izrednih okoliščinah določi, da se nova stopnja proticikličnega blažilnika za izpostavljenosti bank v tretji državi, ki je objavljena v skladu z 216. členom tega zakona, začne uporabljati pred potekom 12 mesecev od objave.

215. člen

(objava stopnje proticikličnega blažilnika za Republiko Slovenijo)

(1) Banka Slovenije četrtletno na svoji spletni strani objavi stopnjo proticikličnega blažilnika za Republiko Slovenijo, določenega v skladu s 210. členom tega zakona, in si prizadeva za časovno usklajenost te objave z objavami drugih imenovanih organov.

(2) Objava stopnje proticikličnega blažilnika iz prejšnjega odstavka vključuje vsaj naslednje podatke:

1. stopnjo proticikličnega blažilnika;
2. razmerje med krediti in BDP ter odstopanje tega razmerja od dolgoročnega trenda;
3. vodilo za blažilnik, izračunano v skladu s prvim odstavkom 210. člena tega zakona;
4. utemeljitev zadevne stopnje blažilnika;

Risk Board that the countercyclical buffer rate for a third country set by the latter's designated authority is not sufficient for that third country.

(5) If the European Systemic Risk Board issues a recommendation based on the notification referred to in the preceding paragraph or on its own initiative, the Bank of Slovenia shall take that recommendation into account in its assessment based on paragraphs one to three of this Article.

(6) When the Bank of Slovenia sets a countercyclical buffer rate for banks' exposures located in a third country in accordance with paragraphs two and three of this Article as a result of which the countercyclical buffer rate set by the designated authority of the third country increases, the new countercyclical buffer rate for banks' exposures located in that country shall begin to apply 12 months following the publication referred to in Article 216 of this Act.

(7) Notwithstanding the preceding paragraph, the Bank of Slovenia may determine to apply the new countercyclical buffer rate for banks' exposures located in a third country, published in accordance with Article 216 of this Act, before the expiry of 12 months from the publication should exceptional circumstances arise.

Article 215

(Publication of the countercyclical buffer rate for the Republic of Slovenia)

(1) The Bank of Slovenia shall publish the countercyclical buffer rate for the Republic of Slovenia, set in accordance with Article 210 of this Act, quarterly on its website and shall strive for the timely harmonisation of that publication with the publications of other designated authorities.

(2) The publication of the countercyclical buffer rate referred to in the preceding paragraph shall include at least the following data:

1. the countercyclical buffer rate;
2. the credit-to-GDP ratio and the deviation of that ratio from its long-term trend;
3. the buffer guide calculated in accordance with paragraph one of Article 210 of this Act;
4. justification for the buffer rate in question;

5. kadar je stopnja blažilnika prvič večja od nič ali se poviša, datum, od katerega morajo banke uporabljati to višjo stopnjo blažilnika za namene izračuna svojega lastnega proticikličnega kapitalskega blažilnika;
6. sklicevanje na izredne okoliščine, ki upravičujejo odločitev, da se uporaba stopnje blažilnika zahteva prej kot 12 mesecev od objave v skladu s tem členom;
7. če se stopnja blažilnika zniža, okvirno obdobje, v katerem se povišanje stopnje blažilnika ne pričakuje, skupaj z utemeljitvijo za to obdobje.

(3) Banka Slovenije vsako četrtletje uradno obvesti Evropski odbor za sistemska tveganja o določitvi stopnje proticikličnega blažilnika za Republiko Slovenijo in sporoči podatke iz prejšnjega odstavka.

216. člen

(objava stopnje proticikličnega blažilnika za izpostavljenosti bank v tretji državi)

(1) Banka Slovenije na svojih spletnih straneh objavi stopnjo proticikličnega blažilnika za izpostavljenosti bank v tretji državi, ki jo je določila v skladu s prvim in drugim odstavkom 214. člena tega zakona.

(2) Banka Slovenije v objavo iz prejšnjega odstavka vključi naslednje podatke:

1. stopnjo proticikličnega blažilnika in tretjo državo, za katero se blažilnik uporablja;
2. utemeljitev zadevne stopnje blažilnika;
3. kadar je stopnja blažilnika prvič večja od nič ali se poviša, datum, od katerega morajo banke uporabljati to višjo stopnjo blažilnika za namene izračuna svojega lastnega proticikličnega kapitalskega blažilnika;
4. sklicevanje na izredne okoliščine, ki upravičujejo odločitev, da se uporaba stopnje blažilnika zahteva prej kot 12 mesecev od objave v skladu s tem členom.

217. člen

(objava stopnje proticikličnega blažilnika, ki presega 2,5 odstotka)

5. when the buffer rate is set above zero for the first time or is increased, the date from which banks shall apply that increased buffer rate for the purposes of calculating their own institution-specific countercyclical capital buffer;
6. reference to exceptional circumstances that justify a decision to apply the buffer rate before 12 months have passed from publication in accordance with this Article; and
7. if the buffer rate is reduced, the indicative period during which no increase in the buffer rate is expected, together with justification for that period.

(3) Every quarter, the Bank of Slovenia shall officially notify the European Systemic Risk Board regarding the setting of the countercyclical buffer rate for the Republic of Slovenia and report the data referred to in the preceding paragraph.

Article 216

(Publication of the countercyclical buffer rate for banks' exposures located in a third country)

(1) The Bank of Slovenia shall publish on its website the countercyclical buffer rate for banks' exposures located in a third country, set in accordance with paragraphs one and two of Article 214 of this Act.

(2) The Bank of Slovenia shall include the following data in the publication referred to in the preceding paragraph:

1. the countercyclical buffer rate and the third country to which the buffer applies;
2. justification for the buffer rate in question;
3. when the buffer rate is set above zero for the first time or is increased, the date from which banks shall apply that increased buffer rate for the purposes of calculating their own institution-specific countercyclical capital buffer; and
4. reference to exceptional circumstances that justify a decision to apply the buffer rate before 12 months have passed from publication in accordance with this Article.

Article 217

(Publication of a countercyclical buffer rate exceeding 2.5%)

Kadar Banka Slovenije v skladu s 213. členom tega zakona prizna stopnjo blažilnika za drugo državo članico ali tretjo državo, ki presega 2,5 odstotka zneska skupne izpostavljenosti tveganjem, to priznavanje objavi na svoji spletni strani. Objava vključuje vsaj naslednje podatke:

1. stopnjo proticikličnega blažilnika;
2. državo članico ali tretjo državo, za katero se blažilnik uporablja;
3. kadar se stopnja blažilnika zviša, datum, od katerega morajo banke uporabljati to višjo stopnjo blažilnika za namene izračuna svojega lastnega proticikličnega kapitalskega blažilnika;
4. sklicevanje na izredne okoliščine, ki upravičujejo odločitev, da se uporaba stopnje blažilnika zahteva prej kot 12 mesecev od objave v skladu s tem členom.

7.2.3. Blažilnik za GSPB in blažilnik za DSPB

218. člen (določanje globalnih sistemsko pomembnih bank)

(1) Banka Slovenije z upoštevanjem metodologije iz drugega odstavka tega člena z odločbo določi banko kot GSPB, če ima banka položaj:

1. EU nadrejene banke;
2. banke, ki je podrejena EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu;
3. banke, ki ni podrejena subjektu iz 1. in 2. točke tega odstavka.

(2) Banka Slovenije določi banko kot GSPB, če bi propad ali slabo poslovanje banke lahko povzročilo sistemsko tveganje globalnega pomena. Banka Slovenije oceni vpliv posamezne banke na sistemsko tveganje globalnega pomena z uporabo metodologije, ki temelji na naslednjih merljivih in enakovredno uteženih kazalnikih:

1. velikost skupine;
2. medsebojna povezanost skupine s finančnim sistemom;
3. nadomestljivost storitev ali finančne infrastrukture, ki jo zagotavlja skupina;
4. zapletenost skupine;

When the Bank of Slovenia recognises the buffer rate for another Member State or a third country that exceeds 2.5% of the total risk exposure amount, in accordance with Article 213 of this Act, it shall publish that recognition on its website. The publication shall include at least the following data:

1. the countercyclical buffer rate;
2. the Member State or third country to which the buffer applies;
3. when the buffer rate is increased, the date from which banks shall apply that increased buffer rate for the purposes of calculating their own institution-specific countercyclical capital buffer; and
4. reference to exceptional circumstances that justify a decision to apply the buffer rate before 12 months have passed from publication in accordance with this Article.

7.2.3. G-SIB and O-SIB buffers

Article 218 (Designating global systemically important banks)

(1) Taking into account the methodology referred to in paragraph two of this Article, the Bank of Slovenia shall issue a decision designating a bank as a G-SIB if the bank has the following position:

1. it is an EU parent bank;
2. it is a subsidiary bank of an EU parent financial holding company or an EU parent mixed financial holding company; or
3. it is not a subsidiary of one of the entities referred to in points 1 and 2 of this paragraph.

(2) The Bank of Slovenia shall designate a bank as a G-SIB if its collapse or poor performance could result in global systemic risk. The Bank of Slovenia shall assess the impact of an individual bank on global systemic risk using a methodology based on the following measurable and equally weighted indicators:

1. the size of the group;
2. the interconnectedness of the group with the financial system;
3. the substitutability of the services or the financial infrastructure provided by the group;
4. the complexity of the group; and

5. čezmejne dejavnosti skupine, vključno s čezmejno dejavnostjo med Republiko Slovenijo in drugimi državami članicami ter med Republiko Slovenijo in tretjo državo.

(3) Na podlagi skupnega rezultata uporabljene metodologije iz prejšnjega odstavka Banka Slovenije banko iz prvega odstavka tega člena, katere skupni rezultat presega najnižjo presečno vrednost rezultata, določenega za prvo podkategorijo GSPB, razvrsti v eno od petih podkategorij GSPB iz prvega odstavka 220. člena tega zakona. Presečne vrednosti rezultatov med zaporednimi podkategorijami upoštevajo načelo konstantnega linearnega naraščanja sistemskega pomena GSPB med vsako podkategorijo, z izjemo najvišje podkategorije.

(4) Ko Banka Slovenije opredeli banko kot GSPB in jo razvrsti v ustrezno podkategorijo GSPB, ji določi rok za izpolnitev zahteve za vzdrževanje blažilnika za GSPB, ki je določen za to podkategorijo v skladu z 220. členom tega zakona.

(5) Banka Slovenije lahko v primeru posebnih okoliščin:

1. prerazvrsti GSPB v višjo podkategorijo GSPB, kot je določena na podlagi tretjega odstavka tega člena;
2. kot GSPB opredeli banko iz prvega odstavka tega člena, ki na podlagi uporabljene metodologije ne presega najnižje presečne vrednosti, določene za prvo podkategorijo GSPB, določeno na podlagi tretjega odstavka tega člena.

(6) V primeru iz 2. točke prejšnjega odstavka Banka Slovenije o določitvi banke kot GSPB obvesti Evropski bančni organ in mu posreduje utemeljitev za takšno odločitev.

(7) Banka Slovenije najmanj enkrat na leto preveri skupni rezultat na podlagi metodologije iz drugega odstavka tega člena ter razvrstitev GSPB v ustrezne podkategorije GSPB. V primeru, ko ob ponovnem pregledu Banka Slovenije ugotovi, da se z upoštevanjem skupnega rezultata na podlagi metodologije iz drugega odstavka tega člena ali zaradi posebnih okoliščin GSPB prerazvrsti v drugo podkategorijo GSPB, ali če ugotovi, da banka ne izpolnjuje več meril za GSPB, odloči, da:

5. the cross-border activities of the group, including cross-border activity between the Republic of Slovenia and other Member States and between the Republic of Slovenia and a third country.

(3) Based on the overall score produced by the methodology referred to in the preceding paragraph, the Bank of Slovenia shall assign a bank referred to in paragraph one of this Article whose overall score exceeds the lowest cut-off score set for the first G-SIB subcategory to one of the five G-SIB sub-categories referred to in paragraph one of Article 220 of this Act. The cut-off scores between adjacent sub-categories shall take into account a constant linear increase in the systemic significance of a G-SIB, between each sub-category, with the exception of the highest sub-category.

(4) When the Bank of Slovenia designates a bank as a G-SIB and assigns it to the appropriate G-SIB sub-category, it shall set a time limit for the fulfilment of the requirement to maintain a G-SIB buffer defined for that sub-category in accordance with Article 220 of this Act.

(5) In special circumstances the Bank of Slovenia may:

1. reassign a G-SIB to a higher G-SIB sub-category as determined on the basis of paragraph three of this Article;
2. designate a bank referred to in paragraph one of this Article as a G-SIB that, based on the applied methodology, does not exceed the lowest cut-off score set for the first G-SIB sub-category defined on the basis of paragraph three of this Article.

(6) In the case referred to in point 2 of the preceding paragraph, the Bank of Slovenia shall notify the European Banking Authority of its decision to designate a bank as a G-SIB and provide a justification for this decision.

(7) At least once a year, the Bank of Slovenia shall verify the overall score produced by the methodology referred to in paragraph two of this Article and the assignment of the G-SIB to the appropriate G-SIB sub-categories. If during review the Bank of Slovenia establishes that, taking into account the overall score produced by the methodology referred to in paragraph two of this Article or due to special circumstances, a G-SIB is to be reassigned to another G-SIB sub-category or if it establishes that a bank no longer meets the criteria for a G-SIB, the Bank of Slovenia shall decide that:

1. se za GSPB uporablja nova podkategorija GSPB, določena na podlagi tretjega odstavka tega člena, ter določi rok za izpolnitev zahteve za vzdrževanje blažilnika za GSPB, ki je določen za to podkategorijo GSPB, v skladu z 220. členom tega zakona; ali
2. banka ni več opredeljena kot GSPB.

(8) Banka Slovenije obvesti Komisijo, Evropski odbor za sistemska tveganja in Evropski bančni organ o rezultatih pregleda in o določitvi GSPB ter podkategorijah GSPB, v katero je vsaka GSPB razvrščena. Banka Slovenije te informacije objavi na svoji spletni strani.

219. člen **(določanje drugih sistemsko pomembnih bank)**

(1) Banka Slovenije z upoštevanjem meril iz drugega odstavka tega člena z odločbo določi banko kot DSPB, če ima banka položaj:

1. EU nadrejene banke;
2. banke, ki je podrejena EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu;
3. banke, ki ni podrejena subjektu iz 1. in 2. točke tega odstavka.

(2) Banka Slovenije banko iz prejšnjega odstavka opredeli kot DSPB, če bi propad ali slabo poslovanje banke lahko povzročilo sistemsko tveganje v Republiki Sloveniji. Banka Slovenije oceni vpliv posamezne banke na sistemsko tveganje v Republiki Sloveniji na podlagi vsaj enega od naslednjih meril:

1. velikost;
2. pomen za gospodarstvo Evropske unije ali Republike Slovenije;
3. pomen čezmejnih dejavnosti;
4. medsebojna povezanost banke ali skupine s finančnim sistemom.

(3) Ko Banka Slovenije opredeli banko kot DSPB, hkrati določi tudi stopnjo blažilnika za DSPB in rok za izpolnitev zahteve za

1. the G-SIB in question shall be assigned to a new G-SIB sub-category defined based on paragraph three of this Article and a time limit set for the fulfilment of the requirement to maintain a G-SIB buffer defined for that G-SIB sub-category in accordance with Article 220 of this Act or
2. the bank shall no longer be designated as a G-SIB.

(8) The Bank of Slovenia shall notify the Commission, the European Systemic Risk Board and the European Banking Authority about the results of its review and about the designation of G-SIBs and the G-SIB sub-categories to which each G-SIB is assigned. The Bank of Slovenia shall publish this information on its website.

Article 219 **(Designating other systemically important banks)**

(1) Taking into account the criteria referred to in paragraph two of this Article, the Bank of Slovenia shall issue a decision designating a bank as an O-SIB if:

1. it is an EU parent bank;
2. it is a subsidiary bank of an EU parent financial holding company or an EU parent mixed financial holding company;
3. it is not a subsidiary of one of the entities referred to in points 1 and 2 of this paragraph.

(2) The Bank of Slovenia shall designate a bank referred to in the preceding paragraph as an O-SIB if its collapse or poor performance could result in systemic risk in the Republic of Slovenia. The Bank of Slovenia shall base its assessment of the impact of an individual bank on systemic risk in the Republic of Slovenia on at least one of the following criteria:

1. its size;
2. its importance for the economy of the European Union or the Republic of Slovenia;
3. the importance of cross-border activities;
4. the interconnectedness of the bank or group with the financial system.

(3) When the Bank of Slovenia designates a bank as an O-SIB, it shall, at the same time, also set the O-SIB buffer rate and a time limit for

vzdrževanje tega blažilnika.

(4) Ne glede na drugi odstavek tega člena Banka Slovenije v primeru, ko ob ponovnem pregledu DSPB določi nižji ali višji blažilnik za DSPB, ali če ugotovi, da za upoštevanjem meril iz prvega in drugega odstavka tega člena pri banki niso več podane okoliščine za obravnavo kot DSPB, odloči, da:

1. se za banko uporablja nova stopnjo blažilnika za DSPB ter določi rok za izpolnitev zahteve za vzdrževanje tega blažilnika; ali
2. banka ni več opredeljena kot DSPB.

(5) Banka Slovenije obvesti Komisijo, Evropski odbor za sistemska tveganja in Evropski bančni organ o bankah, ki jih je opredelila kot DSPB, ter na svoji spletni strani objavi seznam DSPB.

(6) Banka Slovenije najmanj enkrat na leto preveri izpolnjevanje meril za DSPB ter ustreznost določenih stopenj blažilnika za DSPB. Banka Slovenije obvesti o rezultatih zadevno DSPB, Komisijo, Evropski odbor za sistemska tveganja in Evropski bančni organ ter na svoji spletni strani objavi posodobljen seznam DSPB.

220. člen

(zahteva po vzdrževanju blažilnika za GSPB)

(1) GSPB mora vzdrževati blažilnik za GSPB, ki ustreza podkategoriji za GSPB, v katero je GSPB razvrščena na podlagi tretjega odstavka 218. člena tega zakona, in sicer v višini:

1. za prvo najnižjo podkategorijo: 1 odstotek zneska skupne izpostavljenosti tveganjem;
2. za drugo podkategorijo: 1,5 odstotka zneska skupne izpostavljenosti tveganjem;
3. za tretjo podkategorijo: 2 odstotka zneska skupne izpostavljenosti tveganjem;
4. za četrto podkategorijo: 2,5 odstotka zneska skupne izpostavljenosti tveganjem;
5. za peto podkategorijo: 3,5 odstotka zneska skupne izpostavljenosti tveganjem.

the fulfilment of the requirement to maintain that buffer.

(4) Notwithstanding paragraph two of this Article, if the Bank of Slovenia sets a lower or higher O-SIB buffer based on review of the O-SIB in question or if it establishes that the conditions no longer exist for the designation of the bank as an O-SIB, taking into account the criteria referred to in paragraphs one and two of this Article, it shall decide that:

1. a new O-SIB buffer rate shall apply to the bank and a time limit shall be set for the fulfilment of the requirement to maintain that buffer or
2. the bank shall no longer be designated as an O-SIB.

(5) The Bank of Slovenia shall notify the Commission, the European Systemic Risk Board and the European Banking Authority with regard to banks that it has designated as O-SIBs and shall publish a list of these on its website.

(6) At least once a year, the Bank of Slovenia shall verify the fulfilment of O-SIB criteria and the appropriateness of specified O-SIB buffer rates. The Bank of Slovenia shall notify the O-SIB in question, the Commission, the European Systemic Risk Board and the European Banking Authority about the results of its verification and shall publish an updated list of O-SIBs on its website.

Article 220

(Requirement to maintain a G-SIB buffer)

(1) A G-SIB shall maintain a G-SIB buffer appropriate to the G-SIB sub-category to which G-SIB is assigned based on paragraph three of Article 218 of this Act, this in the following amounts:

1. for the first lowest sub-category: 1% of the total risk exposure amount;
2. for the second sub-category: 1.5% of the total risk exposure amount;
3. for the third sub-category: 2% of the total risk exposure amount;
4. for the fourth sub-category: 2.5% of the total risk exposure amount; and
5. for the fifth sub-category: 3.5% of the total risk exposure amount.

(2) GSPB izpolnjuje zahtevo iz prejšnjega odstavka z navadnim lastniškim temeljnim kapitalom. Banka navadnega lastniškega temeljnega kapitala, ki ga zagotavlja za izpolnjevanje zahteve iz prejšnjega odstavka, ne sme uporabiti za izpolnjevanje:

1. kapitalske zahteve iz 92. člena Uredbe (EU) št. 575/2013;
2. zahteve na podlagi tretjega odstavka 250. člena tega zakona;
3. zahteve glede zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona ali v skladu z oceno Banke Slovenije na podlagi 183. člena tega zakona;
4. zahteve po vzdrževanju varovalnega kapitalskega blažilnika iz 208. člena tega zakona;
5. zahteve po vzdrževanju banki lastnega proticikličnega kapitalskega blažilnika iz 209. člena tega zakona.

221. člen **(zahteva po vzdrževanju blažilnika za DSPB)**

(1) DSPB mora vzdrževati blažilnik za DSPB v višini, ki ga določi Banka Slovenije.

(2) Banka Slovenije lahko določi blažilnik za DSPB v višini do 2 odstotka zneska skupne izpostavljenosti tveganjem ob upoštevanju meril za določitev DSPB iz 219. člena tega zakona na konsolidirani, subkonsolidirani ali posamični podlagi. Banka Slovenije zagotovi, da zahteva za vzdrževanje blažilnika za DSPB ne povzroča nesorazmernih negativnih učinkov na celoten finančni sistem ali njegove dele, vključno z učinki v drugih državah članicah ali na ravni Evropske unije, ki bi ovirali ali povzročili ovire za delovanje notranjega trga.

(3) Ne glede na prvi odstavek tega člena se v primeru, ko je DSPB podrejena GSPB ali DSPB, ki je EU nadrejena banka in se zanjo na konsolidirani podlagi zahteva vzdrževanje blažilnika za DSPB, za podrejeno DSPB na posamični ali subkonsolidirani podlagi uporabi blažilnik, ki ne presega višje izmed vrednosti:

1. 1 odstotek zneska skupne izpostavljenosti tveganjem ali

(2) A G-SIB shall satisfy the requirement referred to in the preceding paragraph with Common Equity Tier 1 capital. The Common Equity Tier 1 capital that a bank maintains to satisfy the requirement referred to in the preceding paragraph shall not be used to satisfy:

1. the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013;
2. the requirements based on paragraph three of Article 250 of this Act;
3. the requirements regarding the maintenance of internal capital adequacy in accordance with Article 131 of this Act or in accordance with the Bank of Slovenia's assessment on the basis of Article 183 of this Act;
4. the requirement to maintain a capital conservation buffer referred to in Article 208 of this Act; or
5. the requirement to maintain an institution-specific countercyclical capital buffer referred to in Article 209 of this Act.

Article 221 **(Requirement to maintain an O-SIB buffer)**

(1) An O-SIB shall maintain an O-SIB buffer in the amount set by the Bank of Slovenia.

(2) The Bank of Slovenia may set an O-SIB buffer in the amount of up to 2% of the total risk exposure amount, taking into account the criteria for designating an O-SIB referred to in Article 219 of this Act on a consolidated, sub-consolidated or individual basis. The Bank of Slovenia shall ensure that the requirement to maintain an O-SIB buffer does not entail disproportionate adverse effects on the whole or parts of the financial system, including effects in other Member States or at the European Union level that would impede or result in impediments to the functioning of the internal market.

(3) Notwithstanding paragraph one of this Article, if an O-SIB is a subsidiary of a G-SIB or an O-SIB that is an EU parent bank and subject to the requirement to maintain an O-SIB buffer on a consolidated basis, the buffer that applies to that subsidiary O-SIB on an individual or sub-consolidated basis shall not exceed the higher of the following values:

1. 1% of the total risk exposure amount or

2. stopnje blažilnika za GSPB ali nadrejeno DSPB na konsolidirani podlagi.

(4) DSPB izpolnjuje zahtevo iz prvega odstavka z navadnim lastniškim temeljnim kapitalom. Banka navadnega lastniškega temeljnega kapitala, ki ga zagotavlja za izpolnjevanje zahteve iz prvega odstavka tega člena, ne sme uporabiti za izpolnjevanje:

1. kapitalske zahteve iz 92. člena Uredbe (EU) št. 575/2013;
2. zahteve na podlagi tretjega odstavka 250. člena tega zakona;
3. zahteve glede zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona ali v skladu z oceno Banke Slovenije na podlagi 183. člena tega zakona;
4. zahteve po vzdrževanju varovalnega kapitalskega blažilnika iz 208. člena tega zakona;
5. zahteve po vzdrževanju banki lastnega proticikličnega kapitalskega blažilnika iz 209. člena tega zakona.

(5) Banka Slovenije en mesec pred objavo odločitve o določitvi ali spremembi blažilnika za DSPB o tem obvesti Komisijo, Evropski odbor za sistemska tveganja, Evropski bančni organ ter pristojne in imenovane organe zadevnih držav članic.

(6) Obvestilo iz prejšnjega odstavka vključuje:

1. razloge, zaradi katerih Banka Slovenije ocenjuje, da bo blažilnik za DSPB učinkovit in sorazmeren pri zmanjševanju tveganja;
2. oceno verjetnega pozitivnega ali negativnega učinka blažilnika za DSPB na notranji trg na podlagi razpoložljivih informacij, ki so ji na voljo;
3. stopnjo blažilnika za DSPB, ki jo Banka Slovenije namerava določiti.

7.2.4. Blažilnik sistemskih tveganj

222. člen

(zahteva glede vzdrževanja blažilnika sistemskih tveganj)

2. the G-SIB or parent O-SIB buffer rate on a consolidated bases.

(4) An O-SIB shall satisfy the requirement referred to in paragraph one with Common Equity Tier 1 capital. The Common Equity Tier 1 capital that a bank maintains to satisfy the requirement referred to in paragraph one of this Article shall not be used to satisfy:

1. the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013;
2. the requirements based on paragraph three of Article 250 of this Act;
3. the requirements regarding the maintenance of internal capital adequacy in accordance with Article 131 of this Act or in accordance with the Bank of Slovenia's assessment on the basis of Article 183 of this Act;
4. the requirement to maintain a capital conservation buffer referred to in Article 208 of this Act; or
5. the requirement to maintain an institution-specific countercyclical capital buffer referred to in Article 209 of this Act.

(5) The Bank of Slovenia shall notify the Commission, the European Systemic Risk Board, the European Banking Authority, and the competent and designated authorities of the Member States concerned one month prior to publishing its decision to set or change an O-SIB buffer.

(6) The notification referred to in the preceding paragraph shall include:

1. the reasons due to which the Bank of Slovenia assesses that the O-SIB buffer will be effective and proportional in the mitigation of risk;
2. an assessment of the likely positive or negative impact of the O-SIB buffer on the internal market based on information available to the Bank of Slovenia; and
3. the O-SIB buffer rate that the Bank of Slovenia intends to set.

7.2.4. Systemic risk buffer

Article 222

(Requirement to maintain a systemic risk buffer)

(1) Banka Slovenije lahko od banke zahteva, da vzdržuje blažilnik sistemskega tveganja najmanj v višini 1 odstotek zneska skupne izpostavljenosti tveganjem na posamični, subkonsolidirani ali konsolidirani oziroma posamični in konsolidirani podlagi, če je to potrebno, da se preprečijo ali zmanjšajo dolgoročna neciklična sistemska ali makrobonitetna tveganja.

(2) Pri določanju zahtev iz prejšnjega odstavka Banka Slovenije upošteva tveganja, ki niso zajeta z zahtevami glede kapitala na podlagi tega zakona in Uredbe (EU) št. 575/2013, razen 458. in 459. člena navedene uredbe, zlasti pa upošteva tveganje motenj v finančnem sistemu, ki bi utegnile imeti resne negativne posledice za finančni sistem in realno gospodarstvo v Republiki Sloveniji.

(3) Banka izpolnjuje zahtevo iz prvega odstavka tega člena z navadnim lastniškim temeljnim kapitalom. Banka navadnega lastniškega temeljnega kapitala, ki ga zagotavlja za izpolnjevanje zahteve iz prvega odstavka tega člena, ne sme uporabiti za izpolnjevanje:

1. kapitalske zahteve iz 92. člena Uredbe (EU) št. 575/2013;
2. zahteve na podlagi tretjega odstavka 250. člena tega zakona;
3. zahteve glede zagotavljanja ustreznega notranjega kapitala v skladu s 131. členom tega zakona ali v skladu z oceno Banke Slovenije na podlagi 183. člena tega zakona;
4. zahteve po vzdrževanju varovalnega kapitalskega blažilnika iz 208. člena tega zakona;
5. zahteve po vzdrževanju banki lastnega proticikličnega kapitalskega blažilnika iz 209. člena tega zakona;
6. zahteve po vzdrževanju blažilnika GSPB ali blažilnika DSPB v skladu z določbami 220. in 221. člena tega zakona.

223. člen

(določanje stopnje blažilnika sistemskih tveganj)

(1) Banka Slovenije lahko določi stopnjo blažilnika sistemskih tveganj za vse banke ali za določeno skupino bank, in sicer za

(1) The Bank of Slovenia may require a bank to maintain a systemic risk buffer of at least 1% of the total risk exposure amount on an individual, sub-consolidated or consolidated basis, or on an individual and consolidated basis, if required to prevent or mitigate long-term non-cyclical systemic or macro-prudential risks.

(2) When setting requirements referred to in the preceding paragraph, the Bank of Slovenia shall take into account risks that are not covered by capital requirements based on this Act and Regulation (EU) No 575/2013, with the exception of Articles 458 and 459 of the aforementioned regulation; in particular, it shall take into account the risk of disruption in the financial system that could have serious negative consequences for the financial system and real economy in the Republic of Slovenia.

(3) A bank shall satisfy the requirement referred to in paragraph one of this Article with Common Equity Tier 1 capital. The Common Equity Tier 1 capital that a bank maintains to satisfy the requirement referred to in paragraph one of this Article shall not be used to satisfy:

1. the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013;
2. the requirements based on paragraph three of Article 250 of this Act;
3. the requirements regarding the maintenance of internal capital adequacy in accordance with Article 131 of this Act or in accordance with the Bank of Slovenia's assessment on the basis of Article 183 of this Act;
4. the requirement to maintain a capital conservation buffer referred to in Article 208 of this Act;
5. the requirement to maintain an institution-specific countercyclical capital buffer referred to in Article 209 of this Act; or
6. the requirement to maintain a G-SIB or O-SIB buffer in accordance with provisions of Articles 220 and 221 of this Act.

Article 223

(Setting a systemic risk buffer rate)

(1) The Bank of Slovenia may set a systemic risk buffer rate for all banks or for a specific group of banks that shall apply to exposures

izpostavljenosti v Republiki Sloveniji, drugi državi članici ali tretji državi, pri čemer stopnjo določi s postopnimi ali pospešenimi stopnjami prilagoditev po 0,5 odstotne točke. Za različne skupine bank lahko Banka Slovenije določi različne zahteve.

(2) Banka Slovenije pri določanju zahteve za vzdrževanje blažilnika sistemskih tveganj zagotovi, da blažilnik sistemskih tveganj ne povzroči nesorazmernih negativnih učinkov na celoten finančni sistem ali njegove dele v drugih državah članicah ali v vsej EU, ki bi ovirali ali povzročili ovire za delovanje notranjega trga.

(3) Banka Slovenije najmanj vsako drugo leto preveri razloge za določitev zahteve glede vzdrževanja blažilnika sistemskih tveganj.

(4) Ko Banka Slovenije določi stopnjo blažilnika sistemskih tveganj v skladu s pododdelkom 7.2.4. tega zakona, lahko predlaga Evropskemu odboru za sistemska tveganja, da v skladu s 16. členom Uredbe (EU) št. 1092/2010 izda priporočilo za eno ali več držav članic za priznanje stopnje blažilnika sistemskih tveganj za izpostavljenosti v Republiki Sloveniji v skladu z 226. členom tega zakona.

224. člen

(postopek določanja stopnje blažilnika sistemskih tveganj)

(1) Banka Slovenije pred določitvijo ali spremembo stopnje blažilnika sistemskih tveganj v višini do 3 odstotkov zneska skupne izpostavljenosti tveganjem obvesti Komisijo, Evropski odbor za sistemska tveganja, Evropski bančni organ ter imenovane organe zadevnih držav en mesec pred objavo iz 225. člena tega zakona. Obvestilo vključuje:

1. opis sistema ali makrobonitetnega tveganja v Republiki Sloveniji;
2. opis razsežnosti sistemskih ali makrobonitetnih tveganj, zaradi katerih je ogrožena stabilnost finančnega sistema v Republiki Sloveniji;
3. utemeljitev razlogov, zakaj Banka Slovenije ocenjuje, da je zahteva glede vzdrževanja blažilnika sistemskih tveganj nujna, in pomeni učinkovit in sorazmeren ukrep pri zmanjševanju tveganja;

located in the Republic of Slovenia, another Member State or a third country and that shall be set in gradual or accelerated steps of adjustment of 0.5 percentage points. The Bank of Slovenia may set different requirements for different groups of banks.

(2) When setting the requirement to maintain a systemic risk buffer, the Bank of Slovenia shall ensure that the systemic risk buffer does not entail disproportionate adverse effects on the whole or parts of the financial system in other Member States or in the whole EU that would impede or result in impediments to the functioning of the internal market.

(3) At least every other year, the Bank of Slovenia shall verify the reasons for setting the requirement to maintain a systemic risk buffer.

(4) When the Bank of Slovenia sets a systemic risk buffer in accordance with Subsection 7.2.4. of this Act, it may propose that the European Systemic Risk Board issue a recommendation in accordance with Article 16 of Regulation (EU) No 1092/2010 for one or more Member States for the recognition of a systemic risk buffer rate for exposures located in the Republic of Slovenia in accordance with Article 226 of this Act.

Article 224

(Procedure for setting a systemic risk buffer rate)

(1) Before setting or resetting a systemic risk buffer rate of up to 3% of the total risk exposure amount, the Bank of Slovenia shall notify the Commission, the European Systemic Risk Board, the European Banking Authority and the designated authorities of the countries concerned one month prior to the publication referred to in Article 225 of this Act. The notification shall include:

1. a description of the systemic or macroprudential risk in the Republic of Slovenia;
2. a description of the dimension of the systemic or macroprudential risks that threaten the stability of the financial system in the Republic of Slovenia;
3. justification of reasons why the Bank of Slovenia assesses that the requirement to maintain a systemic risk buffer is necessary and represents an effective and proportionate measure to mitigate that risk;

4. oceno verjetnega pozitivnega ali negativnega učinka blažilnika sistemskih tveganj na notranji trg na podlagi razpoložljivih informacij;
5. utemeljitev, zakaj drugi ukrepi iz tega zakona ali iz Uredbe (EU) št. 575/2013, razen 458. in 459. člena navedene uredbe, sami ali v kombinaciji ne zadostujejo za odpravljanje ugotovljenega makrobonitetnega ali sistemskega tveganja ob upoštevanju relativne učinkovitosti teh ukrepov;
6. stopnjo blažilnika sistemskih tveganj, ki jo Banka Slovenije namerava določiti.

(2) Banka Slovenije lahko določi stopnjo blažilnika sistemskih tveganj v višini do 3 odstotkov za izpostavljenosti v drugih državah članicah in tretjih državah po posredovanju uradnega obvestila iz prejšnjega odstavka. Če Banka Slovenije določi stopnjo blažilnika sistemskih tveganj za izpostavljenosti v drugih državah članicah, mora biti ta stopnja enaka za vse izpostavljenosti znotraj Evropske unije.

(3) Banka Slovenije pred določitvijo ali spremembo stopnje blažilnika sistemskih tveganj za izpostavljenosti v Republiki Sloveniji, lahko pa tudi za izpostavljenosti v tretjih državah v višini od 3 odstotkov do 5 odstotkov zneska skupne izpostavljenosti tveganjem, predhodno obvesti Komisijo in ji posreduje informacije iz prvega odstavka tega člena. Banka Slovenije sprejme odločitve o stopnji blažilnika sistemskih tveganj v skladu z mnenjem Komisije ali obrazloži, zakaj ga ne bo upoštevala.

(4) Ne glede na prejšnji odstavek Banka Slovenije pred določitvijo ali spremembo stopnje blažilnika sistemskih tveganj za izpostavljenosti v Republiki Sloveniji v višini od 3 odstotkov do 5 odstotkov zneska skupne izpostavljenosti tveganjem, v primeru banke, katere nadrejena oseba ima sedež v drugi državi članici, o tem obvesti imenovane organe te države članice, Komisijo in Evropski odbor za sistemska tveganja. Če v enem mesecu od obvestila iz prvega odstavka tega člena imenovani organi te države članice izrazijo nestrinjanje s predloženo stopnjo blažilnika sistemskih tveganj ali če Komisija in Evropski odbor za sistemska tveganja v tem roku izdata negativno priporočilo, Banka Slovenije:

1. prekine postopek in lahko zaprosi za posredovanje Evropskega bančnega organa v skladu z 19. členom Uredbe (EU) št. 1093/2010 glede določitve blažilnika sistemskih tveganj ter sprejme odločitve v

4. an assessment of the likely positive or negative impact of the systemic risk buffer on the internal market based on information available;
5. justification of why other measures referred to in this Act or in Regulation (EU) No 575/2013, with the exception of Articles 458 and 459 of the aforementioned regulation, alone or in combination, are not sufficient to eliminate identified macroprudential or systemic risk, taking into account the relative effectiveness of those measures; and
6. the systemic risk buffer rate that the Bank of Slovenia intends to set.

(2) The Bank of Slovenia may set a systemic risk buffer rate of up to 3% for exposures located in other Member States and third countries after sending the official notification referred to in the preceding paragraph. If the Bank of Slovenia sets a systemic risk buffer rate for exposures located in other Member States, that rate shall be the same for all exposures throughout the European Union.

(3) The Bank of Slovenia shall preliminary notify the Commission before setting or resetting a systemic risk buffer rate for exposures in the Republic of Slovenia and possibly also for exposures in third countries of between 3% and 5% of the total risk exposure amount and shall send the Commission the information referred to in paragraph one of this Article. The Bank of Slovenia shall adopt a decision regarding the systemic risk buffer rate in accordance with the opinion of the Commission or explain why it will not take that opinion into account.

(4) Notwithstanding the preceding paragraph, before setting or resetting a systematic risk buffer rate for exposures in the Republic of Slovenia of between 3% and 5% of the total risk exposure amount, the Bank of Slovenia shall notify the designated authorities of the Member State concerned, the Commission and the European Systemic Risk Board when the parent entity of the bank in question is established in another Member State. If, within one month from the notification referred to in paragraph one of this Article, the designated authorities of that Member State express their disagreement with the proposed systemic risk buffer rate or if the Commission and the European Systemic Risk Board issue a negative recommendation during that period, the Bank of Slovenia shall:

1. suspend the procedure and may request to refer the matter to the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010 with regard to the setting of the

skladu z odločitvijo Evropskega bančnega organa ali

2. ustavi postopek določitve predlagane stopnje blažilnika sistemskih tveganj iz prejšnjega odstavka.

(5) Banka Slovenije pred določitvijo ali spremembo stopnje blažilnika sistemskih tveganj za izpostavljenosti v Republiki Sloveniji ali tretji državi v višini nad 5 odstotki zneska skupne izpostavljenosti tveganjem ali za izpostavljenosti v drugi državi članici nad 3 odstotki zneska skupne izpostavljenosti tveganjem obvesti Komisijo, Evropski odbor za sistemska tveganja, Evropski bančni organ in imenovane organe zadevnih držav. Obvestilo vključuje vse informacije iz prvega odstavka tega člena.

(6) Če v dveh mesecih od obvestila iz prejšnjega odstavka Komisija sprejme izvedbeni akt s pooblastilom Banki Slovenije za uvedbo blažilnika sistemskih tveganj, Banka Slovenije določi stopnjo blažilnika sistemskih tveganj v skladu s tem aktom.

225. člen

(objava stopnje blažilnika sistemskih tveganj)

(1) Banka Slovenije na svoji spletni strani objavi odločitev o stopnji blažilnika sistemskih tveganj, pri čemer objava vključuje:

1. stopnjo blažilnika sistemskih tveganj;
2. banke, za katere velja blažilnik sistemskih tveganj;
3. utemeljitev blažilnika sistemskih tveganj;
4. datum, od katerega morajo banke vzdrževati blažilnik sistemskih tveganj;
5. imena držav, če so izpostavljenosti v teh državah upoštevane v blažilniku sistemskih tveganj.

(2) Če bi objava iz 3. točke prejšnjega odstavka lahko ogrozila stabilnost finančnega sistema, Banka Slovenije teh informacij ne vključi v objavo.

(3) Banka Slovenije na svoji spletni strani objavi tudi odločitev o odpravi blažilnika sistemskih tveganj, pri čemer smiselno upošteva

systemic risk buffer and adopt a decision in line with the decision of the European Banking Authority or

2. halt the procedure for setting the proposed systemic risk buffer rate referred to in the preceding paragraph.

(5) Before setting or resetting a systemic risk buffer rate for exposures located in the Republic of Slovenia or a third country in excess of 5% of the total risk exposure amount or for exposures located in another Member State in excess of 3% of the total risk exposure amount, the Bank of Slovenia shall notify the Commission, the European Systemic Risk Board, the European Banking Authority and the designated authorities of the countries concerned. That notification shall include all of the information referred to in paragraph one of this Article.

(6) If, within two months from the notification referred to in the preceding paragraph, the Commission adopts an implementing act authorising the Bank of Slovenia to introduce a systemic risk buffer, the Bank of Slovenia shall set the systemic risk buffer rate in accordance with that act.

Article 225

(Publication of a systemic risk buffer rate)

(1) The Bank of Slovenia shall publish the decision regarding the systemic risk buffer rate on its website, this including the following information:

1. the systemic risk buffer rate;
2. the banks to which the systemic risk buffer applies;
3. justification for the systemic risk buffer;
4. the date from which banks shall maintain the systemic risk buffer; and
5. the names of the countries where exposures located in those countries are recognised in the systemic risk buffer.

(2) If the publication referred to in point 3 of the preceding paragraph could jeopardise the stability of the financial system, the Bank of Slovenia shall exclude such information from the publication.

(3) The Bank of Slovenia shall publish a decision regarding the cancelling of the systemic risk buffer on its website, taking into account,

informacije iz prvega odstavka tega člena.

226. člen
(priznavanje stopnje blažilnika sistemskih tveganj)

(1) Banka Slovenije lahko prizna stopnje blažilnika sistemskih tveganj, ki jih določijo imenovani organi drugih držav članic, in lahko te stopnje blažilnika uporablja za banke z izpostavljenostmi v teh državah članicah, ki so uvedle te stopnje blažilnika.

(2) Če Banka Slovenije prizna stopnjo blažilnika sistemskih tveganj, ki jo določi imenovani organ druge države članice, o tem obvesti Komisijo, Evropski odbor za sistemska tveganja, Evropski bančni organ in imenovani organ te države članice. Odločitev o priznanju in uporabi stopnje blažilnika sistemskih tveganj, ki ga je določil imenovani organ druge države članice, Banka Slovenije objavi na svoji spletni strani.

(3) Pri odločitvi o priznanju in uporabi stopnje blažilnika sistemskih tveganj, ki ga je določil imenovani organ druge države članice, Banka Slovenije upošteva informacije, ki jih je država članica, ki je določila stopnjo blažilnika, predložila v skladu s prvim odstavkom 224. člena tega zakona.

7.3. Kombinirana uporaba blažilnikov za GSPB in DSPB ter blažilnika sistemskih tveganj

227. člen
(zahteve v zvezi z uporabo blažilnikov za GSPB in DSPB ter blažilnika sistemskih tveganj)

(1) Kadar za banko na konsolidirani podlagi velja zahteva po vzdrževanju blažilnika za GSPB, DSPB oziroma blažilnika sistemskih tveganj, banka izpolnjuje navedene zahteve z vzdrževanjem tistega blažilnika, za katerega je določena najvišja zahteva. Kadar za banko na posamični ali subkonsolidirani podlagi velja zahteva po vzdrževanju blažilnika za DSPB in blažilnika sistemskih tveganj, banka izpolnjuje

mutatis mutandis, the information referred to in paragraph one of this Article.

Article 226
(Recognition of a systemic risk buffer rate)

(1) The Bank of Slovenia may recognise the systemic risk buffer rates set by the designated authorities of other Member States and may apply those rates to banks with exposures located in those Member States that have introduced those buffer rates.

(2) If the Bank of Slovenia recognises a systemic risk buffer rate set by the designated authority of another Member State, it shall notify the Commission, the European Systemic Risk Board, the European Banking Authority and the designated authority of that Member State accordingly. The Bank of Slovenia shall publish its decision to recognise and apply a systemic risk buffer rate set by the designated authority of another Member State on its website.

(3) When deciding whether to recognise and apply a systemic risk buffer rate set by the designated authority of another Member State, the Bank of Slovenia shall take into account the information that the Member State that set that buffer rate submitted in accordance with paragraph one of Article 224 of this Act.

7.3. Combined use of G-SIB and O-SIB buffers and the systemic risk buffer

Article 227
(Requirements regarding the use of G-SIB and O-SIB buffers and the systemic risk buffer)

(1) Whenever the requirement to maintain a G-SIB, O-SIB or systemic risk buffer applies to a bank on a consolidated basis, the bank shall meet those requirements by maintaining the buffer for which the highest requirement has been set. Whenever the requirement to maintain an O-SIB and systemic risk buffer applies to a bank on an individual or sub-consolidated basis, the bank shall meet those requirements by

navedene zahteve z vzdrževanjem tistega blažilnika, za katerega je določena najvišja zahteva.

(2) Ne glede na prejšnji odstavek se v primeru, da blažilnik sistemskih tveganj velja samo za izpostavljenosti v Republiki Sloveniji, ta blažilnik prišteje blažilniku za DSPB ali za GSPB, ki se uporablja v skladu z 220. ali 221. členom tega zakona.

(3) Za banko, ki je del skupine ali podskupine, v kateri je GSPB ali DSPB, zahteva po skupnem blažilniku, ki jo mora banka izpolnjevati na posamični podlagi, ne sme biti nižja kot:

1. vsota varovalnega kapitalskega blažilnika, proticikličnega kapitalskega blažilnika ter višjega izmed blažilnika za DSPB in blažilnika sistemskih tveganj, ki se uporablja na posamični podlagi, v primeru iz prvega odstavka tega člena;
2. vsota varovalnega kapitalskega blažilnika, proticikličnega kapitalskega blažilnika, blažilnika za DSPB in blažilnika sistemskih tveganj, ki se uporablja na posamični podlagi, v primeru iz prejšnjega odstavka.

7.4. Ukrepi za ohranitev kapitala

228. člen **(zahteva po skupnem blažilniku)**

Banka mora vedno izpolnjevati ali presegati zahtevo po skupnem blažilniku z navadnim lastniškim temeljnim kapitalom.

229. člen **(omejitve razdelitev)**

(1) Banka ne sme opravljati izplačil v zvezi z instrumenti navadnega lastniškega temeljnega kapitala, če bi se zaradi teh izplačil zmanjšal obseg njenega navadnega lastniškega temeljnega kapitala tako, da ne bi več izpolnjevala zahteve po skupnem blažilniku.

(2) Banka, ki ne izpolnjuje zahteve po skupnem blažilniku, mora izračunati maksimalni znesek za razdelitev (v nadaljnjem besedilu: MDA)

maintaining the buffer for which the highest requirement has been set.

(2) Notwithstanding the preceding paragraph, if the systemic risk buffer applies only to exposures in the Republic of Slovenia, that buffer shall be cumulative with the O-SIB or G-SIB buffer that is applied in accordance with Article 220 or 221 of this Act.

(3) For a bank that is part of a group or sub-group that includes a G-SIB or O-SIB, the combined buffer requirement that the bank shall fulfil on an individual basis shall not be lower than:

1. the sum of the capital conservation buffer, the countercyclical capital buffer, and the higher of the O-SIB buffer and the systemic risk buffer that is applied on an individual basis in the case referred to in paragraph one of this Article or
2. the sum of the capital conservation buffer, the countercyclical capital buffer, the O-SIB buffer and the systemic risk buffer that is applied on an individual basis in the case referred to in the preceding paragraph.

7.4. Capital conservation measures

Article 228 **(Combined buffer requirement)**

A bank shall meet or exceed the combined buffer requirement with Common Equity Tier 1 capital at all times.

Article 229 **(Restrictions on distributions)**

(1) A bank shall not make distributions in connection with Common Equity Tier 1 capital instruments if such distributions would decrease its Common Equity Tier 1 capital to an extent that the bank would no longer meet the combined buffer requirement.

(2) A bank that fails to meet the combined buffer requirement shall calculate the maximum distributable amount (hereinafter: MDA) in

v skladu z 230. členom tega zakona. Banka mora nemudoma obvestiti Banko Slovenije o neizpolnjevanju zahteve po skupnem blažilniku ter izračunanem MDA ter posredovati načrt za ohranitev kapitala iz 232. člena tega zakona.

(3) Banka v primeru iz prejšnjega odstavka pred izračunom MDA ne sme:

1. opravljati izplačil v zvezi z navadnim lastniškim temeljnim kapitalom;
2. vzpostaviti obveznosti za izplačilo variabilnih prejemkov ali diskrecijskih pokojninskih ugodnosti, oziroma izplačilo variabilnih prejemkov, če je obveznost izplačila nastala v času, ko banka ni izpolnjevala zahtev po skupnem blažilniku;
3. opravljati izplačil v zvezi z instrumenti dodatnega temeljnega kapitala.

(4) Kot izplačilo v povezavi z navadnim lastniškim temeljnim kapitalom se za namene iz prvega in tretjega odstavka tega člena vključuje:

1. plačilo dividend v denarju;
2. celotno ali delno izplačilo variabilnega dela prejemkov v obliki delnic ali drugih kapitalskih instrumentov iz (a) točke prvega odstavka 26. člena Uredbe (EU) št. 575/2013;
3. odkup ali nakup lastnih delnic ali drugih kapitalskih instrumentov iz (a) točke prvega odstavka 26. člena Uredbe (EU) št. 575/2013 s strani banke;
4. izplačilo kapitalskih instrumentov iz (a) točke prvega odstavka 26. člena Uredbe (EU) št. 575/2013;
5. izplačilo postavk iz (b) do (e) točk prvega odstavka 26. člena Uredbe (EU) št. 575/2013.

(5) Če banka ne izpolnjuje zahteve po skupnem blažilniku ali je ne presega, lahko opravi izplačila iz tretjega odstavka tega člena največ v višini MDA, izračunanega v skladu z 230. členom tega zakona.

(6) Omejitve izplačil iz tega člena se uporabljajo le za plačila, ki povzročijo zmanjšanje navadnega lastniškega temeljnega kapitala ali zmanjšanje dobička, in kadar ustavitev ali neizvedba plačila ne pomeni nastopa dogodka neplačila ali pogoja za začetek postopka insolventnosti.

accordance with Article 230 of this Act. The bank shall notify the Bank of Slovenia without delay about its failure to meet the combined buffer requirement and with regard to the calculation of the MDA and shall submit a capital conservation plan in accordance with Article 232 of this Act.

(3) In the case referred to in the preceding paragraph, a bank shall refrain from taking any of the following actions before it has calculated the MDA:

1. make a distribution in connection with Common Equity Tier 1 capital;
2. create an obligation to pay variable remuneration or discretionary pension benefits or pay variable remuneration if the obligation to pay was created at a time when the bank failed to meet the combined buffer requirement; or
3. make payments in connection with Additional Tier 1 instruments.

(4) Distribution in connection with Common Equity Tier 1 capital for the purposes referred to in paragraphs one and three of this Article shall include:

1. the payment of cash dividends;
2. the full or partial payment of the variable component of remuneration in the form of the shares or other capital instruments referred to in Article 26(1)(a) of Regulation (EU) No 575/2013;
3. the redemption or purchase of own shares or other capital instruments referred to in Article 26(1)(a) of Regulation (EU) No 575/2013 by a bank;
4. the payment of the capital instruments referred to in Article 26(1)(a) of Regulation (EU) No 575/2013; and
5. the distribution of the items referred to in Article 26(1)(b) to (e) of Regulation (EU) No 575/2013.

(5) If a bank fails to meet or exceed the combined buffer requirement, it may make the distributions referred to in paragraph three of this Article up to the amount of the MDA calculated in accordance with Article 230 of this Act.

(6) The restrictions on distributions imposed by this Article shall only apply to payments that result in a reduction in Common Equity Tier 1 capital or in a reduction in profits and where a suspension of payment or failure to pay does not constitute a default event or a condition for the initiation of insolvency proceedings.

(7) Če uporaba omejitev iz tega člena ne omogoča ustreznega izboljšanja obsega navadnega lastniškega temeljnega kapitala banke glede na zadevno sistemsko tveganje iz 222. člena tega zakona, Banka Slovenije banki izreče ustrezne ukrepe nadzora v skladu s tem zakonom.

230. člen (izračun MDA)

(1) Banka izračuna MDA z množenjem vsote, izračunane v skladu z drugim odstavkom tega člena, in faktorja, določenega v skladu s tretjim odstavkom tega člena. Izračunani znesek MDA se zmanjša za znesek iz naslova izplačil ali drugih dejanj iz tretjega odstavka 229. člena tega zakona.

(2) Vsota iz prejšnjega odstavka se izračuna kot seštevek dobička banke, ustvarjenega med letom, in čistega dobička poslovnega leta, kadar ti dobički niso upoštevani v navadnem lastniškem temeljnem kapitalu banke v skladu z drugim odstavkom 26. člena Uredbe (EU) št. 575/2013 in so bili ustvarjeni po zadnji odločitvi skupščine banke glede uporabe bilančnega dobička ali dejanja iz tretjega odstavka prejšnjega člena, pri tem pa se seštevek zmanjša za davek, ki bi ga morala banka plačati v primeru, če bi bil ta dobiček zadržan.

(3) Faktor iz prvega odstavka tega člena je določen glede na delež, ki ga predstavlja navadni lastniški temeljni kapital banke, izražen kot odstotni delež zneska skupne izpostavljenosti tveganjem, v zahtevi po skupnem blažilniku, in sicer, če je višina tega deleža:

1. nižja ali enaka 25 odstotkov, se uporabi faktor 0;
2. višja od 25 odstotkov in nižja ali enaka 50 odstotkov, se uporabi faktor 0,2;
3. višja od 50 odstotkov in nižja ali enaka 75 odstotkov, se uporabi faktor 0,4;
4. višja od 75 odstotkov in nižja ali enaka 100 odstotkov, se uporabi faktor 0,6.

(4) Za namen prejšnjega odstavka se kot navadni lastniški

(7) If the application of the restrictions referred to in this Article fails to enable the improvement of the level of a bank's Common Equity Tier 1 capital with respect to the systemic risk referred to in Article 222 of this Act, the Bank of Slovenia shall impose the appropriate supervisory measures on the bank in accordance with this Act.

Article 230 (Calculation of the MDA)

(1) A bank shall calculate the MDA by multiplying the sum calculated in accordance with paragraph two of this Article by the factor determined in accordance with paragraph three of this Article. The MDA calculated as such shall be reduced by the distributions or other actions referred to in paragraph three of Article 229 of this Act.

(2) The sum referred to in the preceding paragraph shall be calculated as the sum of the bank's interim and year-end profits that are not included in the bank's Common Equity Tier 1 capital in accordance with paragraph two of Article 26 of Regulation (EU) No 575/2013 and that were generated since the last decision of the bank's general meeting regarding the distribution of distributable profit or any of the actions referred to in paragraph three of the preceding Article, and the sum is reduced for tax that the bank in question would have to pay if that profit was retained.

(3) The factor referred to in paragraph one of this Article shall be determined with regard to the proportion of Common Equity Tier 1 capital expressed as a percentage of the total risk exposure amount in the combined buffer requirement as follows:

1. a factor of 0 shall apply if the aforementioned proportion is less than or equal to 25%;
2. a factor of 0.2 shall apply if the aforementioned proportion is more than 25% and less than or equal to 50%;
3. a factor of 0.4 shall apply if the aforementioned proportion is more than 50% and less than or equal to 75%; and
4. a factor of 0.6 shall apply if the aforementioned proportion is more than 75% and less than or equal to 100%.

(4) For the purpose of the preceding paragraph, capital that is

temeljni kapital banke upošteva kapital, ki se ne uporablja za izpolnjevanje:

1. kapitalske zahteve iz 92. člena Uredbe (EU) št. 575/2013;
2. zahteve na podlagi tretjega odstavka 250. člena tega zakona;
3. zahteve glede zagotavljanja ustreznega notranjega kapitala v skladu z 131. členom tega zakona ali v skladu z oceno Banke Slovenije na podlagi 183. člena tega zakona.

231. člen (obveščanje Banke Slovenije)

(1) Banka, ki ne izpolnjuje zahteve po skupnem blažilniku, najpozneje en mesec pred nameravanim izplačilom razpoložljivega dobička ali izvedbo dejanj iz tretjega odstavka 229. člena o tem obvesti Banko Slovenije in predloži naslednje podatke:

1. znesek kapitala, razčlenjenega na:
 - navadni lastniški temeljni kapital,
 - dodatni temeljni kapital,
 - dodatni kapital;
2. znesek dobička med letom in čistega dobička poslovnega leta;
3. MDA, izračunan v skladu s prejšnjim členom;
4. znesek razpoložljivega dobička, ki ga namerava razporediti med naslednje postavke:
 - izplačila dividend,
 - (re-)odkupi delnic,
 - izplačila na instrumente dodatnega temeljnega kapitala,
 - izplačilo variabilnih prejemkov ali diskrecijskih pokojninskih ugodnosti, ki se lahko izvede z vzpostavitvijo nove obveznosti izplačila ali z izplačilom obveznosti izplačila, ki je nastala v času, ko banka ni izpolnjevala zahtev po skupnem blažilniku.

(2) Banka mora vzpostaviti in vzdrževati ureditve, s katerimi zagotavlja natančen izračun zneska razpoložljivega dobička in MDA ter na zahtevo Banke Slovenije to tudi dokazati.

not used to fulfil the following requirements shall be deemed Common Equity Tier 1 capital:

1. the capital requirements referred to in Article 92 of Regulation (EU) No 575/2013;
2. the requirements based on paragraph three of Article 250 of this Act; and
3. the requirements regarding the maintenance of internal capital adequacy in accordance with Article 131 of this Act or in accordance with the Bank of Slovenia's assessment on the basis of Article 183 of this Act.

Article 231 (Notification of the Bank of Slovenia)

(1) A bank that fails to meet the combined buffer requirement shall notify the Bank of Slovenia accordingly at the latest one month prior to the intended distribution of distributable profit or the performance of actions referred to in paragraph three of Article 229 of this Act and submit the following data:

1. the amount of capital broken down as follows:
 - Common Equity Tier 1 capital,
 - Additional Tier 1 capital, and
 - Tier 2 capital;
2. the amount of its interim and year-end profits;
3. the MDA calculated in accordance with the preceding Article; and
4. the amount of distributable profits it intends to allocate to the following items:
 - dividend payments,
 - share buybacks,
 - payments on Additional Tier 1 instruments, and
 - the payment of variable remuneration or discretionary pension benefits, whether by the creation of a new obligation to pay or by payment pursuant to an obligation to pay that was created at a time when the bank failed to meet its combined buffer requirements.

(2) A bank shall establish and maintain arrangements to ensure the accurate calculation of distributable profit and the MDA and shall be able to demonstrate that accuracy upon the Bank of Slovenia's request.

232. člen
(načrt za ohranitev kapitala)

(1) Če banka ne izpolni zahteve po skupnem blažilniku, mora pripraviti načrt za ohranitev kapitala in ga predložiti Banki Slovenije najpozneje v petih delovnih dneh, ko ugotovi, da ne izpolnjuje zahteve po skupnem blažilniku. Banka Slovenije lahko na predlog banke rok za predložitev načrta podaljša na največ deset dni ob upoštevanju obsega in zapletenosti dejavnosti banke.

(2) Načrt za ohranitev kapitala iz prejšnjega odstavka mora vključevati:

1. ocene prihodkov in odhodkov ter načrt balance stanja;
2. ukrepe za povečanje kapitalskih količnikov banke;
3. načrt in časovni okvir za povečanje kapitala z namenom celotne izpolnitve zahteve po skupnem blažilniku.

(3) Banka Slovenije lahko od banke zahteva tudi druge informacije za izvedbo ocene iz naslednjega odstavka tega člena.

(4) Banka Slovenije v enem mesecu po prejemu oceni načrt za ohranitev kapitala in ga odobri, če oceni, da je mogoče upravičeno pričakovati, da se bo z izvajanjem načrta zagotovil ali zbral zadosten kapital, ki bo banki omogočil izpolnjevanje zahtev po skupnem blažilniku v primernem roku. Če v času izvajanja odobrenega načrta za ohranitev kapitala pride do pomembnejših odstopanj, lahko Banka Slovenije zahteva predložitev novega načrta za ohranitev kapitala.

(5) Če Banka Slovenije ne odobri načrta iz prejšnjega odstavka, zahteva predložitev spremembe načrta za ohranitev kapitala ali banki naloži enega ali več dodatnih ukrepov, s katerimi:

1. zahteva povečanje kapitala banke v določenem roku ali
2. dodatno omeji izplačila banke.

Article 232
(Capital conservation plan)

(1) If a bank fails to meet its combined buffer requirement, it shall draw up a capital conservation plan and submit it to the Bank of Slovenia no later than five working days after it establishes that it has failed to meet its combined buffer requirement. Based on the bank's proposal, the Bank of Slovenia may extend the time limit for the submission of the aforementioned plan to a maximum of ten days, taking into account the scope and complexity of the bank's activities.

(2) The capital conservation plan referred to in the preceding paragraph shall include the following:

1. estimates of income and expenditure and a forecast balance sheet;
2. measures to increase the bank's capital ratios; and
3. a plan and time frame for an increase in capital with the objective of meeting the combined buffer requirement in full.

(3) The Bank of Slovenia may also request other information from a bank for the assessment referred to in the next paragraph of this Article.

(4) The Bank of Slovenia shall assess the capital conservation plan within one month following receipt and shall approve the plan if it assesses that it is reasonable to expect that the implementation of the plan would conserve or raise sufficient capital to enable the bank to meet its combined buffer requirements by an appropriate time limit. If significant deviations occur during the implementation of the approved capital conservation plan, the Bank of Slovenia may require the submission of a new capital conservation plan.

(5) If the Bank of Slovenia does not approve the plan referred to in the preceding paragraph, it shall require the submission of revisions to the capital conservation plan or impose one or both of the following additional measures on the bank:

1. require the bank to increase its capital by a specific time limit; or
2. further restrict distributions by the bank.

233. člen (poročanje)

Banka Slovenije lahko s podzakonskim aktom predpiše vsebino poročil ter roke in način poročanja v zvezi z zahtevami po kapitalskih blažilnikih iz 7. poglavja tega zakona.

8. POGLAVJE:

UKREPI NADZORA

8.1. Splošne določbe

234. člen (opravljanje nadzora)

(1) Banka Slovenije pri opravljanju nadzora v skladu s tem zakonom izvaja naloge in pristojnosti ter izreka ukrepe nadzora, določene v tem zakonu in z Uredbo (EU) št. 1024/2013, razen če je za izvajanje določenih nalog, pristojnosti in ukrepov nadzora, ki jih določa ta zakon, v skladu z Uredbo (EU) št. 1024/2013 pristojna Evropska centralna banka.

(2) Banka Slovenije opravlja nadzor v skladu s prejšnjim odstavkom s ciljem, da se:

1. preprečijo ali odpravijo kršitve predpisov iz drugega odstavka 9. člena tega zakona ter preprečijo ali odpravijo nepravilnosti, ki ogrožajo ali bi lahko ogrozile varnost sredstev, ki so bila zaupana banki;
2. zagotovi stabilnost finančnega sistema.

(3) Banka Slovenije opravlja nadzor po tem zakonu:

1. z izdajanjem dovoljenj in soglasij;

Article 233 (Reporting)

The Bank of Slovenia may issue an implementing regulation prescribing the content of reports and the time limits and manner of reporting in connection with the capital buffer requirements referred to in Chapter 7 of this Act.

CHAPTER 8:

SUPERVISORY MEASURES

8.1. General provisions

Article 234 (Supervision)

(1) During the supervision in accordance with this Act, the Bank of Slovenia shall perform the supervisory tasks, exercise the supervisory powers and impose the supervisory measures laid down in this Act and Regulation (EU) No 1024/2013, except when the European Central Bank is responsible for performing certain supervisory tasks, exercising the supervisory powers and imposing the supervisory measures laid down in this Act in accordance with Regulation (EU) No 1024/2013.

(2) The Bank of Slovenia shall carry out supervision in accordance with the preceding paragraph with the aim of:

1. preventing or rectifying breaches of the regulations referred to in paragraph two of Article 9 of this Act and preventing or rectifying irregularities that jeopardise or could jeopardise the safety of assets entrusted to a bank and
2. ensuring the stability of the financial system.

(3) The Bank of Slovenia shall carry out supervision in accordance with this Act:

1. by issuing authorisations and consents;

2. s spremljanjem, zbiranjem in preverjanjem informacij bank ter drugih oseb, ki so po določbah tega zakona oziroma drugih predpisov dolžne poročati Banki Slovenije oziroma jo obveščati o posameznih dejstvih in okoliščinah;
3. z opravljanjem pregledov poslovanja bank in drugih oseb, za katere tako določa ta zakon;
4. z izrekanjem ukrepov nadzora.

(4) V zvezi z izrekanjem ukrepov pri opravljanju nadzora na podlagi tega zakona mora Banka Slovenije, glede na informacije, s katerimi razpolaga v času odločanja in zlasti v primeru kriznih razmer, ustrezno upoštevati možen vpliv svojih odločitev na stabilnost finančnega sistema držav članic.

(5) Kadar je v skladu z Uredbo (EU) št. 1024/2013 v zvezi z opravljanjem nadzora nad banko za izvajanje vseh ali posameznih nalog iz prvega odstavka 4. člena te uredbe odgovorna Evropska centralna banka, ta izvaja naloge in pooblastila ter izreka tudi ukrepe nadzora, kot so določeni v tem zakonu za izvajanje nalog in pooblastil Banke Slovenije, razen če je za izvajanje določenih nalog Evropske centralne banke v Uredbi (EU) št. 1024/2013 ali Uredbi (EU) št. 468/2014 izrecno določeno drugače.

(6) Kadar subjekt nadzora vloži pri Banki Slovenije vlogo na podlagi tega zakona ali Uredbe (EU) št. 575/2013, za reševanje katere je na podlagi Uredbe (EU) št. 1024/2013 pristojna Evropska centralna banka, Banka Slovenije to vlogo z obrazloženim sklepom zavrže, razen če se mora taka vloga v skladu z Uredbo (EU) št. 1024/2013 vložiti pri Banki Slovenije. Zoper sklep Banke Slovenije o zavrnjenju vloge iz prejšnjega stavka ni sodnega varstva.

235. člen **(načrt nadzorniških pregledov)**

(1) Banka Slovenije v zvezi z izvajanjem nalog in pooblastil nadzora v skladu s tem zakonom in Uredbo (EU) št. 1024/2013 vsaj enkrat letno sprejme načrt nadzorniških pregledov.

2. by monitoring, collecting and verifying the information regarding banks and other persons who, in accordance with the provisions of this Act or other regulations, are obliged to report to the Bank of Slovenia and notify it of material facts and circumstances;
3. by carrying out reviews of the operations of banks and other persons as provided for by this Act; and
4. by imposing supervisory measures.

(4) In connection with the imposition of measures in the scope of supervision based on this Act, the Bank of Slovenia shall, with respect to the information available to it at the time of decisions, particularly in emergency situations, take appropriate account of the possible impact of its decisions on the stability of the financial system of Member States.

(5) Whenever it is responsible for performing all or some of the tasks referred to in Article 4(1) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation, the European Central Bank shall perform the supervisory tasks, exercise the supervisory powers and impose the supervisory measures as determined in this Act for the performance of tasks and the exercising of powers of the Bank of Slovenia, unless explicitly provided otherwise in Regulation (EU) No 1024/2013 or Regulation (EU) No 468/2014 for the performance of certain tasks of the European Central Bank.

(6) Whenever a supervised entity files an application with the Bank of Slovenia based on this Act or Regulation (EU) No 575/2013 and the European Central Bank is responsible for the resolution of that application based on Regulation (EU) No 1024/2013, the Bank of Slovenia shall reject that application via a reasoned order, unless such an application shall be filed with the Bank of Slovenia in accordance with Regulation (EU) No 1024/2013. No judicial protection shall be initiated against the Bank of Slovenia's order to reject the application referred to in the preceding sentence.

Article 235 **(Supervisory examination programme)**

(1) In performing its supervisory tasks and exercising its supervisory powers in accordance with this Act and Regulation (EU) No 1024/2013, the Bank of Slovenia shall adopt a supervisory examination

(2) Banka Slovenije v načrtu iz prejšnjega odstavka opredeli:

1. banke, za katere je na podlagi rezultatov pregledovanja in ovrednotenja poslovanja banke v skladu z oddelkom 6.6. tega zakona, vključno z rezultati stresnih testov, izvedenih v skladu z 172. členom tega zakona, ugotovila obstoj morebitnih pomembnih tveganj za njihovo finančno trdnost ali morebitnih kršitev določb tega zakona ali Uredbe (EU) št. 575/2013;
2. banke, ki bi lahko povzročile sistemska tveganja za finančni sistem;
3. druge banke, v katerih je po oceni Banke Slovenije upravičen okrepljen nadzor zaradi drugih okoliščin.

(3) Banka Slovenije z upoštevanjem rezultatov procesa nadzorniškega pregledovanja in ovrednotenja banke v skladu z oddelkom 6.6. tega zakona v načrtu nadzorniških pregledov za banke iz prejšnjega odstavka opredeli:

1. aktivnosti, ki jih bo izvajala v posamezni banki ter pogoje za njihovo izvedbo;
2. banke, za katere se bo izvajal okrepljen nadzor na način iz četrtega odstavka tega člena;
3. načrt inšpekcijskih pregledov v prostorih banke, vključno z njenimi podružnicami in podrejenimi družbami, ustanovljenimi v drugih državah.

(4) Kadar Banka Slovenije z upoštevanjem rezultatov procesa nadzorniškega pregledovanja in ovrednotenja banke v skladu z oddelkom 6.6. tega zakona odloči, da se v banki izvaja okrepljen nadzor, v načrtu nadzorniških pregledov opredeli zlasti naslednje aktivnosti oziroma ukrepe:

1. dodatno ali pogostejše izvajanje pregledov poslovanja banke;
2. odreditev stalne prisotnosti inšpektorjev ali drugih pooblaščenih oseb Banke Slovenije v banki;
3. dodatno ali pogostejše poročanje banke;
4. dodatne ali pogostejše preglede operativnih, strateških ali poslovnih načrtov banke;
5. tematske preglede za preverjanje izpostavljenosti banke specifičnim tveganjem, za katere je verjetno, da se bodo uresničila.

programme at least once a year.

(2) The Bank of Slovenia shall define the following in the programme referred to in the preceding paragraph:

1. the banks for which the results of the supervisory review and evaluation process in accordance with Section 6.6. of this Act, including the results of the stress tests carried out in accordance with Article 172 of this Act, indicate the existence of potential significant risks to their financial soundness or indicate potential breaches of provisions of this Act or Regulation (EU) No 575/2013;
2. banks that could pose systemic risk to the financial system; and
3. other banks for which the Bank of Slovenia deems enhanced supervision justified due to other circumstances.

(3) Taking into account the results of the supervisory review and evaluation process performed at a bank in accordance with Section 6.6. of this Act, the Bank of Slovenia shall define the following in the supervisory examination programme referred to in the preceding paragraph:

1. the activities it will perform at an individual bank and the conditions for performing those activities;
2. the banks for which enhanced supervision will be carried out in the manner referred to in paragraph four of this Article; and
3. a plan of inspections at premises of a bank, including its branches and subsidiaries established in other countries.

(4) If, taking into account the results of the supervisory review and evaluation process performed at a bank in accordance with Section 6.6. of this Act, the Bank of Slovenia decides to carry out enhanced supervision at a bank, the supervisory examination programme shall define, in particular, the following activities or measures:

1. additional or more frequent conducting of reviews of the bank's operations;
2. the ordering of permanent presence of inspectors or other authorised persons from the Bank of Slovenia at the bank;
3. additional or more frequent reporting by the bank;
4. additional or more frequent reviews of the operational, strategic or business plans of the bank; and
5. thematic examinations to verify the bank's exposure to specific risks that are likely to materialise.

(5) Banka Slovenije lahko ne glede na načrte nadzorniških pregledov pristojnih organov matične države članice izvaja pristojnosti in naloge nadzora, vključno s pregledom poslovanja v podružnicah bank držav članic v Republiki Sloveniji.

236. člen (ukrepi Banke Slovenije)

(1) Banka Slovenije lahko pod pogoji, določenimi v tem zakonu, osebam, nad katerimi izvaja pristojnosti in naloge nadzora v skladu s tem zakonom (subjekt nadzora), izreče ukrepe nadzora z odredbo ali odločbo.

(2) Banka Slovenije pri določanju ukrepov nadzora upošteva vse ustrezne okoliščine glede kršitve, da se z izrečenimi ukrepi nadzora zagotovi učinkovita odprava kršitev in preprečijo nadaljnja ravnanja ali opustitve, ki pomenijo kršitev tega zakona ali Uredbe (EU) št. 575/2013, zlasti pa:

1. resnost in trajanje kršitve ter stopnjo odgovornosti kršitelja;
2. finančni položaj kršitelja in pridobljeni dobiček ali izgubo, ki je bila s kršitvijo preprečena, če ju je mogoče opredeliti;
3. izgube, ki so jih zaradi kršitve utrpeli tretje osebe, če jih je mogoče opredeliti;
4. sodelovanje kršitelja v postopku ugotavljanja kršitve;
5. predhodne kršitve in morebitne sistemske posledice kršitve.

237. člen (pooblašcene osebe Banke Slovenije)

(1) Osebe, zaposlene pri Banki Slovenije, opravljajo posamezne naloge pri izvajanju nadzora Banke Slovenije na podlagi

(5) Notwithstanding the supervisory examination programme of the competent authorities of the home Member State, the Bank of Slovenia may exercise its supervisory powers and perform its supervisory tasks, including the examination of operations at the branches of Member State banks in the Republic of Slovenia.

Article 236 (Bank of Slovenia's measures)

(1) Under the conditions provided in this Act, the Bank of Slovenia may impose supervisory measures, by way of order or decision, on the entities over which it exercises its supervisory powers and performs its supervisory tasks in accordance with this Act (subject of supervision).

(2) When determining supervisory measures, the Bank of Slovenia shall take into account all relevant circumstances surrounding a breach in order to ensure the effective rectification of the breach through the imposition of those measures and to prevent further acts or omissions deemed breaches of this Act or Regulation (EU) No 575/2013, in particular:

1. the seriousness and duration of the breach and the degree of responsibility of the person who committed it;
2. the financial position of the person who committed the breach and the gain earned or loss avoided by means of the breach if these can be determined;
3. the losses incurred by third parties due to the breach if these can be determined;
4. the cooperation of the person who committed the breach in the procedure of identifying that breach; and
5. previous breaches and the possible systemic consequences of the breach.

Article 237 (Authorised persons of the Bank of Slovenia)

(1) Persons employed at the Bank of Slovenia shall perform individual tasks during supervision carried out by the Bank of Slovenia

pogodbe o zaposlitvi in v skladu z internimi akti Banke Slovenije.

(2) Guverner Banke Slovenije lahko za opravljanje posameznih nalog pri izvajanju nadzora Banke Slovenije pooblasti pooblaščenega revizorja ali drugo strokovno usposobljeno osebo, ki ni zaposlena pri Banki Slovenije, če se za to osebo uveljavijo zahteve glede varovanja zaupnih informacij.

(3) Če bi v postopku oddaje javnega naročila, v katerem bi bil izbran pooblaščen revizor ali druga strokovno usposobljena oseba, lahko prišlo do razkritja zaupnih informacij, zaradi katerih bi bilo onemogočeno ali bistveno oteženo učinkovito izvajanje nadzora ali bi bila ogrožena stabilnost finančnega sistema Republike Slovenije, zaradi česar bi bili interesi države bistveno ogroženi, sklone Banka Slovenije, z upoštevanjem (a) točke prvega odstavka 346. člena Pogodbe o delovanju Evropske unije, pogodbo neposredno z izvajalcem storitev. Za oddajo naročila za sklenitev pogodbe iz prejšnjega stavka se uporabijo določbe zakona, ki ureja postopek javnega naročanja na področju obrambe in varnosti v delu, ki določa način opredelitve predmeta in sporočanje statističnih podatkov o oddanih naročilih v preteklem letu.

(4) Banka Slovenije mora v letnem poročilu razkriti zbirne informacije o pogodbah, ki jih je sklenila na podlagi tega člena, in o skupni vrednosti teh pogodb v posameznem letu.

238. člen

(letno nadomestilo za nadzor Banke Slovenije nad poslovanjem bank)

(1) Banke plačujejo Banki Slovenije nadomestilo za nadzor, ki ga opravlja Banka Slovenije na podlagi tega zakona in Uredbe (EU) št. 1024/2013.

(2) Banka Slovenije določi nadomestila iz prejšnjega odstavka največ v taki višini, da vsota nadomestil, ki so jih dolžne plačati vse banke za posamezno leto, ne preseže dejanskih stroškov nadzora Banke

based on an employment contract and in accordance with the Bank of Slovenia's internal acts.

(2) The Governor of the Bank of Slovenia may authorise a certified auditor or other professionally qualified person who is not an employee of the Bank of Slovenia to perform individual tasks during supervision carried out by the Bank of Slovenia if requirements regarding the protecting of confidential information apply to that person.

(3) If a public tendering procedure to select a certified auditor or other professionally qualified person could lead to the disclosure of confidential information and that disclosure would render supervision impossible or significantly hinder the effectiveness of supervision or jeopardise the stability of the financial system of the Republic of Slovenia and thus pose a considerable threat to the interests of the state, the Bank of Slovenia shall enter into an agreement with the service provider directly, taking into account Article 346(1)(a) of the Treaty on the Functioning of the European Union. Provisions of the Act governing public procurement in the field of defence and security in the part that determines the manner for defining the subject and communication of statistical data regarding contracts awarded in the previous year shall apply to the public tendering procedure to conclude the agreement referred to in the preceding sentence.

(4) In its annual report, the Bank of Slovenia shall disclose aggregated information regarding agreements that it has concluded on the basis of this Article and regarding the total value of those agreements for an individual year.

Article 238

(Annual fee for the supervision of banks' operations carried out by the Bank of Slovenia)

(1) Banks shall pay to the Bank of Slovenia a fee for the supervision carried out by the latter on the basis of this Act and Regulation (EU) No 1024/2013.

(2) The Bank of Slovenia shall set fees referred to in the preceding paragraph at most up to a level such that the sum of fees that all banks are obliged to pay for an individual year does not exceed the

Slovenije v tem letu, zmanjšanih za prihodke iz taks, ki se zaračunajo v zvezi s postopki za izdajo dovoljenj in postopki nadzora Banke Slovenije na podlagi tega zakona.

(3) Banka plača letno nadomestilo za nadzor v dveh obrokih. Banka Slovenije izda račun za plačilo prvega obroka do 30. septembra v tekočem letu na podlagi načrtovanih stroškov nadzora za to leto, račun za drugi obrok pa do 31. marca naslednjega leta za preteklo leto ob upoštevanju dejanskih stroškov nadzora v preteklem letu.

(4) Če banka ne plača nadomestila za nadzor iz prvega odstavka tega člena v 15 dneh po prejemu računa, Banka Slovenije banki z odločbo naloži plačilo.

(5) Odločba iz prejšnjega odstavka je izvršilni naslov.

(6) Banka Slovenije s podzakonskim predpisom določi podrobnejša pravila za določanje nadomestila iz prvega odstavka tega člena.

8.2. Poročanje in pregled poslovanja banke

239. člen **(sistem obveščanja o kršitvah)**

(1) Banka Slovenije vzpostavi sistem obveščanja o kršitvah, zlasti od zaposlenih v bankah, da posredujejo Banki Slovenije prijave o okoliščinah v zvezi z banko, ki pomenijo možno ali dejansko kršitev zahtev ali omejitev, določenih s predpisi iz drugega odstavka 9. člena tega zakona.

(2) Banka Slovenije mora v zvezi s sistemom obveščanja iz prejšnjega odstavka zagotoviti:

1. enostaven in lahko dostopen način posredovanja prijav kršitev,

actual costs of supervision by the Bank of Slovenia during that year, reduced for revenues from fees charged in connection with the issue of authorisations and the Bank of Slovenia's supervisory procedures on the basis of this Act.

(3) A bank shall pay the annual fee for supervision in two instalments. The Bank of Slovenia shall issue an invoice for payment of the first instalment by 30 September in the current year on the basis of the planned costs of supervision for the year in question, while the invoice for the second instalment shall be issued by 31 March of the following year for the previous year, taking into account the actual costs of supervision in the previous year.

(4) If a bank fails to pay the fee for supervision referred to in paragraph one of this Article within 15 days following the receipt of the relevant invoice, the Bank of Slovenia shall issue a decision ordering the bank in question to make payment.

(5) The decision referred to in the preceding paragraph shall be deemed an enforceable instrument.

(6) The Bank of Slovenia shall specify the detailed rules for setting the fee referred to in paragraph one of this Article by way of an implementing regulation.

8.2. Reporting and review of a bank's operations

Article 239 **(System for reporting breaches)**

(1) The Bank of Slovenia shall establish a system for reporting breaches, particularly by bank employees who may report to the Bank of Slovenia circumstances in connection with a bank that represent a potential or actual breach of the requirements or restrictions provided by the regulations referred to in paragraph two of Article 9 of this Act.

(2) In connection with the reporting system referred to in the preceding paragraph, the Bank of Slovenia shall ensure:

1. a simple and easily accessible manner for submitting reports of

2. interne postopke za sprejem in obravnavo prijav, vključno s poročanjem o ugotovitvah v zvezi s prejetimi prijavami ter izvedenih aktivnostih.

(3) Banka Slovenije mora zagotoviti:

1. ustrezno varstvo osebnih podatkov oseb, ki so podale prijavo zoper banko, in oseb, ki so domnevno odgovorne za kršitev, v skladu z določbami zakona, ki ureja varstvo osebnih podatkov;
2. da se vsi podatki o osebah, ki so podale prijavo zoper banko, obravnavajo kot zaupni.

(4) Podatkov iz prejšnjega odstavka ni dovoljeno razkriti brez soglasja osebe, ki je podala prijavo, razen kadar je razkritje identitete prijavitelja v skladu z zakonom nujna za izvedbo kazenskega postopka ali nadaljnjih sodnih postopkov. Banka Slovenije banki, na katero se prijava glasi, ne sme razkriti podatkov o osebi, ki je podala prijavo zoper banko, in si mora prizadevati, da se pri ugotavljanju in obravnavi kršitev, ki so predmet prijave, prepreči razkritje identitete te osebe.

(5) Kadar je identiteta prijavitelja kljub ukrepom iz tretjega in četrtega odstavka razkrita, mora banka zagotoviti ustrezne pogoje, da se preprečijo povračilni ukrepi, diskriminacija ali druge oblike neprimerne obravnave zaposlenih v banki, ki so podali prijavo iz prvega odstavka tega člena, oziroma da se odpravijo njihove posledice.

240. člen **(zbiranje in obdelava informacij)**

(1) Banka Slovenije je pristojna zbirati in obdelovati informacije o vseh dejstvih in okoliščinah, vključno z osebnimi podatki, ki jih je pridobila v zvezi z izvrševanjem njenih nalog in pristojnosti, določenih s tem ali drugim zakonom.

breaches and

2. internal procedures for receiving and handling reports, including reporting on findings in connection with reports received and activities carried out.

(3) The Bank of Slovenia shall ensure:

1. the appropriate protecting of the personal data of persons who have filed a report against a bank and of persons allegedly responsible for the breach, this in accordance with the provisions of the Act governing personal data protection, and
2. that all data regarding persons who have filed a report against a bank are treated as confidential.

(4) The data referred to in the preceding paragraph shall not be disclosed without the consent of the person who filed a report, except when disclosure of the identity of the reporting party is required in accordance with an Act for conducting criminal proceedings or subsequent judicial proceedings. The Bank of Slovenia shall not disclose to a bank to which a report relates data regarding the person who filed the report against a bank and shall strive to prevent the disclosure of that person's identity in the process of investigating and handling the breach that is the subject of the report.

(5) Whenever the identity of the person who filed a report is disclosed despite the measures referred to in paragraphs three and four, the bank in question shall ensure the appropriate conditions to prevent retaliatory measures, discrimination or other forms of inappropriate treatment of bank employees who have reported breaches referred to in paragraph one of this Article or conditions to reverse the consequences of such retaliatory measures, discrimination or other forms of inappropriate treatment.

Article 240 **(Collection and processing of information)**

(1) The Bank of Slovenia shall be responsible for collecting and processing information regarding all facts and circumstances, including personal data, that it obtains in connection with the performance of its tasks and the exercising of its powers provided by this or another Act.

(2) Državni organi ter nosilci javnih pooblastil so na zahtevo Banke Slovenije dolžni posredovati vse informacije, ki jih ta potrebuje za izvajanje njenih nalog in pristojnosti pri opravljanju nadzora na podlagi tega zakona.

(3) Za informacije iz prvega odstavka se štejejo zlasti informacije o:

1. pogojih za izdajo dovoljenja za opravljanje bančnih storitev in drugih dovoljenj, ki jih je izdala Banka Slovenije na podlagi tega zakona;
2. članih uprave in nadzornih svetov bank v zvezi s presojo pogojev za opravljanje funkcije člana uprave ali nadzornega sveta banke;
3. poslovanju banke v drugih državah članicah in poslovanju banke države članice v Republiki Sloveniji;
4. poslovanju bank v tretjih državah in poslovanju bank tretjih držav v Republiki Sloveniji;
5. finančnem položaju in poslovanju bank, imetnikov kvalificiranih deležev, nadrejenih in podrejenih družb ter drugih pravnih oseb, nad katerimi je Banka Slovenije pristojna opravljati nadzor;
6. okoliščinah v zvezi s presojo pogojev za izdajo dovoljenja imetniku kvalificiranega deleža;
7. okoliščinah v zvezi z dejavnostjo drugih oseb, kadar so razlogi za sum glede opravljanja dejavnosti sprejemanja depozitov od javnosti v nasprotju s tem zakonom.

(4) Za informacije, ki jih Banka Slovenije pridobiva iz registrov in evidenc, ki jih vodijo sodišča ali drugi državni organi ali nosilci javnih pooblastil, je Banka Slovenije oproščena plačila sodnih in upravnih taks ali drugih stroškov, ki se zaračunavajo v zvezi s posredovanjem teh podatkov.

(5) Kadar Banka Slovenije pri izvajanju pristojnosti na podlagi tega zakona presoja ugled posamezne osebe, pridobi informacije o delovanju te osebe tudi iz centralizirane zbirke, ki jo glede izrečenih administrativnih ukrepov vodi Evropski bančni organ, z upoštevanjem predpisov, ki urejajo izmenjavo informacij iz kazenske evidence med državami članicami.

(2) Upon Bank of Slovenia's request, government authorities and other bearers of public authority shall forward all information that the Bank of Slovenia requires to perform its tasks and exercise its powers in connection with supervision on the basis of this Act.

(3) Information regarding the following, in particular, shall be deemed the information referred to in paragraph one:

1. conditions for the issue of authorisation to provide banking services and other authorisations issued by the Bank of Slovenia on the basis of this Act;
2. members of banks' management boards and supervisory boards in connection with the assessment of the conditions to perform the function of a member of a bank's management board or supervisory board;
3. a bank's operations in other Member States and the operations of a Member State bank in the Republic of Slovenia;
4. banks' operations in third countries and the operations of third-country banks in the Republic of Slovenia;
5. the financial position and operations of banks, holders of qualifying holdings, parent and subsidiary undertakings, and other legal persons over which the Bank of Slovenia conducts supervision;
6. circumstances in connection with the assessment of conditions for the issue of authorisation to the holder of a qualifying holding; and
7. circumstances in connection with the activities of other entities whenever reasons for suspicions arise regarding the acceptance of deposits from the public in contravention of this Act.

(4) The Bank of Slovenia shall be exempt from the payment of court and administrative fees or other costs charged in connection with submission of data that the Bank of Slovenia obtains from registers and records kept by the courts or other government authorities or bearers of public authority.

(5) When, while exercising its powers on the basis of this Act, the Bank of Slovenia assesses the reputation of an individual entity, it shall obtain information regarding the functioning of that entity also from the centralised database kept by the European Banking Authority with regard to imposed administrative measures, taking into account regulations governing the exchange of information from criminal records between Member States.

241. člen
(poročila banke)

(1) Banka mora na zahtevo Banke Slovenije posredovati vso dokumentacijo, poročila in informacije v zvezi s poslovanjem banke, ki jih Banka Slovenije potrebuje za izvajanje nalog in pooblastil nadzora v skladu s tem zakonom ali za izvrševanje drugih pristojnosti in nalog Banke Slovenije v skladu z veljavnimi predpisi. Banka mora poročila in informacije iz prejšnjega stavka posredovati v obliki in na način, ki ga določi Banka Slovenije.

(2) Poročila in informacije v zvezi s poslovanjem banke, ki so pomembna za nadzor nad banko, lahko Banka Slovenije zahteva tudi od članov uprave banke in oseb, zaposlenih pri banki.

(3) Banka Slovenije osebe iz prejšnjega odstavka pozove, da o zadevah iz prvega in drugega odstavka tega člena v roku, ki ne sme biti krajši od treh dni od dneva prejema poziva, izdelajo pisno poročilo, ali jih povabi, da o teh zadevah podajo ustno izjavo.

242. člen
(pregled poslovanja)

(1) Banka omogoči pooblaščenim osebam Banke Slovenije, da v skladu z zahtevo iz 243. člena tega zakona opravi pregled poslovanja banke na sedežu banke in v drugih prostorih, v katerih banka oziroma druga oseba po njenem pooblastilu opravlja dejavnosti in posle, v zvezi s katerimi Banka Slovenije opravlja nadzor.

(2) Pregled poslovanja vključuje zlasti pregled poslovnih knjig, administrativnih oziroma poslovnih evidenc in druge poslovne dokumentacije banke v skladu z zahtevo iz 243. člena tega zakona.

Article 241
(Reporting by banks)

(1) Upon the Bank of Slovenia's request, a bank shall submit all documentation, reports and information relating to its operations that the Bank of Slovenia requires to perform its tasks and exercise its powers in connection with supervision in accordance with this Act or to exercise its other powers and perform its other tasks in accordance with valid regulations. A bank shall submit the reports and information referred to in the preceding sentence in the form and manner determined by the Bank of Slovenia.

(2) The Bank of Slovenia may request reports and information in connection with a bank's operations that are relevant to supervision of the bank also from the members of a bank's management board and persons employed at the bank.

(3) The Bank of Slovenia shall call on the persons referred to in the preceding paragraph to draw up a written report regarding the matters referred to in paragraphs one and two of this Article by a time limit that shall not be shorter than three days from the receipt of the call or call on them to provide an oral statement regarding those matters.

Article 242
(Review of operations)

(1) A bank shall enable the Bank of Slovenia's authorised person to conduct a review of bank's operations, in accordance with the request referred to in Article 243 of this Act, at the bank's head office and in other premises in which the bank or another person it authorises performs activities and executes transactions that are subject to supervision by the Bank of Slovenia.

(2) A review of operations shall include, in particular, a review of a bank's books of account, administrative or business records, and other bank's business documentation in accordance with the request referred to in Article 243 of this Act.

243. člen
(zahteva za pregled poslovanja)

(1) Banka Slovenije posreduje banki zahtevo za pregled poslovanja najmanj osem dni pred začetkom pregleda poslovanja.

(2) Ne glede na prejšnji odstavek lahko Banka Slovenije zahtevo za pregled poslovanja predloži banki šele na dan začetka opravljanja pregleda poslovanja, če drugače ni mogoče doseči namena posameznega nadzora.

(3) Zahteva za pregled poslovanja mora obsegati navedbo poslovnih knjig, poslovne dokumentacije, evidenc in poslovnih dogodkov, ki so predmet pregleda, vključno z navedbo dokumentacije, ki jo mora banka v obliki računalniških izpiskov oziroma kopij izročiti za izvedbo pregleda, ter rok za predložitev.

(4) Zahteva za pregled poslovanja mora obsegati tudi pravni pouk o pravnih posledicah, ki lahko nastopijo, če banka ne bo ravnala v skladu z zahtevo za pregled poslovanja ali Banki Slovenije ne bo omogočila opravljanja pregleda poslovanja na način, določen v 244. do 247. členu tega zakona.

(5) Banka Slovenije lahko med opravljanjem pregleda poslovanja dopolni zahtevo za pregled poslovanja. Za dopolnitev zahteve se smiselno uporabljata prvi do četrty odstavek tega člena.

244. člen
(način opravljanja pregleda)

(1) Pregled poslovanja banke opravi strokovni delavec Banke Slovenije ali druga pooblaščen oseb a Banke Slovenije, ki jo za opravljanje pregleda poslovanja banke pooblasti guverner Banke Slovenije (v nadaljnjem besedilu: inšpektor Banke Slovenije).

Article 243
(Request for review of operations)

(1) The Bank of Slovenia shall submit to a bank a request for the review of operations at least eight days prior to the start of the review of operations.

(2) Notwithstanding the preceding paragraph, the Bank of Slovenia may submit to a bank a request for the review of operations only on the day when the review commences if it is otherwise impossible to achieve the purpose of the specific supervision.

(3) A request for the review of operations shall include an indication of the books of account, business documentation, records and business events that are the subject of the review, including a list of documentation that a bank shall deliver in the form of computer printouts or copies for conducting the review, and the time limit for submission.

(4) A request for the review of operations shall also include legal instruction on the legal consequences that could arise if the bank in question fails to comply with a request for the review of operations or fails to enable the Bank of Slovenia to carry out its review of operations in the manner laid down in Articles 244 to 247 of this Act.

(5) The Bank of Slovenia may supplement its request for the review of operations during the course thereof. Paragraphs one to four of this Article shall apply *mutatis mutandis* to the supplementation of a request.

Article 244
(Manner for conducting a review)

(1) A review of a bank's operations shall be conducted by a qualified employee of the Bank of Slovenia or another authorised person of the Bank of Slovenia authorised to conduct a review of banks' operations by the Governor of the Bank of Slovenia (hereinafter: Bank of Slovenia's inspector).

(2) Pregled poslovanja opravlja Banka Slovenije ob delavnikih med 8. in 18. uro. Kadar je zaradi obsega oziroma narave pregleda to potrebno, lahko Banka Slovenije opravi pregled poslovanja tudi po 18. uri oziroma med dnevi, ki niso delavniki.

(3) Banka Slovenije mora pregled poslovanja opravljati tako, da s tem ovira normalno poslovanje banke samo v taki meri, kot je nujno za doseg namena nadzora.

(4) V zvezi s pregledom poslovanja se ne uporabljajo določbe ZUP o zapisniku.

245. člen (obseg pregleda)

(1) Banka mora inšpektorju Banke Slovenije omogočiti pregled poslovnih knjig, poslovne dokumentacije ter administrativnih oziroma poslovnih evidenc v obsegu, potrebnem za izvajanje posameznega nadzora v skladu z zahtevo.

(2) Banka mora inšpektorju Banke Slovenije izročiti računalniške izpiske oziroma kopije poslovnih knjig, poslovne dokumentacije ter administrativnih oziroma poslovnih evidenc.

(3) Člani uprave in zaposleni pri banki morajo inšpektorju Banke Slovenije posredovati poročila in informacije o vseh zadevah, pomembnih za pregled poslovanja v skladu z zahtevo.

246. člen (pogoji za opravljanje pregleda)

(1) Banka mora inšpektorjem Banke Slovenije zagotoviti ustrezne prostore, v katerih lahko nemoteno in brez prisotnosti drugih oseb opravijo pregled poslovanja.

(2) Banka mora zagotoviti, da so v času, v katerem inšpektorji Banke Slovenije opravljajo pregled poslovanja, v prostorih, kjer se

(2) A review of operations shall be conducted by the Bank of Slovenia on working days between the hours of 8 am and 6 pm. The Bank of Slovenia may also conduct a review of operations after 6 pm or on non-working days when so required by the scope or nature of the review.

(3) The Bank of Slovenia shall conduct a review of operations in such a manner that it impedes a bank's normal operations only to the extent required to achieve the purpose of supervision.

(4) The provisions of the ZUP governing minutes shall not apply in connection with a review of operations.

Article 245 (Scope of review)

(1) A bank shall enable the Bank of Slovenia's inspector to review its books of account, business documentation, and administrative or business records to the extent necessary to conduct supervision in accordance with the relevant request.

(2) A bank shall deliver to the Bank of Slovenia's inspector computer printouts or copies of its books of account, business documentation, and administrative or business records.

(3) Members of a bank's management board and employees of the bank shall submit to the Bank of Slovenia's inspector reports and information regarding all matters relevant to a review of operations in accordance with the relevant request.

Article 246 (Conditions for conducting a review)

(1) A bank shall provide appropriate premises to the Bank of Slovenia's inspectors for them to conduct a unimpeded review of operations and without the presence of other persons.

(2) A bank shall ensure that at the time when the Bank of Slovenia's inspectors conduct their review of operations, authorised

opravlja pregled, prisotne pooblaščen osebe banke, ki lahko na zahtevo inšpektorja Banke Slovenije dajo ustrezna pojasnila v zvezi s poslovnimi knjigami, poslovno dokumentacijo, poslovnimi dogodki ter administrativnimi oziroma poslovnimi evidencami, ki so predmet pregleda.

247. člen

(posebni pogoji za pregled računalniško vodenih poslovnih knjig in evidenc)

(1) Banka, ki računalniško obdeluje podatke oziroma računalniško vodi poslovne knjige in druge evidence, mora inšpektorju Banke Slovenije zagotoviti ustrezne pripomočke za pregled poslovnih knjig in evidenc ter preizkušanje ustreznosti računalniško obravnavanih podatkov.

(2) Banka mora inšpektorju Banke Slovenije izročiti dokumentacijo, iz katere je razviden popolni opis dela računovodskega sistema. Iz dokumentacije morajo biti razvidni podsistemi in datoteke računovodskega sistema. Dokumentacija mora zagotavljati vpogled v:

1. računalniško rešitev;
2. postopke v okviru računalniške rešitve;
3. kontrole, ki zagotavljajo pravilno in zanesljivo obdelavo podatkov;
4. kontrole, ki preprečujejo nepooblaščen dodajanje, spreminjanje ali brisanje hranjenih računalniških zapisov.

(3) Vsaka sprememba računalniške rešitve iz prvega odstavka tega člena mora biti dokumentirana v časovnem zaporedju nastanka spremembe skupaj z datumom spremembe. Iz dokumentacije mora biti razvidna tudi vsaka sprememba oblike datotek.

248. člen

(poročanje in pregled poslovanja drugih oseb)

(1) Če je to potrebno za dosego namena nadzora nad banko, lahko Banka Slovenije zahteva predložitev poslovne dokumentacije, ustrezna poročila in informacije tudi od naslednjih oseb:

persons of the bank are present in the premises where the review is conducted, who may, upon request of the Bank of Slovenia's inspector, provide relevant explanations in connection with the bank's books of account, business documentation, business events, and administrative or business records that are the subject of the review.

Article 247

(Special conditions for the review of computerised books of account and records)

(1) A bank that processes data or keeps its books of account and other records on a computer basis shall ensure that the Bank of Slovenia's inspectors have at their disposal the necessary tools for reviewing such books of account and records and for testing the appropriateness of computerised data.

(2) A bank shall deliver documentation with a full description of the functioning of the accounting system to the Bank of Slovenia's inspector. The accounting system's subsystems and data files shall be evident from the aforementioned documentation. Documentation shall provide an insight into:

1. computer solution;
2. procedures in the scope of computer solution;
3. controls to ensure accurate and reliable data processing; and
4. controls that prevent the unauthorised addition, modification or deletion of stored computer records.

(3) Every change to the computer solution referred to in paragraph one of this Article shall be documented in the sequence in which changes were made, together with the date of each change. Every change to file formats shall also be evident from the documentation.

Article 248

(Reporting and review of operations of other persons)

(1) If necessary to achieve the purpose of supervision of a bank, the Bank of Slovenia may request the submission of business documentation, the relevant reports and information also from the following persons:

1. oseb, ki so z banko v razmerju tesne povezanosti;
2. oseb, na katere je banka prenesla del svojih poslovnih procesov;
3. imetnikov kvalificiranih deležev v banki;
4. oseb, v katerih ima banka kvalificirano naložbo;
5. nadrejenega finančnega holdinga, mešanega finančnega holdinga ali mešanega poslovnega holdinga;
6. drugih oseb, ki so vključene v konsolidiran nadzor banke;
7. družbe, ki je podrejena nadrejenemu finančnemu holdingu, mešanemu finančnemu holdingu ali mešanemu poslovnemu holdingu.

(2) Banka Slovenije lahko zahteva poročila in informacije iz prejšnjega odstavka tudi od članov organov vodenja in od zaposlenih pri teh osebah.

(3) Kadar je to potrebno, da se preveri dokumentacija, poročila in informacije, prejete na podlagi prvega ali drugega odstavka tega člena, lahko Banka Slovenije pri pravnih osebah iz prvega odstavka tega člena opravi pregled poslovanja. Za pregled poslovanja se v tem primeru smiselno uporabljajo določbe tega zakona o pregledu poslovanja banke.

(4) Če je za nadzor nad posamezno osebo iz prvega odstavka tega člena pristojen drug nadzorni organ, opravi Banka Slovenije pregled poslovanja te osebe v sodelovanju s tem organom v skladu z določbami tega zakona.

8.3. Ukrepi nadzora zoper banko

8.3.1. Odredba za odpravo kršitev banke

249. člen (odredba)

1. persons in a close relationship with the bank;
2. persons to whom the bank has transferred a portion of its business processes;
3. the holders of a qualifying holding in the bank;
4. persons in whom the bank holds a qualifying holding;
5. the parent financial holding company, mixed financial holding company or mixed-activity holding company;
6. other persons included in the consolidated supervision of the bank; and
7. an undertaking that is a subsidiary of a parent financial holding company, mixed financial holding company or mixed-activity holding company.

(2) The Bank of Slovenia may request the reports and information referred to in the preceding paragraph also from members of the management bodies and employees of those persons.

(3) The Bank of Slovenia may conduct a review of operations at the legal persons referred to in paragraph one of this Article whenever this is necessary to verify the documentation, reports and information received on the basis of paragraph one or two of this Article. The provisions of this Act governing the review of bank's operations shall apply *mutatis mutandis* to a review of operations in the aforementioned case.

(4) If another supervisory authority is responsible for the supervision of a particular person referred to in paragraph one of this Article, the Bank of Slovenia shall conduct a review of operations of that person in cooperation with that authority in accordance with the provisions of this Act.

8.3. Supervisory measures against a bank

8.3.1. Order to rectify breaches by a bank

Article 249 (Order)

(1) Če Banka Slovenije pri izvajanju nadzora ugotovi, da so pri banki podane ali bodo v naslednjih 12 mesecih verjetno podane kršitve predpisov iz drugega odstavka 9. člena tega zakona, banko pisno obvesti o ugotovitvah in odredi, da preneha z ravnanji in odpravi kršitve ter v določenem roku Banki Slovenije predloži pisno poročilo, v katerem opiše ukrepe za odpravo kršitev ter predloži ustrezna dokazila.

(2) Če Banka Slovenije pri izvajanju nadzora ugotovi, da so pri banki podane ali bodo v naslednjih 12 mesecih verjetno podane kršitve predpisov iz drugega odstavka 9. člena tega zakona, ki imajo ali bi lahko imele pomembne učinke na varno in skrbno upravljanje banke, Banka Slovenije banki poleg zahtev iz prejšnjega odstavka odredi, da izvede določene ukrepe iz 250. člena tega zakona, da se odpravijo kršitve oziroma prepreči nastanek kršitev (v nadaljnjem besedilu: dodatni ukrepi).

(3) Šteje se, da so pomembni učinki na varno in skrbno upravljanje banke podani, če kršitev ima ali bi lahko imela pomembne posledice za finančni položaj banke oziroma za obravnavo tveganj, ki jim je banka pri svojem poslovanju izpostavljena, če banka ne zagotavlja ali v naslednjih 12 mesecih verjetno ne bo zagotavljala ustrezne ureditve notranjega upravljanja, zlasti pa:

1. ustreznih kvantitativnih ali kvalitativnih elementov procesa ocenjevanja ustreznega notranjega kapitala,
2. izpolnjevanja zahtev glede velikih izpostavljenosti iz 393. člena Uredbe (EU) št. 575/2013,
3. izpolnjevanja zahtev glede kapitalske ustreznosti in ustrezne likvidnosti v skladu s tem zakonom in Uredbo (EU) št. 575/2013.

250. člen (dodatni ukrepi)

(1) Banka Slovenije lahko z odredbo zahteva, da banka ali upravljalni organ izvede dodatne aktivnosti ali postopke za odpravljanje ugotovljenih kršitev v banki, če je mogoče pričakovati, da se bo s temi ukrepi zagotovilo učinkovitejše odpravljanje ugotovljenih kršitev, vzpostavilo poslovanje banke v skladu s tem zakonom in Uredbo (EU) št. 575/2013 ali preprečil nastanek kršitve predpisov iz drugega odstavka 9.

(1) If, during supervision, the Bank of Slovenia establishes that a bank is in breach or is likely to be in breach of the regulations referred to in paragraph two of Article 9 of this Act within the next 12 months, it shall notify that bank in writing of its findings and order it to cease such conduct and rectify the aforementioned breaches and to submit a written report to the Bank of Slovenia by a specific time limit describing measures to rectify the breaches, together with the appropriate evidence.

(2) If, during supervision, the Bank of Slovenia establishes that a bank is in breach or is likely to be in breach of the regulations referred to in paragraph two of Article 9 of this Act within the next 12 months that have or could have material effects on the secure and prudent governance of the bank, the Bank of Slovenia shall, in addition to the requirements referred to in the preceding paragraph, order the bank to implement certain measures referred to in Article 250 of this Act to rectify or prevent breaches (hereinafter: additional measures).

(3) Material effects on the secure and prudent governance of the bank shall be deemed to exist if a breach has or could have significant consequences for the bank's financial position or for the management of risks to which it is exposed in its operations if the bank fails to ensure or is not likely to ensure the appropriate internal governance arrangements within the next 12 months, in particular:

1. the appropriate quantitative or qualitative elements of the internal capital adequacy assessment process;
2. the fulfilment of requirements regarding the large exposures referred to in Article 393 of Regulation (EU) No 575/2013; and
3. the fulfilment of capital and liquidity adequacy requirements in accordance with this Act and Regulation (EU) No 575/2013.

Article 250 (Additional measures)

(1) The Bank of Slovenia may issue an order requiring a bank or its governing body to implement additional activities or procedures to rectify breaches identified at the bank if it is reasonable to expect that these measures will ensure the more effective rectification of breaches identified, establish operations of the bank in accordance with this Act and Regulation (EU) No 575/2013, or prevent breaches of the regulations

člena tega zakona, ki imajo ali bi lahko imele pomembne učinke na varno in skrbno upravljanje banke.

(2) Banka Slovenije lahko odredi zlasti naslednje dodatne ukrepe:

1. naloži banki, da zagotovi kapital, ki presega zahteve iz 7. poglavja tega zakona in iz Uredbe (EU) št. 575/2013 v zvezi z elementi tveganj in tveganji, ki niso zajeta v 1. členu navedene uredbe;
2. naloži banki, da izvede določene ukrepe za izboljšanje ureditev glede ocenjevanja in zagotavljanja ustreznega notranjega kapitala banke ter glede ureditve notranjega upravljanja banke;
3. naloži banki, da predloži podroben načrt ukrepov za odpravo kršitev tega zakona ali Uredbe (EU) št. 575/2013, vključno z opredelitvijo roka za njihovo izvedbo;
4. zahteva od banke, da uporabi posebne politike oblikovanja oslabitev in rezervacij ali obravnave sredstev z vidika izračuna kapitalskih zahtev;
5. naloži ukrepe za zmanjšanje tveganj, ki jih prevzema banka v zvezi z določenimi posli, produkti ali sistemi, vključno s:
 - prepovedjo ali omejitvijo širjenja mreže poslovalnic banke ali zahtevo za zmanjšanje poslovne mreže banke,
 - prepovedjo ali omejitvijo aktivnosti banke, ki pomeni pomembno tveganje za finančni položaj banke;
6. prepove ali omeji banki sklepanje posameznih poslov ali poslov določene vrste ter zahteva postopno zmanjševanje obsega sklenjenih poslov ob upoštevanju možnosti za predčasno prenehanje v skladu s pogodbeno ureditvijo, vključno s prepovedjo ali omejitvijo sklepanja poslov banke:
 - z osebami, ki pomenijo povečano tveganje za banko zaradi neprimerne kreditne bonitete ali zaradi drugih okoliščin,
 - s posameznimi delničarji, člani uprave, nadzornega sveta, družbami, ki so z banko v razmerju tesne povezanosti, z investicijskimi skladi, ki jih upravlja družba za upravljanje, ki je z banko v razmerju tesne povezanosti, ali z drugimi družbami in osebami, ki pomenijo za banko povečano tveganje;
7. prepove ali omeji banki izplačila dobička ali plačila obresti delničarjem

referred to in paragraph two of Article 9 of this Act that have or could have material effects on the secure and prudent governance of the bank.

(2) The Bank of Slovenia may impose the following additional measures in particular:

1. order a bank to provide capital that exceeds the requirements referred to in Chapter 7 of this Act and in Regulation (EU) No 575/2013 in connection with the elements of risks and risks that are not covered by Article 1 of the aforementioned regulation;
2. order a bank to implement specific measures to improve the arrangements concerning the assessment and maintenance of the bank's internal capital adequacy and its internal governance arrangements;
3. order a bank to submit a detailed plan of measures to rectify breaches of this Act or Regulation (EU) No 575/2013, including a time limit for their implementation;
4. require a bank to apply a special policy for the creation of impairments and provisions or for the treatment of assets in terms of calculating capital requirements;
5. impose measures to reduce the risks a bank takes up in connection with specific transactions, products or systems, including:
 - the prohibition or restriction of the expansion of the bank's branch network or the requirement to reduce the scope of the bank's branch network and
 - the prohibition or restriction of the bank's activities that represent a material risk to the bank's financial position;
6. prohibit or restrict the bank on the conclusion of individual transactions or transactions of specific types and require a gradual reduction in the scope of concluded transactions, taking into account early termination options in accordance with contractual arrangements, including the prohibition or restriction of the conclusion of transactions by the bank:
 - with persons who represent increased risk for the bank due to an unsuitable credit rating or due to other circumstances or
 - with individual shareholders, members of the management board or supervisory board, undertakings with whom the bank is in a close relationship, investment funds managed by a management company with whom the bank is in a close relationship, or other undertakings and persons who represent an increased risk for the bank;
7. prohibit or restrict the bank on the payment of profits or interest to

- ali imetnikom instrumentov dodatnega temeljnega kapitala, razen če bi prepoved povzročila nastanek dogodka neplačila banke,
8. naloži banki, da uporabi čisti in preneseni dobiček za izboljšanje kapitalske ustreznosti banke;
 9. prepove ali omeji uporabo računovodskih meril, zaradi katerih banka ne izkazuje pravnega finančnega položaja ali rezultata, in določi ustrezna merila;
 10. omeji variabilne prejemke zaposlenih s primernim odstotkom skupnih neto prihodkov poslovnega leta, če bi izplačilo tega dela prejemkov ogrozilo izpolnjevanje obveznosti ali ciljev glede kapitalske ustreznosti banke;
 11. določi dodatne zahteve glede zagotavljanja likvidnosti, vključno z omejitvami glede usklajenosti dospelosti terjatev in obveznosti banke;
 12. zahteva dodatno in pogostejše poročanje banke, zlasti v zvezi s kapitalom in likvidnostjo banke;
 13. zahteva, da nadzorni svet imenuje ustrezne komisije za posamezne sklope strokovnih nalog iz pristojnosti nadzornega sveta;
 14. zahteva dodatna razkritja banke;
 15. zahteva od nadzornega sveta banke, da odpokliče člana ali člane uprave, ki so neposredno odgovorni za ugotovljene kršitve v banki, in imenuje novega člana ali nove člane uprave;
 16. zahteva od imetnikov kvalificiranega deleža, da odpokličejo člana ali člane nadzornega sveta, ki so dopustili ugotovljene kršitve v banki, čeprav so zanje vedeli ali bi morali vedeti in imenuje novega člana ali nove člane nadzornega sveta.

(3) Banka Slovenije naloži banki dodatni ukrep iz 1. točke prejšnjega odstavka zlasti, če na podlagi drugih ukrepov Banke Slovenije banka verjetno ne bo ustrezno izboljšala ureditev, procesov, mehanizmov in strategij ureditve notranjega upravljanja in so podane naslednje okoliščine:

1. če banka ne zagotavlja ustreznega pokritja tveganj ali dejavnikov tveganj, ki niso upoštevani pri izračunu kapitalskih zahtev banke v skladu z Uredbo (EU) št. 575/2013 ali na podlagi 7. poglavja tega zakona;
2. če z upoštevanjem ocene iz 176. člena tega zakona ali ocene iz 182. člena tega zakona ugotovi, da banka zaradi neusklajenosti z

shareholders or the holders of Additional Tier 1 instruments, unless that prohibition would result in default by the bank;

8. order a bank to use net profits and retained earnings to improve its capital adequacy;
9. prohibit or limit the use of accounting criteria that would result in the incorrect disclosure of a bank's financial position or results and define the appropriate criteria;
10. limit the variable remuneration of employees applying a given percentage of total net revenues for the business year if the payment of that portion of remuneration would jeopardise the fulfilment of obligation or targets regarding a bank's capital adequacy;
11. set additional requirements regarding the provision of liquidity, including restrictions with respect to the maturity matching of a bank's claims and liabilities;
12. require additional and more frequent reporting by a bank, in particular with regard to the capital and liquidity of the bank;
13. require the supervisory board to appoint the relevant committees for specific sets of specialised tasks in the scope of the supervisory board's competences;
14. require additional disclosures from a bank;
15. require a bank's supervisory board to recall a member or members of the management board who are directly responsible for breaches identified at the bank and appoint a new member or members to the management board; and
16. require the holders of a qualifying holding to recall a member or members of the supervisory board who permitted breaches identified at a bank to occur, even though they were aware or should have been aware of those breaches, and appoint a new member or members to the supervisory board.

(3) The Bank of Slovenia shall impose on a bank the additional measure referred to in point 1 of the preceding paragraph, in particular if the bank is unlikely to improve internal governance arrangements, processes, mechanisms and strategies based on other measures imposed by the Bank of Slovenia, and the following circumstances exist:

1. the bank fails to ensure the appropriate coverage of risks or risk factors that are not taken into account in the calculation of the bank's capital requirements in accordance with Regulation (EU) No 575/2013 or on the basis of Chapter 7 of this Act;
2. if, taking into account the assessment referred to in Article 176 of this Act or the assessment referred to in Article 182 of this Act, the Bank

zahtevami za uporabo zadevnih pristopov ne izpolnjuje ali verjetno ne bo izpolnjevala kapitalske ustreznosti;

3. če so tveganja banke podcenjena kljub izpolnjevanju zahtev iz tega zakona in Uredbe (EU) št. 575/2013;
4. če banka v skladu s petim odstavkom 377. člena Uredbe (EU) št. 575/2013 Banki Slovenije sporoči, da rezultati stresnih testov, ki jih izvede banka v skladu z navedenim členom, bistveno presegajo kapitalsko zahtevo za portfelj trgovanja s korelacijo;
5. druge okoliščine, iz katerih izhaja, da banka ne izpolnjuje ali verjetno ne bo izpolnjevala zahtev glede ureditve notranjega upravljanja v skladu s tem zakonom ali zahtev glede velikih izpostavljenosti iz 393. člena Uredbe (EU) št. 575/2013.

(4) Banka Slovenije naloži banki dodatni ukrep iz 1. točke drugega odstavka tega člena ob upoštevanju ugotovitev procesa nadzorniškega pregledovanja in ovrednotenja v skladu z oddelkom 6.6. tega zakona in 183. členom tega zakona.

(5) Banka Slovenije določi dodatne zahteve glede zagotavljanja ustreznega likvidnostnega položaja banke na podlagi 11. točke drugega odstavka tega člena tako, da se zagotovi pokritje likvidnostnih tveganj, ki jim je banka izpostavljena ali bi jim lahko bila izpostavljena pri svojem poslovanju, in pri tem upošteva:

1. poslovni model banke;
2. ureditev notranjega upravljanja banke glede upravljanja likvidnostnega tveganja;
3. ugotovitve pregledovanja in ovrednotenja v skladu z oddelkom 6.6. tega zakona;
4. sistemsko likvidnostno tveganje, ki ogroža celovitost finančnega trga.

(6) Banka Slovenije lahko ob upoštevanju neskladja med dejanskim likvidnostnim položajem banke ter zahtevami glede likvidnosti in stabilnih virov financiranja poleg zahteve iz prejšnjega odstavka banki izreče tudi druge ukrepe nadzora.

of Slovenia determines that the bank fails to meet or is not likely to meet capital requirements due to failure to comply with the requirements for the application of the relevant approaches;

3. if the risks to which the bank is exposed are underestimated despite the fulfilment of requirements referred to in this Act and Regulation (EU) No 575/2013;
4. if, in accordance with paragraph five of Article 377 of Regulation (EU) No 575/2013, the bank notifies the Bank of Slovenia that the results of the stress tests carried out by the bank in accordance with the aforementioned Article significantly exceed the capital requirement for the correlation trading portfolio; or
5. in the event of other circumstances showing that the bank fails to meet or is likely to fail to meet requirements regarding internal governance arrangements in accordance with this Act or requirements regarding large exposures referred to in Article 393 of Regulation (EU) No 575/2013.

(4) The Bank of Slovenia shall impose on a bank the additional measure referred to in point 1 of paragraph two of this Article taking into account the findings of the supervisory review and evaluation process in accordance with Section 6.6. and Article 183 of this Act.

(5) The Bank of Slovenia shall determine additional requirements with regard to ensuring the adequate liquidity position of a bank on the basis of point 11 of paragraph two of this Article with the aim of ensuring the coverage of the liquidity risks to which a bank is or could be exposed in its operations, taking into account:

1. the bank's business model;
2. the bank's internal governance arrangements with respect to liquidity risk management;
3. the findings of the review and evaluation process in accordance with Section 6.6. of this Act; and
4. systemic liquidity risks that pose a threat to the integrity of the financial market.

(6) Taking into account the mismatch between a bank's actual liquidity position and requirements regarding liquidity and stable sources of funding, the Bank of Slovenia may impose also other supervisory measures on the bank in question in addition to the requirement referred to in the preceding paragraph.

(7) Če Banka Slovenije ugotovi, da so banke s podobnim profilom tveganosti izpostavljene ali bi lahko bile izpostavljene določenim tveganjem ali pomenijo določeno tveganje za finančni sistem, lahko pri teh bankah uporabi primerljiva ali identična merila pregledovanja in ovrednotenja v skladu z oddelkom 6.6. tega zakona in na podlagi ugotovitev tega procesa tem bankam odredi podobne ali identične ukrepe v skladu s tem členom in o tem obvesti Evropski bančni organ.

251. člen **(poročilo o odpravi kršitev)**

(1) Banka mora izvesti dodatne ukrepe in odpraviti ugotovljene kršitve v roku, določenem z odredbo, ter Banki Slovenije dostaviti poročilo o izvedenih aktivnostih (v nadaljnjem besedilu: poročilo o odpravi kršitev).

(2) Poročilu o odpravi kršitev je treba priložiti listine in druge dokaze, iz katerih izhaja, da so bile kršitve odpravljene.

(3) Banka Slovenije lahko v odredbi od banke zahteva, da poročilo o odpravi kršitev priloži mnenje pooblaščenega revizorja, da so ugotovljene kršitve odpravljene.

252. člen **(ugotovitvena odločba o odpravljenih kršitvah)**

(1) Če iz poročila o odpravi kršitev iz prvega odstavka prejšnjega člena ter priloženih dokazov izhaja, da je banka izvedla ukrepe in odpravila kršitve ugotovljene z odredbo, izda Banka Slovenije v treh mesecih po prejemu celovitega poročila banke o odpravi kršitev odločbo, s katero ugotovi, da so bile kršitve odpravljene (v nadaljnjem besedilu: ugotovitvena odločba o odpravljenih kršitvah).

(2) Banka Slovenije lahko pred izdajo ugotovitvene odločbe o

(7) If the Bank of Slovenia establishes that banks with similar risk profiles are or could be exposed to specific risks or represent a specific risk for the financial system, the Bank of Slovenia may apply comparable or identical review and evaluation criteria for those banks in accordance with Section 6.6. of this Act and, based on the findings of this process, impose similar or identical measures on those banks in accordance with this Article and shall notify the European Banking Authority accordingly.

Article 251 **(Report on the rectification of breaches)**

(1) A bank shall implement additional measures and rectify identified breaches by the time limit provided by the relevant order and deliver to the Bank of Slovenia a report on implemented activities (hereinafter: report on the rectification of breaches).

(2) Documents and other evidence from which it is evident that breaches were rectified shall accompany a report on the rectification of breaches.

(3) In its order, the Bank of Slovenia may require a bank's report on the rectification of breaches to include an opinion of a certified auditor that identified breaches were rectified.

Article 252 **(Declaratory decision on the rectification of breaches)**

(1) If it is clear from the report on the rectification of breaches referred to in paragraph one of the preceding Article and accompanying evidence that a bank has implemented measures and rectified the breaches identified in the relevant order, the Bank of Slovenia shall issue a decision, within three months from the receipt of the bank's comprehensive report on the rectification of breaches, finding that the breaches have been rectified (hereinafter: declaratory decision on the rectification of breaches).

(2) Before issuing a declaratory decision on the rectification of

odpravljenih kršitvah zahteva dopolnitev poročila ali opravi pregled poslovanja banke v obsegu, potrebnem za ugotovitev, ali je banka izvedla navedene ukrepe in odpravila ugotovljene kršitve.

(3) Če Banka Slovenije pri izvajanju nadzora ugotovi, da je banka kršila predpise iz drugega odstavka 9. člena tega zakona, vendar je banka kršitve odpravila pred izdajo odredbe iz prvega odstavka 249. člena tega zakona, lahko Banka Slovenije z upoštevanjem pogojev iz četrtega odstavka tega člena izda ugotovitveno odločbo, s katero ugotovi, da je banka kršila predpise iz drugega odstavka 9. člena tega zakona in da je kršitev odpravila.

(4) Banka Slovenije izda ugotovitveno odločbo iz prejšnjega odstavka, če bi glede na naravo in pomen kršitev za varno in skrbno upravljanje banke izdaja takšne odločbe in objava informacij na podlagi 277. člena tega zakona pomembno prispevala k izboljšanju praks upravljanja bank in k preprečevanju ravnanj, ki pomenijo kršitev predpisov iz drugega odstavka 9. člena tega zakona.

(5) Banka Slovenije pred izdajo ugotovitvene odločbe iz tretjega odstavka tega člena banko pisno obvesti o ugotovitvah v zvezi s kršitvami predpisov iz drugega odstavka 9. člena tega zakona ter o nameri, da bo izdala ugotovitveno odločbo o odpravljenih kršitvah, ter pozove banko, da se izjavi o dejstvih in okoliščinah, ki so pomembne za odločitev o izdaji ugotovitvene odločbe o odpravi kršitev.

8.3.2. Ukrepi zgodnjega posredovanja

253. člen (ukrepi zgodnjega posredovanja)

(1) Če so v banki podane kršitve predpisov iz drugega odstavka 9. člena tega zakona, ali bodo te kršitve verjetno podane, lahko Banka

breaches, the Bank of Slovenia may require the supplementation of the report or conduct a review of the bank's operations to the extent required to determine whether the bank has implemented the stated measures and rectified identified breaches.

(3) If during supervision the Bank of Slovenia establishes that a bank had been in breach of the regulations referred to in paragraph two of Article 9 of this Act but rectified the breaches prior to the issue of the order referred to in paragraph one of Article 249 of this Act, the Bank of Slovenia may issue a declaratory decision, taking into account the conditions referred to in paragraph four of this Article, finding that the bank had breached the regulations referred to in paragraph two of Article 9 of this Act and that it rectified those breaches.

(4) The Bank of Slovenia shall issue a declaratory decision referred to in the preceding paragraph if, given the nature and significance of breaches for the secure and prudent governance of the bank, the issue of such a decision and the publication of the information based on Article 277 of this Act would contribute significantly to improving the governance practices of banks and to preventing conduct that represent breaches of the regulations referred to in paragraph two of Article 9 of this Act.

(5) Prior to issuing the declaratory decision referred to in paragraph three of this Article, the Bank of Slovenia shall notify the bank in writing of its findings in connection with breaches of the regulations referred to in paragraph two of Article 9 of this Act and of its intent to issue a declaratory decision on the rectification of breaches and shall call on the bank to issue a statement regarding the facts and circumstances relevant for a decision to issue a declaratory decision on the rectification of breaches.

8.3.2. Early intervention measures

Article 253 (Early intervention measures)

(1) If a bank is in breach or is likely to be in breach of the regulations referred to in paragraph two of Article 9 of this Act and in the

Slovenije v primeru hitrega slabšanja finančnega položaja banke, zlasti v primeru hitrega slabšanja likvidnosti, naraščanja stopnje zadolženosti, obsega nedonosnih posojil ali koncentracije izpostavljenosti, z odredbo zahteva, da banka ali upravljalni organ izvede tudi naslednje dodatne ukrepe (v nadaljnjem besedilu: ukrepi zgodnjega posredovanja):

1. zahteva od upravljalnega organa banke, da se izvedejo aktivnosti v okviru ene ali več shem ali ukrepov, opredeljenih v načrtu sanacije;
2. zahteva od upravljalnega organa banke, da se ustrezno posodobi načrt sanacije, če se okoliščine, ki so privedle do zgodnjega posredovanja, razlikujejo od predpostavk, določenih v prvotnem načrtu sanacije, in da se v določenem roku izvedejo aktivnosti za uporabo shem ali ukrepov, ki so opredeljeni v posodobljenem načrtu;
3. zahteva od upravljalnega organa banke, da predloži podroben načrt ukrepov, s katerimi se preprečijo ali odpravijo težave banke, vključno z opredelitvijo roka za njihovo izvedbo;
4. zahteva od upravljalnega organa banke, da v določenem roku skliče skupščino banke in ji predlaga sprejetje določenih ukrepov za namen sanacije banke, vključno z ukrepi za povečanje osnovnega kapitala banke ter ukrepi za zmanjšanje osnovnega kapitala zaradi pokrivanja izgube ali prenosa v kapitalske rezerve;
5. zahteva razrešitev ali zamenjavo posameznega ali več članov upravljalnega organa ali višjega vodstva banke;
6. zahteva od upravljalnega organa banke pripravo načrta pogajanj za prestrukturiranje dolga z nekaterimi ali vsemi upniki banke v skladu z načrtom sanacije;
7. zahteva, da se spremeni poslovna strategija banke;
8. zahteva, da se izvedejo spremembe pravnih ureditev in operativnih procesov v banki;
9. zahteva, da banka zagotovi pogoje in informacije, ki jih potrebuje organ, pristojen za reševanje, za posodobitev načrta reševanja ali načrtovanje ukrepov reševanja banke, vključno z izvedbo vrednotenja sredstev in obveznosti banke za namene reševanja.

(2) Banka Slovenije pri oceni obstoja okoliščin hitrega slabšanja finančnega položaja banke za uporabo ukrepov iz prejšnjega odstavka upošteva različne kazalnike in opredeli pragove poslabšanja teh kazalnikov, ki utemeljujejo uporabo teh ukrepov. Banka Slovenije lahko v zvezi z oceno iz prejšnjega stavka upošteva tudi minimalno kapitalsko

event of the rapidly deteriorating financial position of the bank, in particular rapidly deteriorating liquidity, or an increase in level of indebtedness, the scope of non-performing loans or the concentration of exposures, the Bank of Slovenia may issue an order requiring the bank or its governing body to implement the following additional measures (hereinafter: early intervention measures):

1. require the bank's governing body to carry out activities in the scope of one or more schemes or measures defined in the bank's recovery plan;
2. require the bank's governing body to update the bank's recovery plan as appropriate if the circumstances that led to early intervention differ from the assumptions defined in the original recovery plan and to carry out activities for the application of schemes or measures defined in the updated plan by a specified time limit;
3. require the bank's governing body to submit a detailed plan of measures aimed at preventing or overcoming the problems of the bank, including a time limit for their implementation;
4. require the bank's governing body to convene the bank's general meeting by a specified time limit and propose to the latter the adoption of defined measures for the bank's recovery, including measures to increase the bank's share capital and measures to decrease share capital due to the coverage of losses or a transfer to the capital surplus;
5. require the dismissal or replacement of one or more members of the bank's governing body or senior management;
6. require the bank's governing body to draw up a plan for negotiations on the restructuring of debt with some or all of the bank's creditors in accordance with the recovery plan;
7. require changes to the bank's business strategy;
8. require changes to legal arrangements and operational processes at the bank;
9. require the bank to ensure the conditions and information that the resolution authority requires to update the resolution plan or to plan bank resolution measures, including the performing of valuation of the bank's assets and liabilities for resolution purposes.

(2) In assessing whether the circumstances of a rapid deterioration in a bank's financial position that would warrant the application of measures referred to in the preceding paragraph exist, the Bank of Slovenia shall take into account various indicators and define threshold values for the deterioration of those indicators that justify the

zahtevo za banko, ki se ji prišteje 1,5 odstotna točka. Ko Banka Slovenije 0ugotovi, da so v zvezi z banko izpolnjeni pogoji za uporabo ukrepov iz prejšnjega odstavka, o tem nemudoma obvesti organ, pristojen za reševanje.

(3) Banka Slovenije lahko poleg ukrepov zgodnjega posredovanja iz prvega odstavka tega člena izreče tudi druge dodatne ukrepe iz 250. člena tega zakona.

254. člen (sklic skupščine banke)

(1) Če Banka Slovenije z odredbo na podlagi 4. točke prvega odstavka prejšnjega člena upravi banke naloži, da v določenem roku skliče skupščino banke in predlaga sprejetje določenih ukrepov z namenom sanacije, se sklic skupščine banke, ne glede na 297. člen ZGD-1, objavi najmanj 15 dni pred skupščino. V objavi sklica skupščine mora uprava navesti, da se skupščina sklicuje na podlagi tega zakona in v skladu z zahtevami na podlagi iz 4. točke prvega odstavka prejšnjega člena.

(2) Uprava banke mora najmanj osem dni pred nameravanim dnem objave sklica skupščine, ki bo odločala o predlogu na podlagi zahteve iz prejšnjega odstavka, predlog sklepov skupščine predložiti Banki Slovenije, ki lahko do objave sklica skupščine od uprave banke zahteva popravek predloga sklepov skupščine.

(3) Če uprava banke ne skliče skupščine banke, ki bi odločala o predlogu sklepov v skladu z zahtevo iz prvega odstavka tega člena, lahko Banke Slovenije, sama skliče skupščino banke ter ji predlaga povečanje osnovnega kapitala banke.

application of the aforementioned measures. In connection with the assessment referred to in the preceding sentence, the Bank of Slovenia may also take into account the minimum capital requirements for a bank, to which 1.5 percentage points are added. The Bank of Slovenia shall notify the resolution authority without delay when it establishes that the conditions for the application of measures referred to in the preceding paragraph have been met in connection with a bank.

(3) In addition to the early intervention measures referred to in paragraph one of this Article, the Bank of Slovenia may also impose other additional measures referred to in Article 250 of this Act.

Article 254 (Convening of a bank's general meeting)

(1) If the Bank of Slovenia issues an order based on point 4 of paragraph one of the preceding Article requiring a bank's management board to convene its general meeting by a specified time limit and to propose the adoption of certain recovery measures, the convening of the bank's general meeting shall be published at least 15 days prior to the general meeting, notwithstanding Article 297 of the ZGD-1. In the publication of the convening of the general meeting, the management board shall state that the general meeting is being convened on the basis of this Act and in accordance with the requirements based on point 4 of paragraph one of the preceding Article.

(2) At least eight days prior to the intended convening of the general meeting that will decide on the proposal based on a requirement referred to in the preceding paragraph, a bank's management board shall submit proposed general meeting resolutions to the Bank of Slovenia, which may require the bank's management board to correct those proposed resolutions prior to the publication of the convening of the general meeting.

(3) If a bank's management board fails to convene the bank's general meeting that would decide on the proposed resolutions in accordance with a requirement referred to in paragraph one of this Article, the Bank of Slovenia may convene the bank's general meeting itself and propose that it increases the bank's share capital.

Banka mora Banki Slovenije povrniti stroške, ki so nastali v zvezi s sklicem skupščine.

255. člen
(odločanje skupščine o predlogu sklepov v skladu z zahtevo)

(1) Ne glede na 300. člen ZGD-1 delničarji banke ne morejo podajati predlogov sklepov k točkam dnevnega reda, ki so vezane na predloge sklepov skupščine, določene v skladu z zahtevo na podlagi iz 4. točke prvega odstavka 253. člena tega zakona.

(2) Kadar drug zakon ali statut banke za sprejetje določene odločitve na skupščini določa ločeno glasovanje z izrednim sklepom, se ne glede na določbe zakona ali statuta v primeru odločanja o predlogih sklepov, določenih v skladu z zahtevo na podlagi iz 4. točke prvega odstavka 253. člena tega zakona, glasovanje izvede na skupnem zasedanju skupščine.

(3) Kadar skupščina banke odloča o predlogih ukrepov v skladu z zahtevo na podlagi iz 4. točke prvega odstavka 253. člena tega zakona, ki vključujejo ukrepe za povečanje osnovnega kapitala banke ali spremembe statuta, ki so nujne za izvedbo ukrepov sanacije, je tak sklep veljavno sprejet, če je potrjen z navadno večino pri odločanju zastopanega kapitala, pod pogojem, da je na skupščini zastopana najmanj polovica vpisanega kapitala z glasovalno pravico, v nasprotnem primeru pa z dvema tretjinama pri odločanju zastopanega kapitala z glasovalno pravico. Za odločanje skupščine iz prejšnjega stavka se ne uporabljajo določbe ZGD-1 ali statuta, ki določajo višje zahteve za veljavnost takšnega sklepa.

(4) V primeru, ko uprava banke v zvezi z zahtevo na podlagi iz 4. točke prvega odstavka 253. člena tega zakona predlaga skupščini poenostavljeno zmanjšanje osnovnega kapitala zaradi prenosa zneskov v

The bank shall reimburse the Bank of Slovenia for costs incurred in connection with the convening of the general meeting.

Article 255
(Decision-making by the general meeting regarding proposed resolutions in accordance with a requirement)

(1) Notwithstanding Article 300 of the ZGD-1, a bank's shareholders may not submit proposed resolutions for items on the agenda that relate to the proposed general meeting resolutions drawn up in accordance with a requirement based on point 4 of paragraph one of Article 253 of this Act.

(2) When another Act or the bank's articles of association specify separate voting via an extraordinary resolution for the adoption of certain decisions at a general meeting, voting shall be carried out at a joint session of the general meeting when decisions are made regarding the proposed resolutions drawn up in accordance with a requirement based on point 4 of paragraph one of Article 253 of this Act, notwithstanding the provisions of the Act or the bank's articles of association.

(3) When a bank's general meeting makes decisions regarding proposed measures in accordance with a requirement based on point 4 of paragraph one of Article 253 of this Act that include measures to increase the bank's share capital or changes to its articles of association required for the implementation of recovery measures, such a resolution shall be deemed validly adopted if it is approved by a simple majority of represented capital, provided that at least half of subscribed capital with voting rights is represented at the general meeting; otherwise a two-thirds majority of represented capital with voting rights shall be required. The provisions of the ZGD-1 or the articles of association that determine higher requirements for the validity of such a resolution shall not apply to the decisions by the general meeting referred to in the preceding sentence.

(4) If, in connection with a requirement based on point 4 of paragraph one of Article 253 of this Act, a bank's management board proposes a simplified reduction in share capital to the general meeting

kapitalske rezerve, se takšno zmanjšanje osnovnega kapitala banke lahko izvede ne glede na pogoje iz drugega odstavka 379. člena ZGD-1.

(5) Če uprava banke na podlagi zahteve iz 4. točke prvega odstavka 253. člena tega zakona z namenom povečanja kapitala banke predlaga izdajo instrumenta, ki vključuje izključno opcijo banke do zamenjave imetnikovega instrumenta za delnice banke, je tak sklep na skupščini banke veljavno sprejet, če je sprejet z navadno večino pri odločanju zastopanega kapitala, če je zastopana najmanj polovica vpisanega kapitala z glasovalno pravico, v nasprotnem primeru pa z dvema tretjinama pri odločanju zastopanega kapitala z glasovalno pravico.

(6) Pooblastilo upravi za izdajo instrumentov iz prejšnjega odstavka na podlagi skupščinskega sklepa velja največ eno leto.

(7) Če uprava banke na podlagi zahteve iz 4. točke prvega odstavka 253. člena tega zakona skupščini predlaga povečanje osnovnega kapitala banke tako, da se nove delnice banke ponudijo izključno obstoječim delničarjem banke in znanim upnikom banke iz naslova kvalificiranih obveznosti banke, se takšna ponudba ne šteje kot ponudba vrednostnih papirjev javnosti in se za takšno ponudbo ne uporabljajo določbe 36. člena ZTFI glede obvezne objave prospekta.

256. člen

(povečanje osnovnega kapitala banke s stvarnimi vložki)

(1) Uprava banke lahko v zvezi z ukrepi za povečanje osnovnega kapitala banke v skladu z zahtevo na podlagi iz 4. točke prvega odstavka 253. člena tega zakona predlaga skupščini povečanje osnovnega kapitala z novimi stvarnimi vložki.

(2) V primeru iz prejšnjega odstavka se ne uporabljajo določbe drugega in tretjega odstavka 334. člena ZGD-1. Banka Slovenije lahko od uprave banke zahteva, da pred sklicem skupščine povečanje osnovnega kapitala s stvarnimi vložki pregleda pooblaščen revizor, če obstaja dvom

due to the transfer of amounts to the capital surplus, such a reduction in the bank's share capital may be carried out notwithstanding the conditions referred to in paragraph two of Article 379 of the ZGD-1.

(5) If, based on a requirement referred to in point 4 of paragraph one of Article 253 of this Act, a bank's management board proposes, for the purpose of increasing the bank's capital, the issue of an instrument that includes a bank's exclusive option to exchange a holder's instrument for the bank's shares, such a resolution shall be deemed validly adopted by the bank's general meeting if it is adopted by a simple majority of represented capital, provided that at least half of subscribed capital with voting rights is represented; otherwise a two-thirds majority of represented capital with voting rights shall be required.

(6) Authorisation of the management board to issue the instruments referred to in the preceding paragraph based on a general meeting resolution shall be valid for a maximum of one year.

(7) If, based on a requirement referred to in point 4 of paragraph one of Article 253 of this Act, a bank's management board proposes that the general meeting increases the bank's share capital by offering the bank's new shares exclusively to the bank's existing shareholders and known creditors from the bank's qualifying liabilities, such an offer shall not be deemed a public offering of securities and the provisions of Article 36 of the ZTFI regarding the mandatory publication of a prospectus shall not apply.

Article 256

(Increase in a bank's share capital via non-cash contributions)

(1) In connection with measures to increase a bank's share capital in accordance with a requirement based on point 4 of paragraph one of Article 253 of this Act, the bank's management board may propose that the general meeting increases share capital via new non-cash contributions.

(2) The provisions of paragraphs two and three of Article 334 of the ZGD-1 shall not apply in the case referred to in the preceding paragraph. The Bank of Slovenia may require a bank's management board to order the review of an increase in share capital via non-cash

o vrednosti stvarnega vložka v času njegovega prispevanja.

(3) Predlog sklepa skupščine za povečanje osnovnega kapitala banke s stvarnimi vložki mora vključevati:

1. opis predmeta stvarnega vložka in osebo, od katere bo stvarni vložek pridobljen;
2. število delnic ali nominalno vrednost delnic, ki bodo izdane na podlagi vplačila stvarnega vložka;
3. izjavo imetnika predmeta stvarnega vložka, da bo predmet stvarnega vložka po potrditvi sklepa o povečanju osnovnega kapitala banke prenesel na banko.

(4) Če je predmet stvarnega vložka terjatev, mora predlog iz prejšnjega odstavka vsebovati izjavo upnika o vpisu in vplačilu novih delnic s prenosom terjatve na banko pod odložnim pogojem, če bo predlagani sklep o povečanju osnovnega kapitala banke s stvarnimi vložki veljavno potrjen na skupščini banke.

(5) Če je predmet stvarnega vložka terjatev, ki je zavarovana s stvarno ali obligacijsko pravico, morajo biti k izjavi priložene listine, ki zagotavljajo učinke takšnega zavarovanja tudi v razmerju do banke, razen če ti učinki nastanejo za banko že na podlagi zakona.

(6) Če so predmet stvarnega vložka vrednostni papirji ali drugo premoženje, na katerem je z vpisom v register ustanovljena zastavna pravica ali druga stvarna pravica v korist tretjega, morajo biti k izjavi priložene ustrezne listine, ki banki brezpogojno in nemudoma dovoljujejo izbris teh pravic v ustreznem registru.

257. člen **(posebna revizija, ničnost in izpodbojnost)**

(1) Sodišče v skladu s 318. členom ZGD-1 imenuje posebnega revizorja zaradi preveritve postopkov povečanja osnovnega kapitala

contributions by a certified auditor prior to the convening of the general meeting if doubt exists regarding the value of the non-cash contribution at the time it is paid up.

(3) A proposed general meeting resolution to increase a bank's share capital via non-cash contributions shall include:

1. a description of the subject of the non-cash contribution and the person from whom that contribution will be acquired;
2. the number of shares or the nominal value of shares that will be issued based on the paying up of the non-cash contribution; and
3. a statement from the holder of the subject of the non-cash contribution that it will transfer the subject of the non-cash contribution to the bank following the approval of the resolution to increase the bank's share capital.

(4) If the subject of a non-cash contribution is a claim, the proposal referred to in the preceding paragraph shall include a statement from the creditor on the subscription and paying up of new shares with the transfer of that claim to the bank, under the suspensive condition provided that the proposed resolution to increase the bank's share capital via non-cash contributions will be validly approved by the bank's general meeting.

(5) If the subject of a non-cash contribution is a claim that is secured by a right *in rem* or right *in personam*, the aforementioned statement shall be accompanied by documents assuring the effects of that collateral also in relation to the bank, unless those effects already arise *vis-à-vis* the bank based on an Act.

(6) If the subject of the non-cash contribution are securities or other assets on which a lien has been entered in the relevant register or another right *in rem* in favour of a third party, the aforementioned statement shall be accompanied by the appropriate documents permitting a bank, unconditionally and without delay, to delete those rights from the relevant register.

Article 257 **(Special audit, nullity and contestability)**

(1) In accordance with Article 318 of the ZGD-1, the court shall appoint a special auditor to verify the procedures of increasing a bank's

banke, ki so bili izvedeni na podlagi zahteve v skladu s 4. točko prvega odstavka 253. člena tega zakona, če delničarji, ki predlagajo sodišču imenovanje posebnega revizorja, založijo predujem za kritje stroškov posebne revizije. V tem primeru se ne uporablja šesti odstavek 318. člena ZGD-1.

(2) V zvezi s skupščinskim sklepom, ki je bil sprejet na skupščini z upoštevanjem 254. do 256. člena tega zakona, ni mogoče uveljavljati ničnosti na podlagi prve in tretje alineje 390. člena ZGD-1.

(3) Skupščinskega sklepa iz prejšnjega odstavka, ki je bil sprejet z večino glasov iz 255. člena tega zakona, ni mogoče izpodbijati iz razloga, ker sklep ni bil sprejet z večino, kakor je določena v statutu banke.

(4) Skupščinskega sklepa iz drugega odstavka tega člena o povečanju osnovnega kapitala banke ni mogoče izpodbijati iz razlogov iz drugega odstavka 400. člena ZGD-1.

(5) Uveljavljanje izpodbijnosti sklepa skupščine iz drugega odstavka tega člena ne zadrži njegove uveljavitve. Če sodišče v postopku izpodbijanja ugotovi, da so podani izpodbijni razlogi in bi moral biti sklep razveljaven, sklepa ne razveljavi, ampak zgolj ugotovi obstoj izpodbijnih razlogov. Delničarji, ki so uveljavljali izpodbijnost sklepa lahko na podlagi odločitve sodišča o obstoju izpodbijnih razlogov uveljavljajo morebitne odškodninske zahtevke v pravdi.

258. člen

(razrešitev članov upravljalnega organa in višjega vodstva banke)

(1) Banka Slovenije lahko z odredbo na podlagi 5. točke prvega odstavka 253. člena tega zakona zahteva razrešitev ali zamenjavo posameznega ali več članov upravljalnega organa ali višjega vodstva banke, če te osebe z upoštevanjem meril iz 45. oziroma 55. člena tega zakona niso primerne za opravljanje nalog v zvezi z odpravo kršitev v banki.

share capital carried out on the basis of a requirement in accordance with point 4 of paragraph one of Article 253 of this Act if the shareholders proposing that the court appoint a special auditor pay an advance to cover the costs of that special audit. In this case, paragraph six of Article 318 of the ZGD-1 shall not apply.

(2) In connection with a general meeting's resolution adopted by the general meeting taking into account Articles 254 to 256 of this Act, nullity may not be enforced on the basis of indents one and three of Article 390 of the ZGD-1.

(3) A general meeting's resolution referred to in the preceding paragraph that was adopted by the majority of votes referred to in Article 255 of this Act may not be contested because the resolution in question was not adopted by the majority of votes defined in the bank's articles of association.

(4) A general meeting's resolution referred to in paragraph two of this Article to increase a bank's share capital may not be contested for the reasons referred to in paragraph two of Article 400 of the ZGD-1.

(5) The contesting of a general meeting's resolution referred to in paragraph two of this Article shall not stay the enforcement of that resolution. If, in proceedings contesting a resolution, the court establishes that reasons to contest the resolution exist and that the resolution should be annulled, that resolution shall not be annulled, but only the existence of reasons to contest the resolution shall be established. Shareholders that contested the resolution may file claims for damages based on the court's ruling on the existence of reasons to contest the resolution.

Article 258

(Dismissal of members of a bank's governing body and senior management)

(1) The Bank of Slovenia may issue an order on the basis of point 5 of paragraph one of Article 253 of this Act requiring the dismissal or replacement of one or more members of a bank's governing body or senior management if, taking into account the criteria referred to in Article 45 or Article 55 of this Act, those persons are not deemed suitable for performing tasks in connection with the rectification of breaches at the

(2) Banka Slovenije lahko ne glede na prejšnji odstavek z odredbo zahteva razrešitev vseh ali posameznih članov upravljalnega organa banke ali višjega vodstva v banki tudi, če:

1. so v banki podane okoliščine, ki kažejo na znatno poslabšanje finančnega položaja banke ali na hude kršitve predpisov iz drugega odstavka 9. člena tega zakona ali internih ureditev v banki;
2. ukrepi zgodnjega posredovanja iz 253. člena tega zakona ne zadoščajo za izboljšanje finančnega položaja banke ali da se ustrezno odpravijo kršitve.

(3) Banka mora v zvezi z ukrepom iz prvega ali drugega odstavka tega člena glede razrešitve ali zamenjave članov upravljalnega organa ali višjega vodstva, pred novim imenovanjem posameznega člana upravljalnega organa ali višjega vodstva o predlogu za imenovanje obvestiti Banko Slovenije, ki lahko v petih delovnih dneh po prejemu obvestila ugovarja predlogu, če ob upoštevanju razlogov za zahtevo po razrešitvi ali zamenjavi članov upravljalnega organa ali višjega vodstva in položaja banke oceni, da posamezni član upravljalnega organa ali višjega vodstva oziroma upravljalni organ ali višje vodstvo kot celota ne ustreza zahtevam glede funkcije in nalog, ki naj bi jih opravljal.

(4) V zvezi z ukrepom iz prvega ali drugega odstavka tega člena so novi člani upravljalnega organa ali višjega vodstva lahko imenovani le, če Banka Slovenije v roku iz prejšnjega odstavka ne ugovarja imenovanju.

(5) Banka Slovenije lahko hkrati z ukrepom iz prvega in drugega odstavka tega člena izreče tudi druge ukrepe nadzora iz 249. člena tega zakona, dodatne ukrepe iz 250. člena tega zakona in druge ukrepe zgodnjega posredovanja iz 253. člena tega zakona.

259. člen

bank.

(2) Notwithstanding the preceding paragraph, the Bank of Slovenia may issue an order requiring the dismissal of all or certain members of a bank's governing body or senior management also if:

1. circumstances at the bank indicate a significant deterioration in the bank's financial position or serious breaches of the regulations referred to in paragraph two of Article 9 of this Act or internal arrangements at the bank or
2. the early intervention measures referred to in Article 253 of this Act are not sufficient to improve the bank's financial position or to rectify breaches appropriately.

(3) In connection with the measure referred to in paragraph one or two of this Article regarding the dismissal or replacement of members of the governing body or senior management, a bank shall notify the Bank of Slovenia about the proposal to appoint a new member of the governing body or senior management prior to that appointment. Within five working days following the receipt of that notification, the Bank of Slovenia may express its objection to the aforementioned proposal if, taking into account the reasons for the request to dismiss or replace members of the governing body or senior management and the bank's position, it assesses that an individual member of the governing body or senior management or the governing body or senior management as a whole fails to meet the requirements regarding the functions and tasks they are expected to perform.

(4) In connection with the measure referred to in paragraph one or two of this Article, new members may only be appointed to the governing body or senior management if the Bank of Slovenia does not object to that appointment by the time limit referred to in the preceding paragraph.

(5) Together with the measure referred to in paragraphs one and two of this Article, the Bank of Slovenia may also impose other supervisory measures referred to in Article 249 of this Act, the additional measures referred to in Article 250 of this Act and the other early intervention measures referred to in Article 253 of this Act.

Article 259

(imenovanje posebnega pooblaščenca)

(1) Banka Slovenije lahko z odredbo imenuje enega ali več posebnih pooblaščenцев v banki, če so podani razlogi iz prvega odstavka prejšnjega člena in razrešitev posameznega ali vseh članov upravljalnega organa ali višjega vodstva na podlagi prejšnjega člena ne zadošča za izboljšanje finančnega položaja banke ali da se ustrezno odpravijo kršitve.

(2) Banka Slovenije lahko posebnega pooblaščenca pooblasti za:

1. izvajanje funkcije člana uprave banke ali
2. za izvajanje posameznih nalog v banki brez pooblastil za zastopanje banke.

(3) Banka Slovenije kot posebnega pooblaščenca imenuje osebo, ki je strokovno usposobljena za izvajanje funkcije in nalog iz prejšnjega odstavka. Če je posebni pooblaščenec imenovan za izvajanje funkcije člana uprave banke, mora izpolnjevati pogoje iz 38. člena tega zakona.

(4) Če Banka Slovenije imenuje posebnega pooblaščenca za izvajanje funkcije člana uprave banke, lahko odloči, da posebni pooblaščenec opravlja funkcijo člana uprave namesto razrešenega člana uprave ali skupaj z obstoječimi člani uprave. Banka Slovenije v imenu banke predlaga vpis imenovanja in razrešitve posebnega pooblaščenca s pooblastili za opravljanje funkcije člana uprave banke v sodni register.

(5) Banka Slovenije lahko ob imenovanju posebnega pooblaščenca odloči, da se mora uprava banka pred sprejetjem posameznih odločitev ali ukrepov obvezno posvetovati s posebnim pooblaščencom ali pridobiti njegovo soglasje.

(6) V odredbi o imenovanju posebnega pooblaščenca Banka Slovenije določi vlogo, pristojnosti in pooblastila posebnega pooblaščenca, vključno z morebitnimi omejitvami iz prejšnjega odstavka. Banka Slovenije lahko ob imenovanju posebnega pooblaščenca odloči

(Appointment of a special representative)

(1) The Bank of Slovenia may issue an order appointing one or more special representatives to a bank if the reasons referred to in paragraph one of the preceding Article exist and the dismissal of one or all members of the governing body or senior management based on the preceding Article is not sufficient to improve the bank's financial position or to rectify breaches appropriately.

(2) The Bank of Slovenia may give a special representative the power to:

1. perform the function of member of a bank's management board or
2. perform specific tasks at a bank without authorisation to represent that bank.

(3) The Bank of Slovenia shall appoint a person who is professionally qualified to perform the function and tasks referred to in the preceding paragraph as a special representative. If a special representative is appointed to perform the function of member of a bank's management board, that person shall fulfil the conditions referred to in Article 38 of this Act.

(4) If the Bank of Slovenia appoints a special representative to perform the function of a member of a bank's management board, it may decide that the special representative performs the function of a member of the bank's management board instead of a dismissed member of the management board or to work together with the existing members of the management board. On behalf of the bank, the Bank of Slovenia shall propose the entry of the appointment and dismissal of a special representative with the powers to perform the function of member of the bank's management board in the court register.

(5) When appointing a special representative, the Bank of Slovenia may decide that a bank's management board shall consult with the special representative or obtain their consent before adopting specific decisions or measures.

(6) In its order appointing a special representative, the Bank of Slovenia shall define the role, competences and powers of the special representative, including possible restrictions referred to in the preceding paragraph. When appointing a special representative, the Bank of

tudi, da se mora posebni pooblaščenec pred sprejetjem posameznih odločitev ali ukrepov obvezno posvetovati z Banko Slovenije. Naloge posebnega pooblaščenca lahko vključujejo zlasti preverjanje finančnega položaja banke, vodenje poslov ali dela poslov banke, da bi se ohranil ali ponovno vzpostavil finančni položaj institucije, ter sprejemanje ukrepov za ponovno vzpostavitev zanesljivega in skrbnega upravljanja banke. Če je posebni pooblaščenec pooblaščen za sklic skupščine banke, mora pred objavo sklica skupščine in določitvijo dnevnega reda skupščine obvezno pridobiti soglasje Banke Slovenije.

(7) Banka Slovenije lahko kadarkoli z odredbo odloči o spremembi vloge, pooblastil in pristojnosti posebnega pooblaščenca.

(8) Banka Slovenije lahko hkrati z ukrepom iz prvega odstavka tega člena izreče tudi ukrepe nadzora iz 249. člena tega zakona, dodatne ukrepe iz 250. člena tega zakona in druge ukrepe zgodnjega posredovanja iz 253. in 258. člena tega zakona.

260. člen

(trajanje funkcije in razrešitev posebnega pooblaščenca)

(1) Posebni pooblaščenec je lahko imenovan največ za obdobje enega leta. Mandat posebnega pooblaščenca se lahko izjemoma podaljša, če so v banki še podani razlogi iz prvega odstavka prejšnjega člena. Razlogi za podaljšanje pooblastil posebnega pooblaščenca se objavijo v okviru objave informacij v skladu z 277. členom tega zakona.

(2) Banka Slovenije lahko kadarkoli razreši posebnega pooblaščenca, če ugotovi, da so prenehali razlogi iz prvega odstavka prejšnjega člena ali če so podani drugi razlogi za njegovo razrešitev. Posebni pooblaščenec je lahko razrešen izključno na podlagi odločitve Banke Slovenije.

261. člen

(izvajanje nalog in pooblastil posebnega pooblaščenca)

Slovenia may also decide that the special representative shall consult with the Bank of Slovenia before adopting specific decisions or measures. In particular, the tasks of a special representative may include verifying a bank's financial position, managing all or some of the bank's transactions with the aim of maintaining or restoring the bank's financial position, and adopting measures to restore the reliable and prudent governance of the bank. If the special representative has the power to convene a bank's general meeting, they shall obtain the Bank of Slovenia's consent prior to publishing the convening of the general meeting and setting the agenda thereof.

(7) The Bank of Slovenia may issue an order at any time amending the role, powers and competences of the special representative.

(8) Together with the measure referred to in paragraph one of this Article, the Bank of Slovenia may also impose other supervisory measures referred to in Article 249 of this Act, the additional measures referred to in Article 250 of this Act, and the other early intervention measures referred to in Articles 253 and 258 of this Act.

Article 260

(Duration of the function and dismissal of a special representative)

(1) A special representative may be appointed for no more than one year. Exceptionally the term of office of a special representative may be extended if the reasons referred to in paragraph one of the preceding Article continue to exist at the bank. The reasons for the extension of the powers of a special representative shall be published in the context of the publication of information in accordance with Article 277 of this Act.

(2) The Bank of Slovenia may dismiss a special representative at any time if it establishes that the reasons referred to in paragraph one of the preceding Article no longer exist or if other reasons exist for that person's dismissal. A special representative may only be dismissed on the basis of a decision of the Bank of Slovenia.

Article 261

(Performing the tasks and exercising the powers of a special

representative)

(1) Posebni pooblaščenec mora pri opravljanju svojih nalog ravnati v skladu s pooblastili in omejitvami, določenimi v skladu s šestim odstavkom 259. člena tega zakona, in pri svojem delovanju v banki upoštevati navodila Banke Slovenije ter veljavne predpise, dobro poslovno prakso in najvišje strokovne ter etične standarde.

(2) Banka mora posebnemu pooblaščenцу zagotoviti stalni in neomejen dostop v prostore banke ter ustrezne prostore, v katerih lahko nemoteno opravlja svoja pooblastila v skladu z odredbo.

(3) Banka mora posebnemu pooblaščenцу omogočiti pregled vseh poslovnih knjig, spisov in druge dokumentacije ter izročiti računalniške izpiske oziroma kopije evidenc oziroma drugih poslovnih knjig in dokumentacije.

(4) Člani upravljalnega organa in zaposleni pri banki morajo posebnemu pooblaščenцу na njegovo zahtevo posredovati poročila in informacije o vseh zadevah, pomembnih za opravljanje nalog posebnega pooblaščenca v skladu z odredbo o imenovanju. V primeru imenovanja pooblaščenca s pooblastili člana uprave banke morajo člani uprave posebnemu pooblaščenцу nemudoma predati posle, za katere je pooblaščen v skladu z odredbo.

(5) Posebni pooblaščenec mora Banki Slovenije nemudoma sporočiti vse bistvene informacije, ki vplivajo ali bi lahko vplivale na presojo finančnega položaja banke ali kršitev predpisov ali internih ureditev v banki.

(6) Banka Slovenije lahko od posebnega pooblaščenca zahteva, da ji redno poroča o izvajanju svojih nalog ter da ji v določenem roku, v vsakem primeru pa ob koncu mandata, predloži poročilo v zvezi s finančnim položajem banke ter v zvezi z ukrepi, ki so bili v banki izvedeni v času njegovega imenovanja.

(1) In performing their tasks, a special representative shall act in accordance with the powers and restrictions determined in accordance with paragraph six of Article 259 of this Act and comply with the Bank of Slovenia's instructions and valid regulations, best business practices, and the highest professional and ethical standards in their work at a bank.

(2) A bank shall ensure a special representative permanent and unimpeded access to the bank's premises and other appropriate premises, in which they may exercise their powers unimpeded in accordance with the relevant order.

(3) A bank shall enable a special representative access to all books of account, files and other documentation and deliver computer printouts or copies of records or other business records and documentation.

(4) Members of the governing body and bank employees shall submit to the special representative, upon the latter's request, reports and information regarding all matters relevant to the performance of the special representative's tasks in accordance with the order on their appointment. If a special representative has the powers of a member of a bank's management board, the members of the management board shall hand over to the special representative, without delay, the transactions for which the special representative is authorised in accordance with the relevant order.

(5) A special representative shall report without delay all material information to the Bank of Slovenia that affects or could affect the assessment of a bank's financial position or breaches of regulations or the bank's internal arrangements.

(6) The Bank of Slovenia may require a special representative to report to the former regularly regarding the performance of their tasks and submit to it, by a specific time limit and in any case at the end of their term of office, a report detailing the bank's financial position and the measures implemented at the bank during that term of office.

(usklajevanje pooblastil za zgodnje posredovanje in imenovanje začasnega upravitelja za skupine)

(1) Če Banka Slovenije kot konsolidacijski nadzornik nad EU nadrejeno družbo ugotovi, da so v zvezi z EU nadrejeno družbo podane okoliščine za ukrepe zgodnjega posredovanja iz 253. člena tega zakona ali okoliščine za imenovanje posebnega pooblaščenca v skladu z 259. členom tega zakona, o tem nemudoma obvesti sodelujoče pristojne organe v kolegiju ter Evropski bančni organ in se pred uporabo teh ukrepov posvetuje s pristojnimi organi v kolegiju.

(2) Banka Slovenije kot konsolidacijski nadzornik na podlagi posvetovanja s sodelujočimi pristojnimi organi odloči, ali bo v zvezi z zadevno EU nadrejeno družbo izrekla katerega od ukrepov iz prejšnjega odstavka, pri tem pa upošteva vpliv teh ukrepov na subjekte v skupini v drugih državah članicah. Banka Slovenije odločitev o uporabi ukrepov sporoči drugim sodelujočim pristojnim organom v kolegiju in Evropskemu bančnemu organu.

(3) Če Banka Slovenije ali Evropska centralna banka, kadar je v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko odgovorna za izvajanje nalog iz (i) točke prvega odstavka 4. člena te uredbe, pri izvajanju nadzora ugotovi, da so pri banki, ki je podrejena EU nadrejeni družbi, nad katero izvaja nadzor drug konsolidacijski nadzornik, podane okoliščine za ukrepe zgodnjega posredovanja iz 253 člena tega zakona ali okoliščine za imenovanje posebnega pooblaščenca v skladu z 259. členom tega zakona, o tem obvesti Evropski bančni organ in konsolidacijskega nadzornika ter se pred uporabo navedenih ukrepov posvetuje s konsolidacijskim nadzornikom.

(4) Banka Slovenije v primeru iz prejšnjega odstavka odloči o uporabi ukrepov iz prvega odstavka tega člena v banki in pri tem upošteva oceno konsolidacijskega nadzornika, ki je podana najkasneje v treh dneh od obvestila iz prejšnjega odstavka. Banka Slovenije pri odločitvi upošteva tudi morebiten vpliv odločitve na finančno stabilnost v drugih državah članicah. Banka Slovenije obrazloženo odločitev o uporabi ukrepov sporoči banki ter konsolidacijskemu nadzorniku in drugim

(Coordination of early intervention powers and the appointment of a special representative for groups)

(1) If the Bank of Slovenia, as the consolidating supervisor of an EU parent undertaking, establishes that the circumstances exist in connection with that EU parent undertaking for the early intervention measures referred to in Article 253 of this Act or for the appointment of a special representative in accordance with Article 259 of this Act, it shall notify the other participating competent authorities within the supervisory college and the European Banking Authority accordingly without delay and consult with those competent authorities within the college before applying the aforementioned measures.

(2) Based on consultations with the participating competent authorities, the Bank of Slovenia, as the consolidating supervisor, shall decide whether it will impose any of the measures referred to in the preceding paragraph in connection with the EU parent undertaking in question, taking into account the impact of those measures on the entities in a group in other Member States. The Bank of Slovenia shall notify the other participating competent authorities within the supervisory college and the European Banking Authority of its decision to apply measures.

(3) If, during supervision, the Bank of Slovenia or the European Central Bank whenever the latter is responsible for performing the tasks referred to in Article 4(1)(i) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation establishes that the circumstances for the early intervention measures referred to in Article 253 of this Act or for the appointment of a special representative in accordance with Article 259 of this Act exist at a bank that is a subsidiary of an EU parent undertaking subject to supervision by another consolidating supervisor, it shall notify the European Banking Authority and that other consolidating supervisor accordingly and consult with the latter before applying the aforementioned measures.

(4) In the case referred to in the preceding paragraph, the Bank of Slovenia shall make a decision regarding the application of measures referred to in paragraph one of this Article at a bank, taking into account the assessment of the consolidating supervisor, which shall be issued at the latest within three days following the notification referred to in the preceding paragraph. In its decision, the Bank of Slovenia shall take into account also the potential impact of the decision on financial stability in

sodelujočim pristojnim organom v kolegiju ter Evropskemu bančnemu organu.

(5) Če Banka Slovenije kot konsolidacijski nadzornik EU nadrejene družbe v zvezi s posamezno podrejeno institucijo prejme obvestilo sodelujočega pristojnega organa iz tretjega odstavka tega člena, na podlagi obvestila oceni verjetni vpliv uvedbe ukrepov iz prvega odstavka tega člena v podrejeni družbi na skupino kot celoto ali na druge subjekte v skupini. Banka Slovenije kot konsolidacijski nadzornik to oceno v treh dneh sporoči sodelujočemu pristojnemu organu, ki je posredoval obvestilo iz tretjega odstavka tega člena.

(6) Če so podane okoliščine iz tretjega odstavka tega člena pri več podrejenih institucijah v skupini, si Banka Slovenije skupaj z drugimi sodelujočimi pristojnimi organi prizadeva, da se v petih dneh od obvestila sprejme skupna odločitev glede:

1. imenovanja istega posebnega pooblaščenca za vse zadevne institucije ali
2. usklajevanja ukrepov prvega odstavka tega člena za več kot eno institucijo, da se olajša izvajanje ukrepov za ponovno vzpostavitev finančnega položaja posamezne institucije.

(7) Banka Slovenije kot konsolidacijski nadzornik obrazloženo odločitev iz prejšnjega odstavka predloži EU nadrejeni družbi.

(8) Če skupna odločitev iz šestega odstavka tega člena ni sprejeta v petih dneh, lahko Banka Slovenije sama sprejme odločitev o uporabi ukrepov v zvezi z EU nadrejeno družbo oziroma banko, nad katero izvaja nadzor v skladu s tem zakonom in Uredbo (EU) št. 1024/2013 in pri tem upošteva mnenja in pomisleke, ki so jih drugi pristojni organi izrazili v petdnevnem obdobju posvetovanja, ter morebiten vpliv odločitve na finančno stabilnost v zadevnih državah članicah. Obrazloženo odločitev Banka Slovenije posreduje EU nadrejeni družbi

other Member States. The Bank of Slovenia shall notify the bank in question, the consolidating supervisor and other participating competent authorities within the supervisory college and the European Banking Authority of its justified decision to apply measures.

(5) If, as the consolidating supervisor of an EU parent undertaking, the Bank of Slovenia receives the notification from another participating competent authority referred to in paragraph three of this Article in connection with a specific subsidiary undertaking, it shall, based on that notification, assess the likely impact of the implementation of measures referred to in paragraph one of this Article at that subsidiary undertaking on the group as a whole or on other entities in a group. As the consolidating supervisor, the Bank of Slovenia shall forward that assessment to the participating competent authority that sent the notification referred to in paragraph three of this Article, this within three days.

(6) If the circumstances referred to in paragraph three of this Article exist at several subsidiary institutions within a group, the Bank of Slovenia, together with other participating competent authorities, shall strive to adopt a joint decision, within five days from the receipt of notification, regarding the following:

1. the appointment of the same special representative for all institutions concerned or
2. the coordination of the measures referred to in paragraph one of this Article for more than one institution in order to facilitate the implementation of measures to restore the financial position of an individual institution.

(7) As the consolidating supervisor, the Bank of Slovenia shall submit the justified decision referred to in the preceding paragraph to the EU parent undertaking.

(8) If the joint decision referred to in paragraph six of this Article is not adopted within five days, the Bank of Slovenia may make its own decision regarding the application of measures in connection with an EU parent undertaking or bank over which it exercises supervision in accordance with this Act and Regulation (EU) No 1024/2013, taking into account any opinions and reservations expressed by other competent authorities during the aforementioned five-day consultation period and the potential impact of its decision on financial stability in the Member States

oziroma banki.

(9) Banka Slovenije ali drug pristojni organ, ki je vključen v nadzor na konsolidirani podlagi, lahko pod pogoji, določenimi v desetem odstavku tega člena, predloži Evropskemu bančnemu organu zahtevo v skladu s tretjim odstavkom 19. člena Uredbe (EU) št. 1093/2010/EU glede odločitve, ki vključuje enega ali več ukrepov:

1. iz 1. in 2. točke prvega odstavka 253. člena tega zakona v zvezi s:
 - kapitalskimi in likvidnostnimi ukrepi, ki so potrebni za zagotavljanje ali obnovitev sposobnosti za uspešno delovanje in finančnega položaja institucije,
 - ureditvami in ukrepi za ohranitev ali obnovitev kapitala,
 - ureditvami in ukrepi za zagotovitev, da ima institucija ustrezen dostop do virov financiranja za nepredvidljive dogodke, vključno z možnimi viri likvidnosti, oceno razpoložljivega zavarovanja in oceno možnosti prenosa likvidnosti med subjekti v skupini in poslovnimi področji za zagotovitev, da lahko institucija še naprej opravlja svoje dejavnosti in izpolnjuje svoje obveznosti, ko te zapadejo,
 - pripravljalnimi ukrepi, ki jih je institucija sprejela ali jih namerava sprejeti za namen izvajanja načrta sanacije, vključno z ukrepi, potrebnimi za zagotovitev pravočasne dokapitalizacije institucije;
2. iz 6. in 8. točke prvega odstavka 253. člena tega zakona.

(10) Banka Slovenije ali drug pristojni organ, ki je vključen v nadzor na konsolidirani podlagi, vloži zahtevo iz prejšnjega odstavka, če:

1. se ne strinja z odločitvijo pristojnega organa ali konsolidacijskega organa, ki je sprejeta v skladu z drugim ali četrtem odstavkom tega člena, in če vloži zahtevo pred iztekom tridnevnega roka za posvetovanje; ali
2. če ni bila sprejeta skupna odločitev v skladu s šestim odstavkom tega člena in če vloži zahtevo pred iztekom petdnevnega roka za posvetovanje.

(11) Če je vložena zahteva iz devetega odstavka tega člena, Banka Slovenije prekine postopek odločanja na podlagi drugega, četrtega

concerned. The Bank of Slovenia shall forward a justified decision to the EU parent undertaking or the bank in question.

(9) The Bank of Slovenia or another competent authority included in supervision on a consolidated basis may, under the conditions laid down in paragraph ten of this Article, submit a request to the European Banking Authority in accordance with Article 19(3) of Regulation (EU) No 1093/2010 regarding a decision that includes one or more measures:

1. referred to in points 1 and 2 of paragraph one of Article 253 of this Act in connection with:
 - capital and liquidity-related measures required to ensure or restore an institution's ability to function successfully and its financial position,
 - arrangements and measures to maintain or restore capital,
 - arrangements and measures to ensure that an institution has appropriate access to sources of funding for unforeseen events, including potential sources of liquidity, the assessment of eligible collateral and the assessment of the possible transfer of liquidity between entities in a group and business areas to ensure that the institution can continue to perform its activities and settle its obligations at maturity, and
 - preparatory measures that an institution has adopted or that it intends to adopt for the purpose of implementing a recovery plan, including measures required to ensure the timely recapitalisation of the institution; and 2. referred to in points 6 and 8 of paragraph one of Article 253 of this Act.

(10) The Bank of Slovenia or other competent authority included in supervision on a consolidated basis shall file the request referred to in the preceding paragraph if:

1. it does not agree with the decision of the competent authority or consolidating supervisor adopted in accordance with paragraph two or four of this Article and if it files that request before the expiry of the three-day consultation period or
2. if a joint decision was not adopted in accordance with paragraph six of this Article and if the request is filed before the expiry of the five-day consultation period.

(11) If the request referred to in paragraph nine of this Article is filed, the Bank of Slovenia shall halt the decision-making process based

ali osmega odstavek tega člena do odločitve Evropskega bančnega organa. Če slednji na podlagi tretjega odstavka 19. člena Uredbe (EU) št. 1093/2010 sprejme svojo odločitev o zadevi v treh dneh, Banka Slovenije pri odločanju njegovo odločitev upošteva. Če Evropski bančni organ ne sprejme odločitve v treh dneh, Banka Slovenije odloči v skladu z drugim, četrtem ali osmim odstavkom tega člena.

8.3.3. *Odvzem dovoljenja za opravljanje storitev banke*

263. člen **(odvzem dovoljenja za opravljanje bančnih storitev)**

(1) Dovoljenje za opravljanje bančnih storitev se lahko odvzame, če so v banki podane kršitve iz drugega odstavka tega člena in hkrati niso podane okoliščine, iz katerih bi izhajalo, da bodo ti razlogi v ustreznem roku verjetno odpravljeni.

(2) Dovoljenje za opravljanje bančnih storitev se lahko odvzame, če:

1. je banka pridobila dovoljenje z navajanjem neresničnih podatkov;
2. banka ne izpolnjuje pogojev, ki se zahtevajo za pridobitev dovoljenja za opravljanje bančnih storitev v skladu s tem zakonom;
3. banka ne izpolnjuje več zahtev iz 3., 4. ali 6. dela Uredbe (EU) št. 575/2013 ali zahtev glede zagotavljanja kapitala ali dodatne likvidnosti banke na podlagi dodatnih ukrepov iz 250. člena tega zakona, hkrati pa ugotovljenih kršitev ni mogoče odpraviti z drugimi ukrepi nadzora;
4. če banka ne ravna v skladu z odredbo in ne odpravi kršitev ali ne izvrši ukrepov, ki jih zahteva Banka Slovenije, in ugotovljenih kršitev ni mogoče odpraviti z drugimi ukrepi nadzora;
5. ni več mogoče pričakovati, da bo banka izpolnila svoje obveznosti do upnikov, in ne zagotavlja več ustreznega jamstva za sredstva, ki so jih banki zaupali njeni vlagatelji, zlasti če ne izpolnjuje obveznosti v zvezi z zagotavljanjem sredstev za izplačilo zajamčenih vlog;

on paragraph two, four or eight of this Article until the European Banking Authority issues its own decision. If, based on Article 19(3) of Regulation (EU) No 1093/2010, the European Banking Authority adopts its own decision regarding the matter within three days, the Bank of Slovenia shall take that decision into account in its own decision-making. If the European Banking Authority does not adopt a decision within three days, the Bank of Slovenia shall make a decision in accordance with paragraph two, four or eight of this Article.

8.3.3. *Withdrawal of authorisation to provide banking services*

Article 263 **(Withdrawal of authorisation to provide banking services)**

(1) Authorisation to provide banking services may be withdrawn if a bank commits any of the breaches referred to in paragraph two of this Article and the circumstances indicate that the reasons for the aforementioned breaches are not likely to be rectified by an appropriate time limit.

(2) Authorisation to provide banking services may be withdrawn if:

1. a bank has obtained authorisation by stating false data;
2. a bank fails to meet the conditions required to obtain authorisation to provide banking services in accordance with this Act;
3. a bank no longer meets the requirements referred to in Part 3, 4 or 6 of Regulation (EU) No 575/2013 or the requirements regarding the provision of capital or additional liquidity of a bank based on the additional measures referred to in Article 250 of this Act and the identified breaches cannot be rectified by implementing other supervisory measures;
4. a bank fails to comply with an order and fails to rectify breaches or fails to implement the measures required by the Bank of Slovenia and the identified breaches cannot be rectified by implementing other supervisory measures;
5. it is no longer reasonable to expect that a bank will settle its obligations to creditors and the bank no longer provides an appropriate guarantee for the assets entrusted to it by its investors, in particular if the bank fails to fulfil its obligation to provide assets for

6. če so podani razlogi za odvzem dovoljenja za pridobitev kvalificiranega deleža osebi, ki je neposredno oziroma posredno nadrejena oseba banke;
7. če so podane okoliščine, zaradi katerih je oteženo učinkovito izvajanje nadzora nad banko, in z drugimi ukrepi nadzora ni mogoče odpraviti kršitve.

(3) Za namen iz 7. točke prejšnjega odstavka se šteje, da je izvajanje učinkovitega nadzora oteženo zlasti, če je banka poslovno ali lastniško povezana z drugimi družbami ali posamezniki na način, da zaradi medsebojnih povezav med temi osebami ni mogoče celovito oceniti tveganj, ki nastanejo za banko.

(4) Če banka ne izpolnjuje tehničnih, kadrovskih, organizacijskih oziroma drugih pogojev za opravljanje posameznih vrst poslov pri opravljanju bančnih storitev, se lahko namesto odvzema dovoljenja za opravljanje bančnih storitev banki prepove opravljati te posle.

(5) Banka Slovenije nemudoma obvesti organ, pristojen za reševanje, če ugotovi, da so v banki podani ali bodo v šestih mesecih verjetno podani razlogi iz drugega odstavka tega člena.

(6) Ne glede na prvi odstavek tega člena se dovoljenje za opravljanje bančnih storitev ne odvzame, če organ, pristojen za reševanje, v določenem roku odloči, da se v banki izvedejo ukrepi za reševanje, s katerimi se bodo odpravile okoliščine iz prvega odstavka tega člena.

264. člen

(odvzem dovoljenja za opravljanje finančnih storitev in dodatnih finančnih storitev)

(1) Banka Slovenije lahko odvzame banki dovoljenje za opravljanje finančnih ali dodatnih finančnih storitev, če:

1. je banka pridobila dovoljenje z navajanjem neresničnih podatkov;
2. banka ne izpolnjuje pogojev, ki se zahtevajo za pridobitev dovoljenja za opravljanje storitev v skladu s tem zakonom;

the payment of guaranteed deposits;

6. reasons exist to withdraw authorisation to acquire a qualifying holding from an entity that is a bank's direct or indirect parent undertaking; or
7. given conditions impede the effective supervision of a bank and breaches cannot be rectified by implementing other supervisory measures.

(3) For the purpose referred to in point 7 of the preceding paragraph, effective supervision shall be deemed impeded in particular if a bank's business or ownership links with other undertakings or individuals are such that the mutual links between those entities make it impossible to assess the risks to which the bank is exposed.

(4) If a bank fails to meet the technical, personnel, organisational or other conditions to execute specific types of transactions during the provision of banking services, the bank may be prohibited from executing those transactions in lieu of withdrawing authorisation to provide banking services.

(5) The Bank of Slovenia shall notify the resolution authority without delay if it establishes that the reasons referred to in paragraph two of this Article exist at a bank or are likely to arise at a bank within six months.

(6) Notwithstanding paragraph one of this Article, authorisation to provide banking services shall not be withdrawn if the resolution authority decides, by a specific time limit, to implement resolution measures at a bank that will rectify the circumstances referred to in paragraph one of this Article.

Article 264

(Withdrawal of authorisation to provide financial and additional financial services)

(1) The Bank of Slovenia may withdraw a bank's authorisation to provide financial or additional financial services if:

1. a bank obtained authorisation by stating false data;
2. a bank fails to meet the conditions required to obtain authorisation to provide services in accordance with this Act;

3. če banka ne ravna v skladu z zahtevo Banke Slovenije ali Evropske centralne banke in ne odpravi kršitev ali ne izvede ukrepov, da se kršitve odpravijo, ali če ne prepreči nastanek kršitev, kadar kršitve izhajajo iz dejavnosti banke pri opravljanju teh storitev;
4. če so zaradi dejavnosti banke pri opravljanju teh storitev podane okoliščine, zaradi katerih ni mogoče celovito oceniti tveganj, ki nastanejo za banko, in z drugimi ukrepi nadzora ni mogoče odpraviti kršitev.

(2) Če banka ne izpolnjuje tehničnih, kadrovskih, organizacijskih oziroma drugih pogojev za opravljanje posameznih vrst poslov pri opravljanju finančnih ali dodatnih finančnih storitev, lahko Banka Slovenije namesto odvzema dovoljenja za opravljanje finančnih ali dodatnih finančnih storitev z odločbo banki prepove opravljati posamezne posle.

(3) Banka Slovenije je v zvezi z ugotavljanjem razlogov iz prvega in drugega odstavka tega člena vezana na ugotovitve Evropske centralne banke, kadar ta v skladu z Uredbo (EU) št. 1024/2013 pri opravljanju nadzora nad banko izvaja naloge iz prvega odstavka 4. člena te uredbe.

(4) Za postopek v zvezi s prepovedjo opravljanja posameznih poslov pri opravljanju finančnih ali dodatnih finančnih storitev se smiselno uporabljajo določbe tega zakona o postopku za odvzem dovoljenja.

(5) S smiselno uporabo tega člena lahko Banka Slovenije banki izreče tudi pogojni odvzem dovoljenja za opravljanje finančnih ali dodatnih finančnih storitev.

265. člen **(pogojni odvzem dovoljenja)**

(1) Z odločbo o odvzemu dovoljenja lahko Banka Slovenije hkrati izreče, da se odvzem dovoljenja ne bo izvršil, če banka v preizkusni dobi, ki ne sme biti krajša od šestih mesecev in ne daljša od dveh let od dneva izdaje odločbe, ne bo storila nove kršitve, zaradi katere je mogoče

3. a bank fails to comply with the request of the Bank of Slovenia or the European Central Bank and fails to rectify breaches or fails to implement measures to rectify breaches or fails to prevent breaches that arise as the result of bank's actions in the provision of those services; or
4. if bank's actions in the provision of those services give rise to circumstances that impede the comprehensive assessment of the risks to which the bank is exposed and breaches cannot be rectified by implementing other supervisory measures.

(2) If a bank fails to meet the technical, personnel, organisational or other conditions to execute specific types of transactions during the provision of financial or additional financial services, the Bank of Slovenia may prohibit the bank, by way of a decision, from executing those transactions in lieu of withdrawing authorisation to provide financial or additional financial services.

(3) In connection with identifying the reasons referred to in paragraphs one and two of this Article, the Bank of Slovenia shall be bound by the findings of the European Central Bank whenever the latter performs the tasks referred to in Article 4(1) of Regulation (EU) No 1024/2013 during the supervision of a bank in accordance with the same regulation.

(4) The provisions of this Act governing the procedure for withdrawal of authorisation shall apply *mutatis mutandis* to the procedure in connection with the prohibition of the execution of specific transactions during the provision of financial or additional financial services.

(5) Applying this Article *mutatis mutandis*, the Bank of Slovenia may also impose on a bank the conditional withdrawal of authorisation to provide financial or additional financial services.

Article 265 **(Conditional withdrawal of authorisation)**

(1) In its decision to withdraw authorisation, the Bank of Slovenia may suspend the withdrawal of authorisation if, during a probationary period that shall not be shorter than six months and not longer than two years from the day the relevant decision was issued, a

odvzeti dovoljenje.

(2) Kadar Banka Slovenije v skladu s prejšnjim odstavkom banki izreče pogojni odvzem dovoljenja, lahko določi, da bo poleg primerov iz prejšnjega odstavka odvzem dovoljenja izvršen tudi, če banka v določenem roku ne odpravi kršitev, zaradi katerih ji je bil izrečen pogojni odvzem dovoljenja. Rok za izpolnitev teh obveznosti se določi Banka Slovenije v mejah preizkusne dobe.

(3) Banka Slovenije prekliče pogojni odvzem dovoljenja iz prvega odstavka tega člena in dovoljenje odvzame, če banka v preizkusni dobi stori novo kršitev, zaradi katere je mogoče odvzeti dovoljenje, ali če ne izpolni dodatnih pogojev iz prejšnjega odstavka.

8.4. Ukrepi nadzora zoper kvalificirane imetnike

266. člen **(odvzem dovoljenja za kvalificiran delež)**

(1) Dovoljenje za kvalificiran delež se odvzame, če:

1. kvalificirani imetnik, ki ima položaj nadrejene družbe, nadrejenega finančnega holdinga, nadrejenega mešanega finančnega holdinga ali nadrejenega mešanega poslovnega holdinga, krši svoje obveznosti, določene s tem zakonom, in teh kršitev kljub odredbi pristojnega organa oziroma nadzornega organa druge države članice, pristojnega za nadzor na konsolidirani podlagi, ne odpravi; ali
2. nastopijo druge okoliščine v zvezi s kvalificiranim imetnikom, na podlagi katerih se lahko v skladu z določbami tega zakona zavrne zahteva za izdajo dovoljenja za pridobitev kvalificiranega deleža.

(2) Pravne posledice, določene v 73. členu tega zakona, nastopijo z dokončnostjo odločbe o odvzemu dovoljenja za pridobitev kvalificiranega deleža.

bank does not commit a new breach that would result in the withdrawal of authorisation.

(2) Whenever the Bank of Slovenia imposes on a bank the conditional withdrawal of authorisation in accordance with the preceding paragraph, it may also decide to withdraw authorisation, in addition to the cases referred to in the preceding paragraph, if a bank fails to rectify the breach for which the conditional withdrawal of authorisation was imposed by a specific time limit. The Bank of Slovenia shall set the time limit for the fulfilment of such obligations within the limits of the probationary period.

(3) The Bank of Slovenia shall suspend the conditional withdrawal of authorisation referred to in paragraph one of this Article and withdraw the authorisation if a bank commits a new breach during the probationary period that would result in the withdrawal of authorisation or if it fails to satisfy the additional conditions referred to in the preceding paragraph.

8.4. Supervisory measures against qualifying holders

Article 266 **(Withdrawal of authorisation to acquire a qualifying holding)**

(1) Authorisation to acquire a qualifying holding shall be withdrawn if:

1. the qualifying holder, as a parent undertaking, parent financial holding company, parent mixed financial holding company or parent mixed-activity holding company, breaches its obligations determined in this Act and fails to rectify those breaches despite an order of the competent authority or the supervisory authority of another Member State responsible for supervision on a consolidated basis or
2. other circumstances arise in connection with the qualifying holder based on which an application for authorisation to acquire a qualifying holding may be rejected in accordance with the provisions of this Act.

(2) The legal consequences provided in Article 73 of this Act shall arise when a decision to withdraw authorisation to acquire a qualifying holding becomes final.

267. člen
(odredba o odsvojitvi delnic)

(1) Če neupravičeni imetnik v enem mesecu od pridobitve delnic banke ne vloži zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža, mu Banka Slovenije z odredbo naloži, da delnice, ki jih ima v nasprotju s tem zakonom, odsvoji (v nadaljnjem besedilu: odredba o odsvojitvi delnic).

(2) V odredbi o odsvojitvi delnic mora Banka Slovenije določiti rok za odsvojitve delnic, ki ne sme biti krajši od treh in ne daljši od šestih mesecev.

(3) Prvi in drugi odstavek tega člena se smiselno uporabljata tudi:

1. če neupravičeni imetnik v enem mesecu od pridobitve delnic vloži zahtevo za izdajo dovoljenja za pridobitev kvalificiranega deleža in je ta zahteva zavrnjena, zavržena ali umaknjena,
2. če je imetniku odvzeto dovoljenje za pridobitev kvalificiranega deleža.

(4) Za odredbo o odsvojitvi delnic se uporabljajo določbe tega zakona o odredbi.

268. člen
(poročilo o odsvojitvi delnic in ugotovitvena odločba o odpravljenih kršitvah)

(1) Neupravičeni imetnik mora do izteka roka, določenega v odredbi o odsvojitvi delnic, Banki Slovenije predložiti poročilo o odsvojitvi delnic, ki mora obsegati:

1. dokaze o odsvojitvi in
2. podatke o pridobitelju oziroma pridobiteljih delnic.

(2) Banka Slovenije lahko od pridobitelja delnic iz prejšnjega odstavka zahteva, da se izjasni, ali je delnice pridobil v svojem imenu in za svoj račun, ter pridobi druge dokaze o okoliščini, za čigav račun je pridobitelj pridobil delnice.

Article 267
(Order to dispose of shares)

(1) If an ineligible holder fails to file an application for authorisation to acquire a qualifying holding within one month following the acquisition of bank shares, the Bank of Slovenia shall issue an order to that holder to dispose of shares that it holds in contravention of this Act (hereinafter: order to dispose of shares).

(2) In its order to dispose of shares, the Bank of Slovenia shall set a time limit for the disposal of those shares that shall be a minimum of three months and a maximum of six months.

(3) Paragraphs one and two of this Article shall also apply *mutatis mutandis* if:

1. an ineligible holder files an application for authorisation to acquire a qualifying holding within one month following the acquisition of shares and that application is rejected, dismissed or withdrawn or
2. the holder's authorisation to acquire a qualifying holding is withdrawn.

(4) The provisions of this Act governing orders shall apply to an order to dispose of shares.

Article 268
(Report on the disposal of shares and declaratory decision on the rectification of breaches)

(1) An ineligible holder shall submit a report on the disposal of shares to the Bank of Slovenia by the expiry of the time limit set in the order to dispose of shares, which shall include:

1. evidence regarding disposal and
2. data regarding the acquirer or acquirers of the shares.

(2) The Bank of Slovenia may require the acquirer of shares referred to in the preceding paragraph to clarify whether they acquired the shares on their own behalf and for their own account and obtain other evidence regarding the circumstance for whose account the acquirer acquired those shares.

(3) V postopku iz prejšnjega odstavka se smiselno uporabljata prvi in drugi odstavek 339. člena tega zakona.

(4) Če Banka Slovenije pri izvajanju nadzora ugotovi, da je imetnik pridobil delnice banke v nasprotju s tem zakonom in v enem mesecu od pridobitve delnic ni vložil zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža, vendar je odsvojil delnice banke pred izdajo odredbe o odsvojitvi delnic iz prejšnjega člena, lahko Banka Slovenije pod pogoji iz petega odstavka tega člena izda ugotovitveno odločbo, s katero ugotovi, da je imetnik pridobil delnice v nasprotju s tem zakonom in da je ugotovljeno kršitev odpravil.

(5) Banka Slovenije izda ugotovitveno odločbo iz prejšnjega odstavka, če glede na naravo in pomen kršitev za varno in skrbno upravljanje banke izdaja takšne odločbe in objava informacij na podlagi 277. člena tega zakona lahko pomembno prispeva k izboljšanju praks upravljanja bank in k preprečevanju ravnanj, ki pomenijo kršitev tega zakona.

(6) Banka Slovenije pred izdajo ugotovitvene odločbe iz četrtega odstavka tega člena neupravičenega imetnika pisno obvesti o ugotovitvah v zvezi s kršitvami predpisov iz drugega odstavka 9. člena tega zakona ter o nameri, da bo izdala ugotovitveno odločbo o odpravljenih kršitvah, in ga pozove, da se izjavi o dejstvih in okoliščinah, ki so pomembne za odločitev o izdaji ugotovitvene odločbe o odpravi kršitev.

269. člen

(odločba o prepovedi uresničevanja pravic iz delnic)

(1) Če neupravičeni imetnik delnic ne odsvoji v roku, določenem z odredbo o odsvojitvi delnic, ali če Banka Slovenije ugotovi, da ima pridobitelj delnice, ki so bile predmet odredbe o odsvojitvi delnic, v svojem imenu in za račun neupravičenega imetnika (v nadaljnjem besedilu: neupravičeni pridobitelj), Banka Slovenije z odločbo prepove

(3) Paragraphs one and two of Article 339 of this Act shall apply *mutatis mutandis* to the procedure referred to in the preceding paragraph.

(4) If, during supervision, the Bank of Slovenia establishes that a holder acquired bank shares in contravention of this Act and failed to file an application for authorisation to acquire a qualifying holding within one month following the acquisition of those shares but the holder disposed of those bank shares prior to the issue of an order to dispose of shares referred to in the preceding Article, the Bank of Slovenia may issue a declaratory decision, under the conditions referred to in paragraph five of this Article, finding that the holder acquired those shares in contravention of this Act and that the holder rectified the breach identified.

(5) The Bank of Slovenia shall issue the declaratory decision referred to in the preceding paragraph if, given the nature and significance of the breach for the secure and prudent governance of a bank, the issue of such a decision and the publication of the information based on Article 277 of this Act could contribute significantly to improving the governance practices of banks and to preventing conduct that would result in a breach of this Act.

(6) Prior to issuing the declaratory decision referred to in paragraph four of this Article, the Bank of Slovenia shall notify an ineligible holder in writing of its findings in connection with breaches of regulations referred to in paragraph two of Article 9 of this Act and of its intent to issue a declaratory decision on the rectification of breaches and shall call on the holder to issue a statement regarding the facts and circumstances relevant for a decision to issue a declaratory decision on the rectification of breaches.

Article 269

(Decision prohibiting the exercising of rights attached to shares)

(1) If an ineligible holder fails to dispose of shares by the time limit defined in an order to dispose of shares or if the Bank of Slovenia establishes that the acquirer of the shares that were the subject of the aforementioned order to dispose of shares holds those shares on their own behalf and for the account of an ineligible holder (hereinafter:

neupravičenemu imetniku in morebitnim neupravičenim pridobiteljem uresničevanje vseh pravic iz delnic banke, ki jih imajo v nasprotju s tem zakonom (v nadaljnjem besedilu: odločba o prepovedi uresničevanja pravic iz delnic).

(2) Po izdaji odločbe o prepovedi uresničevanja pravic iz delnic lahko neupravičeni imetnik in morebitni neupravičeni pridobitelji skupno uresničujejo samo še pravice iz števila delnic, ki se izračuna s smiselno uporabo drugega odstavka 73. člena tega zakona.

(3) Izrek odločbe o prepovedi uresničevanja pravic iz delnic mora obsegati:

1. podatke o neupravičenem imetniku, in če je imetnik delnice odsvojil neupravičenemu pridobitelju, tudi podatke o neupravičenem pridobitelju ali pridobiteljih;
2. število delnic, iz katerih lahko neupravičeni imetnik in morebitni neupravičeni pridobitelji skupno uresničujejo pravice iz delnic.

(4) Odločba o prepovedi uresničevanja pravic iz delnic se vroči tudi banki. Banka od vročitve odločbe neupravičenemu imetniku in neupravičenim pridobiteljem iz delnic, na katere se odločba nanaša, ne sme omogočiti uresničevanja nobenih pravic iz teh delnic.

(5) Če je banka v obdobju od vročitve odločbe o prepovedi uresničevanja pravic iz delnic do dneva, ko je delnice, na katere se je nanašala ta odločba, pridobil nov imetnik v skladu s tem zakonom, izplačala dividendo, mora banka dividendo, ki pripade navedenim delnicam, izplačati novemu imetniku v osmih dneh, potem ko jo novi imetnik obvesti o pridobitvi delnic.

8.5. Ukrepi nadzora zoper člana upravljalnega organa

270. člen

(odredba članu upravljalnega organa in ugotovitvena odločba o odpravljenih kršitvah)

ineligible acquirer), the Bank of Slovenia shall issue a decision prohibiting the ineligible holder and potential ineligible acquirers from exercising all rights attached to bank shares held in contravention of this Act (hereinafter: decision prohibiting the exercising of rights attached to shares).

(2) Following the issue of a decision prohibiting the exercising of rights attached to shares, an ineligible holder and potential ineligible acquirers may jointly exercise only those rights attached to the number of shares calculated *mutatis mutandis* in accordance with paragraph two of Article 73 of this Act.

(3) The operational part of a decision prohibiting the exercising of rights attached to shares shall include:

1. data regarding the ineligible holder and, if the latter disposed of those shares to an ineligible acquirer, data regarding the ineligible acquirer or acquirers and
2. the number of shares bearing rights attached to shares that the ineligible holder and potential ineligible acquirers may exercise jointly.

(4) The decision prohibiting the exercising of rights attached to shares shall also be delivered to the bank in question. After delivery of the aforementioned decision to the ineligible holder and ineligible acquirers of the shares to which the decision relates, the bank shall not permit the exercising of any rights attached to those shares.

(5) If the bank paid dividends during the period following the delivery of the decision prohibiting the exercising of rights attached to shares up until the date the shares to which this decision related are acquired by a new holder in accordance with this Act, the bank shall pay a dividend pertaining to those shares to the new holder within eight days from the new holder's notification of acquisition of those shares.

8.5. Supervisory measures against a member of the governing body

Article 270

(Order imposed on a member of the governing body and declaratory decision on the rectification of breaches)

(1) Če Banka Slovenije pri izvajanju nadzora nad banko ugotovi, da član uprave banke krši dolžnosti iz prvega ali drugega odstavka 45. člena tega zakona ali da član nadzornega sveta krši dolžnosti člana nadzornega sveta banke iz prvega odstavka 55. člena tega zakona, in ni razlogov za odvzem dovoljenja za opravljanje funkcije člana uprave oziroma člana nadzornega sveta banke, članu upravljalnega organa z odredbo naloži, da preneha določena ravnanja ali odpravi ugotovljene kršitve.

(2) Banka Slovenije obvesti nadzorni svet in upravo banke o izdaji odredbe iz prejšnjega odstavka.

(3) Če Banka Slovenije pri izvajanju nadzora ugotovi, da je član upravljalnega organa kršil dolžnosti na podlagi tega zakona, vendar je kršitve odpravil pred izdajo odredbe iz prvega odstavka tega člena in ni razlogov za odvzem dovoljenja za opravljanje funkcije, lahko Banka Slovenije pod pogoji iz četrtega odstavka tega člena izda ugotovitveno odločbo, s katero ugotovi, da je član upravljalnega organa kršil svoje dolžnosti na podlagi tega zakona in da je ugotovljeno kršitev odpravil.

(4) Banka Slovenije izda ugotovitveno odločbo iz prejšnjega odstavka, če glede na naravo in pomen kršitev za varno in skrbno upravljanje banke izdaja takšne odločbe in objava informacij na podlagi 277. člena tega zakona lahko pomembno prispeva k izboljšanju praks upravljanja bank in k preprečevanju ravnanj, ki pomenijo kršitev dolžnosti članov upravljalnih organov bank.

(5) Banka Slovenije pred izdajo ugotovitvene odločbe iz tretjega odstavka tega člena člana upravljalnega organa pisno obvesti o ugotovitvah v zvezi s kršitvami predpisov iz drugega odstavka 9. člena tega zakona ter o nameri, da bo izdala ugotovitveno odločbo o odpravljenih kršitvah, ter ga pozove, da se izjavi o dejstvih in okoliščinah, ki so pomembne za odločitev o izdaji ugotovitvene odločbe o odpravi kršitev. Banka Slovenije lahko izda ugotovitveno odločbo iz tretjega odstavka tega člena tudi v primeru, da je funkcija članu upravljalnega

(1) If, during the supervision of a bank, the Bank of Slovenia establishes that a member of the bank's management board is in breach of their duties referred to in paragraph one or two of Article 45 of this Act or that a member of the supervisory board is in breach of their duties referred to in paragraph one of Article 55 of this Act and no reasons exist for the withdrawal of authorisation to perform the function of member of the bank's management board or supervisory board, the member of the governing body shall be issued with an order to cease specific activities or rectify identified breaches.

(2) The Bank of Slovenia shall notify the supervisory board and management board of the bank with regard to the issue of the order referred to in the preceding paragraph.

(3) If, during supervision, the Bank of Slovenia establishes that a member of the governing body was in breach of their duties under this Act but that member rectified the breaches prior to the issue of the order referred to in paragraph one of this Article and no reasons exist for the withdrawal of authorisation to perform the function in question, the Bank of Slovenia may issue a declaratory decision, under the conditions referred to in paragraph four of this Article, finding that the member of the governing body breached their duties under this Act and that the member in question rectified that breach.

(4) The Bank of Slovenia shall issue the declaratory decision referred to in the preceding paragraph if, given the nature and significance of the breach for the secure and prudent governance of the bank, the issue of such a decision and the publication of the information based on Article 277 of this Act could contribute significantly to improving governance practices of banks and to preventing conduct that would result in a breach of the duties of members of banks' governing bodies.

(5) Prior to issuing the declaratory decision referred to in paragraph three of this Article, the Bank of Slovenia shall notify the member of the governing body in writing of its findings in connection with breaches of the regulations referred to in paragraph two of Article 9 of this Act and of its intent to issue a declaratory decision on the rectification of breaches and shall call on the member of the governing body to issue a statement regarding the facts and circumstances relevant for a decision to issue a declaratory decision on the rectification of breaches. The Bank of

organa banke pred izdajo takšne odločbe prenehala.

271. člen
(odvzem dovoljenja za opravljanje funkcije člana uprave banke)

(1) Dovoljenje za opravljanje funkcije člana uprave banke se odvzame, če:

1. je bilo dovoljenje za opravljanje funkcije člana uprave pridobljeno z navajanjem neresničnih podatkov in je to bistveno vplivalo na odločitve o izdaji dovoljenja;
2. član po imenovanju za člana uprave banke sprejme direktorsko funkcijo v nasprotju s 36. členom tega zakona ali ne izpolnjuje več pogojev iz 38. člena tega zakona za imenovanje za člana uprave banke;
3. član huje krši dolžnosti člana uprave iz 45. člena tega zakona.

(2) Kršitev dolžnosti člana uprave ima značilnost hujše kršitve, če:

1. so zaradi ravnanja člana uprave posledično v banki podane okoliščine iz drugega odstavka 249. člena tega zakona ali kršitve iz prvega odstavka 373. člena tega zakona;
2. član uprave ne ravna v skladu z odredbo iz prejšnjega člena; ali
3. član uprave ponovno krši dolžnosti člana uprave iz 45. člena tega zakona z ravnanji enakih ali podobnih značilnosti.

(3) Banka Slovenije se v primeru iz prvega odstavka tega člena pred izdajo odločbe o odvzemu dovoljenja za opravljanje funkcije člana uprave banke, ki je vključena v skupino skupaj z bankami drugih držav članic, posvetuje s pristojnim organom države članice, če odločitev Banke Slovenije vpliva ali bi lahko vplivala na izvajanje nalog pristojnega organa druge države članice v zvezi z izvajanjem nadzora nad banko države članice.

Slovenia may issue the declaratory decision referred to in paragraph three of this Article also if the function of the member of the bank's governing body is terminated before the issue of such a decision.

Article 271
(Withdrawal of authorisation to perform the function of member of a bank's management board)

(1) Authorisation to perform the function of a member of a bank's management board shall be withdrawn if:

1. authorisation to perform the function of a member of a bank's management board was obtained by stating false data and that action had a significant impact on the decision to issue authorisation;
2. the member accepts a directorship in contravention of Article 36 of this Act following their appointment to a position of a member of a bank's management board or they no longer meet the conditions referred to in Article 38 of this Act for appointment to a position of a member of a bank's management board; or
3. the member is in serious breach of the duties of a member of a management board referred to in Article 45 of this Act.

(2) A breach of duties of a member of a management board shall be deemed serious if:

1. the circumstances referred to in paragraph two of Article 249 of this Act arise at the bank or if the breach referred to in paragraph one of Article 373 of this Act occurs as the result of the conduct of a management board member;
2. the member of a management board fails to comply with the order referred to in the preceding Article; or
3. the member of a management board repeats the breach of duties of the member of a management board referred to in Article 45 of this Act through the same or similar conduct.

(3) In the case referred to in paragraph one of this Article, the Bank of Slovenia shall consult with the competent authority of another Member State prior to issuing a decision to withdraw authorisation to perform the function of a member of the management board of a bank that is part of a group that includes other Member State banks if the Bank of Slovenia's decision affects or could affect the performance of tasks of the competent authority of another Member State in connection with the

supervision of a Member State bank.

272. člen

(pogojni odvzem dovoljenja za opravljanje funkcije člana uprave)

(1) Če so v zvezi s kršitvami člana uprave iz prvega odstavka prejšnjega člena podane posebne olajševalne okoliščine, lahko Banka Slovenije z odločbo o odvzemu dovoljenja za opravljanje funkcije člana uprave odloči, da se odvzem dovoljenja ne bo izvršil, če član uprave v preizkusnem obdobju, ki ga določi Banka Slovenije in ki ne sme biti krajše od šestih mesecev in ne daljše od dveh let od dneva izdaje odločbe, ne bo storil nove kršitve, zaradi katere je mogoče odvzeti dovoljenje.

(2) Banka Slovenije prekliče pogojni odvzem dovoljenja in dovoljenje odvzame, če član uprave v preizkusnem obdobju stori novo kršitev, zaradi katere je mogoče odvzeti dovoljenje.

273. člen

(prepoved opravljanja funkcije člana nadzornega sveta banke)

(1) Banka Slovenije članu nadzornega sveta banke z odločbo prepove opravljanje funkcije, če:

1. član ob imenovanju ali po nastopu funkcije ne izpolnjuje več pogojev za imenovanje iz prvega odstavka 53. člena tega zakona;
2. imenovanje člana ni v skladu s 34. členom tega zakona; ali
3. član huje krši dolžnosti člana nadzornega sveta banke iz 55. člena tega zakona.

(2) Kršitev dolžnosti člana nadzornega sveta banke iz 55. člena tega zakona ima značilnost hujše kršitve, če:

Article 272

(Conditional withdrawal of authorisation to perform the function of member of a bank's management board)

(1) If special mitigating circumstances arise in connection with the breaches by a member of a management board referred to in paragraph one of the preceding Article, the Bank of Slovenia may suspend the withdrawal of authorisation to perform the function of a member of a bank's management board if, during the probationary period set by the Bank of Slovenia, which shall be no shorter than six months and no longer than two years from the day the relevant decision was issued, the member of a management board does not commit a new breach that would result in the withdrawal of authorisation.

(2) The Bank of Slovenia shall suspend the conditional withdrawal of authorisation and withdraw authorisation if the member of a management board commits a new breach that would result in the withdrawal of authorisation during the probationary period.

Article 273

(Prohibition of the performance of the function of member of a bank's supervisory board)

(1) The Bank of Slovenia shall issue a decision prohibiting the performance of function to a member of a bank's supervisory board if:

1. at the time of appointment or following the assumption of their function, that member no longer meets the conditions for appointment referred to in paragraph one of Article 53 of this Act;
2. the appointment of the member in question is not in accordance with Article 34 of this Act; or
3. the member is in serious breach of the duties of a member of a bank's supervisory board referred to in Article 55 of this Act.

(2) A member of a bank's supervisory board shall be deemed in serious breach of the duties referred to in Article 55 of this Act if:

1. so zaradi ravnanja člana nadzornega sveta v banki podane okoliščine iz drugega odstavka 250. člena tega zakona ali kršitve iz prvega odstavka 373. člena tega zakona;
2. član nadzornega sveta banke ponovno krši dolžnosti iz 55. člena z ravnanji enakih ali podobnih značilnosti; ali 3. član nadzornega sveta banke ne odpravi kršitev v skladu z odredbo iz 270. člena tega zakona.

(3) Banka Slovenije se v primeru iz prvega odstavka tega člena pred izdajo odločbe o prepovedi opravljanja funkcije člana nadzornega sveta banke, ki je vključena v skupino skupaj z bankami drugih držav članic, posvetuje s pristojnim organom države članice, če odločitev Banke Slovenije vpliva ali bi lahko vplivala na izvajanje nalog pristojnega organa druge države članice v zvezi z izvajanjem nadzora nad banko države članice.

(4) Za odločbo o prepovedi opravljanja funkcije člana nadzornega sveta banke se smiselno uporabljajo določbe tega zakona o odločbi o odvzemu dovoljenja.

8.6. Razkritja v zvezi z nadzorom

274. člen **(razkritje splošnih informacij o nadzoru)**

(1) Banka Slovenije na svoji spletni strani javno objavi naslednje informacije:

1. besedila zakonov in drugih predpisov ter smernice in navodila, ki se uporabljajo v Republiki Sloveniji v zvezi s poslovanjem in nadzorom bank;
2. način izvrševanja opcij in diskrecij iz Direktive 2013/36/EU in Uredbe (EU) št. 575/2013;
3. splošna merila in metodologije, ki jih uporablja Banka Slovenije pri pregledovanju in ovrednotenju iz 172. člena tega zakona.

1. the circumstances referred to in paragraph two of Article 250 of this Act arise at the bank or if the breach referred to in paragraph one of Article 373 of this Act occurs as the result of the conduct of the member of the supervisory board;
2. the member of the bank's supervisory board repeats the breach of duties referred to in Article 55 through the same or similar conduct; or 3. the member of the bank's supervisory board fails to rectify the breaches in accordance with the order referred to in Article 270 of this Act.

(3) In the case referred to in paragraph one of this Article, the Bank of Slovenia shall consult with the competent authority of another Member State prior to issuing a decision prohibiting the performance of the function of a member of the supervisory board of a bank that is part of a group that includes other Member State banks if the Bank of Slovenia's decision affects or could affect the performance of tasks of the competent authority of another Member State in connection with the supervision of a Member State bank.

(4) The provisions of this Act governing the decision to withdraw authorisation shall apply *mutatis mutandis* to a decision prohibiting the performance of the function of a member of a bank's supervisory board.

8.6. Disclosures in connection with supervision

Article 274 **(Disclosure of general information regarding supervision)**

(1) The Bank of Slovenia shall publish the following information on its website:

1. the texts of Acts, other regulations and guidelines and instructions applied in the Republic of Slovenia in connection with the operations and supervision of banks;
2. the manner in which the options and discretions referred to in Directive 2013/36/EU and Regulation (EU) No 575/2013 are exercised; and
3. the general criteria and methodologies applied by the Bank of Slovenia in the review and evaluation referred to in Article 172 of this

(2) Brez poseganja v določbe tega zakona, ki urejajo obveznost varovanja zaupnih informacij, pridobljenih pri opravljanju nadzora, Banka Slovenije na svoji spletni strani javno objavi agregatne statistične podatke o ključnih vidikih ureditve in uresničevanja pravil glede varnega in skrbnega upravljanja tveganj v bankah, ter zbirne informacije glede števila in narave ukrepov nadzora, ki jih je izrekla na podlagi tega zakona zaradi kršitev tega zakona ali Uredbe (EU) št. 575/2013, vključno z izrečenimi sankcijami v postopkih zaradi prekrškov.

(3) Razkritja iz prvega in drugega odstavka tega člena morajo biti zadostna, da omogočajo razumljivo primerjavo pristopov, ki jih uporabljajo pristojni organi različnih držav članic.

(4) Banka Slovenije vsa razkritja iz prvega in drugega odstavka tega člena objavi kot celovito informacijo ter jih redno dopolnjuje in posodablja.

275. člen **(razkritje posebnih informacij o nadzoru)**

(1) Banka Slovenije v zvezi z izvajanjem pristojnosti na podlagi 5. dela Uredbe (EU) št. 575/2013 na svoji spletni strani javno objavi tudi naslednje informacije:

1. sprejeta splošna merila in metodologije za pregled skladnosti s 405. do 409. členom Uredbe (EU) št. 575/2013;
2. povzetek izida nadzorniškega pregledovanja in opis izrečenih ukrepov v primerih ugotovljenih neskladnosti z zahtevami iz 405. do 409. člena Uredbe (EU) št. 575/2013, ugotovljenih na letni ravni.

(2) Če Banka Slovenije izvršuje diskrecijsko možnost iz tretjega odstavka 7. člena Uredbe (EU) št. 575/2013, na svoji spletni strani javno objavi tudi naslednje informacije:

1. merila, s katerimi določi, da ni trenutnih ali predvidenih pomembnih praktičnih ali pravnih ovir za takojšnji prenos kapitala ali poravnavo

Act.

(2) Without prejudice to the provisions of this Act governing the obligation to protect confidential information obtained during the performance of supervision, the Bank of Slovenia shall publish aggregate statistical data on its website on key aspects regarding arrangements and the implementation of rules on the secure and prudent management of risks to which banks are exposed and aggregate information regarding the number and nature of supervisory measures imposed by the Bank of Slovenia on the basis of this Act due to breaches of this Act or Regulation (EU) No 575/2013, including sanctions imposed in minor offence proceedings.

(3) The disclosures referred to in paragraphs one and two of this Article shall be sufficient to facilitate a meaningful comparison of the approaches used by the competent authorities of different Member States.

(4) The Bank of Slovenia shall publish all of the disclosures referred to in paragraphs one and two of this Article as complete information and shall supplement and update them regularly.

Article 275 **(Disclosure of special information regarding supervision)**

(1) The Bank of Slovenia shall also publish the following information on its website in connection with the exercising of its powers on the basis of Part 5 of Regulation (EU) No 575/2013:

1. the general criteria and methodologies adopted to review compliance with Articles 405 to 409 of Regulation (EU) No 575/2013;
2. a summary of the outcome of the supervisory review and a description of measures imposed in cases of identified non-compliance with requirements referred to in Articles 405 to 409 of Regulation (EU) No 575/2013, identified on an annual basis.

(2) If it exercises the discretion referred to in Article 7(3) of Regulation (EU) No 575/2013, the Bank of Slovenia shall also publish the following information on its website:

1. the criteria it applies to determine that there is no current or foreseen material practical or legal impediment to the prompt transfer of capital

obveznosti;

2. število nadrejenih bank, ki jim je Banka Slovenije dovolila uporabo diskrecijske možnosti iz tretjega odstavka 7. člena Uredbe (EU) št. 575/2013 ter število takšnih nadrejenih bank, ki imajo podrejeno družbo v tretji državi;
3. na zbirni podlagi za Republiko Slovenijo:
 - skupni znesek kapitala nadrejenih bank na konsolidirani podlagi, ki uporabljajo diskrecijsko možnost iz tretjega odstavka 7. člena Uredbe (EU) št. 575/2013 in ga izkazujejo v podrejenih družbah s sedežem v tretjih državah,
 - delež kapitala, ki je v podrejenih družbah s sedežem v tretji državi v skupnem kapitalu nadrejenih bank na konsolidirani podlagi, ki uporabljajo diskrecijsko možnost iz tretjega odstavka 7. člena Uredbe (EU) št. 575/2013,
 - delež kapitala, ki je v podrejenih družbah s sedežem v tretji državi v skupnem kapitalu nadrejenih bank na konsolidirani podlagi zahtevan v skladu s 92. členom Uredbe (EU) št. 575/2013, ki uporabljajo diskrecijsko možnost iz tretjega odstavka 7. člena Uredbe (EU) št. 575/2013.

(3) Če Banka Slovenije izvršuje diskrecijsko možnost iz prvega odstavka 9. člena Uredbe (EU) št. 575/2013, na svoji spletni strani javno objavi tudi naslednje informacije:

1. merila, s katerimi določi, da ni trenutnih ali predvidenih pomembnih praktičnih ali pravnih ovir za takojšnji prenos kapitala ali poravnavo obveznosti;
2. število nadrejenih bank, ki jim je Banka Slovenije dovolila uporabo diskrecijske možnosti iz prvega odstavka 9. člena Uredbe (EU) št. 575/2013, ter število takšnih nadrejenih bank, ki imajo podrejene družbe v tretji državi;
3. na zbirni podlagi za Republiko Slovenijo:
 - skupni znesek kapitala nadrejenih bank, ki uporabljajo diskrecijsko možnost iz prvega odstavka 9. člena Uredbe (EU) št. 575/2013 in ga izkazujejo v podrejenih družbah v tretjih državah,
 - delež kapitala, ki je v podrejenih družbah s sedežem v tretji državi v skupnem kapitalu nadrejenih bank, ki uporabljajo diskrecijsko možnost iz prvega odstavka 9. člena Uredbe (EU) št. 575/2013,
 - delež kapitala, ki je v podrejenih družbah s sedežem v tretji državi v skupnem kapitalu nadrejenih bank na konsolidirani podlagi zahtevan v skladu s 92. členom Uredbe (EU) št. 575/2013, ki

or settlement of liabilities;

2. the number of parent banks to which the Bank of Slovenia has permitted the application of the discretion referred to in Article 7(3) of Regulation (EU) No 575/2013 and the number of such parent banks with a subsidiary in a third country; and
3. on an aggregate basis for the Republic of Slovenia:
 - the total amount of capital of parent banks on a consolidated basis that apply the discretion referred to in Article 7(3) of Regulation (EU) No 575/2013 which is held in subsidiaries established in third countries,
 - the proportion of capital held in subsidiaries established in third countries in total capital of parent banks on a consolidated basis that apply the discretion referred to in Article 7(3) of Regulation (EU) No 575/2013;
 - the proportion of capital held in subsidiaries established in third countries in the total capital of parent banks on a consolidated basis required under Article 92 of Regulation (EU) No 575/2013 that apply the discretion referred to in Article 7(3) of Regulation (EU) No 575/2013;

(3) If the Bank of Slovenia exercises the discretion referred to in Article 9(1) of Regulation (EU) No 575/2013, it shall also publish the following information on its website:

1. the criteria it applies to determine that there is no current or foreseen material practical or legal impediment to the prompt transfer of capital or settlement of liabilities;
2. the number of parent banks to which the Bank of Slovenia has permitted the application of the discretion referred to in Article 9(1) of Regulation (EU) No 575/2013 and the number of such parent banks with a subsidiary in a third country; and
3. on an aggregate basis for the Republic of Slovenia:
 - the total amount of capital of parent banks that apply the discretion referred to in Article 9(1) of Regulation (EU) No 575/2013 which is held in subsidiaries in third countries,
 - the proportion of capital held in subsidiaries established in third countries in the total capital of parent banks that apply the discretion referred to in Article 9(1) of Regulation (EU) No 575/2013;
 - the proportion of capital held in subsidiaries established in third countries in the total capital of parent banks on a consolidated basis required under Article 92 of Regulation (EU) No 575/2013

uporabljajo diskrecijsko možnost iz prvega odstavka 9. člena Uredbe (EU) št. 575/2013.

(4) Banka Slovenije informacije iz prvega do tretjega odstavka tega člena razkrije v obliki zbirnega podatka oziroma povzetka, iz katerega ni mogoče prepoznati posamezne banke oziroma druge posamezne osebe, na katero se informacije nanašajo.

276. člen **(razkritje informacij o izdanih dovoljenjih)**

(1) Banka Slovenije na svojih spletnih straneh javno objavi informacije o izdanih dovoljenjih za opravljanje storitev bank, za pridobitev kvalificiranega deleža ter za opravljanje funkcije člana uprave ali funkcije člana nadzornega sveta banke.

(2) Ne glede na druge določbe tega zakona, ki določajo zaupnost informacij Banke Slovenije, Banka Slovenije na svojih spletnih straneh objavi izrek odločbe o zavrnitvi zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža, s povzetkom razlogov za tako odločitev, če tako zahteva vložnik te zahteve.

277. člen **(razkritje informacij o izrečenih ukrepih)**

(1) Banka Slovenije z namenom preprečevanja in odvracanja ravnanj, ki pomenijo kršitev tega zakona ali Uredbe (EU) št. 575/2013, javno objavi informacije iz drugega odstavka tega člena v zvezi z ukrepi nadzora in sankcijami zaradi prekrška, ki jih je izrekla zaradi kršitev tega zakona ali Uredbe (EU) št. 575/2013 in je postopek z izdajo ukrepa ali sankcije dokončen.

(2) Informacije iz prejšnjega odstavka obsegajo naslednje podatke:

1. o kršitelju:
 - o nazivu in sedežu pravne osebe, ali
 - o osebnem imenu fizične osebe;

that apply the discretion referred to in Article 9(1) of Regulation (EU) No 575/2013.

(4) The Bank of Slovenia shall disclose the information referred to in paragraphs one to three of this Article in aggregate form or as a summary, from which an individual bank or other person to which such information relates cannot be identified.

Article 276 **(Disclosure of information regarding issued authorisations)**

(1) The Bank of Slovenia shall publish on its website information regarding issued authorisations to provide banking services, to acquire a qualifying holding, and to perform the function of a member of a bank's management board or supervisory board.

(2) Notwithstanding other provisions of this Act determining the confidentiality of information of the Bank of Slovenia, the Bank of Slovenia shall publish on its website the operational part of its decision to reject an application for authorisation to acquire a qualifying holding, including a summary of the reasons for such a decision, if so requested by the applicant.

Article 277 **(Disclosure of information regarding imposed measures)**

(1) With the purpose of preventing and deterring conduct that represents a breach of this Act or Regulation (EU) No 575/2013, the Bank of Slovenia shall publish the information referred to in paragraph two of this Article in connection with supervisory measures and sanctions due to the offence imposed due to breaches of this Act or Regulation (EU) No 575/2013 after the process of imposing measures or sanctions has been completed.

(2) The information referred to in the preceding paragraph shall include the following data:

1. regarding the person who committed the breach:
 - the name and registered office of the legal person or
 - the name of the natural person;

2. o kršitvi:
 - opis okoliščin in ravnanj, ki pomenijo kršitev tega zakona ali Uredbe (EU) št. 575/2013,
 - naravo ugotovljenih kršitev;
3. izrek odločbe s katero se postopek konča;
4. informacijo o tem, ali je zoper odločbo začet postopek sodnega varstva v skladu s tem zakonom.

(3) Ne glede na prvi in drugi odstavek tega člena lahko Banka Slovenije javno razkrije celotno odločbo ali povzetek odločbe o izrečenem ukrepu, ki poleg informacij iz prejšnjega odstavka obsega dodatne informacije v zvezi z ukrepi nadzora, ki jih je izrekla banki, če presodi, da je to potrebno zaradi učinkovitega preprečevanja kršitev tega zakona ali Uredbe (EU) št. 575/2013 ali zagotavljanja ustreznega varstva deponentov.

(4) Pri objavi informacij na podlagi prejšnjega odstavka Banka Slovenije ne sme razkriti osebnih in drugih zaupnih podatkov o stranki ali tretji osebi, razen informacij iz drugega odstavka tega člena. Pred objavo odločbe ali povzetka odločbe Banka Slovenije pozove osebo, na katero se nanašajo podatki, da v določenem roku v odločbi ali povzetku odločbe označi podatke, ki jih šteje kot zaupne podatke, in poda utemeljitev v zvezi z zaupnostjo teh podatkov.

(5) Informacije iz drugega in tretjega odstavka tega člena se javno objavijo na spletni strani Banke Slovenije in so na spletni strani dostopne najmanj pet let po objavi. Banka Slovenije informacije iz drugega in tretjega odstavka tega člena posreduje Evropskemu bančnemu organu.

278. člen

(razkritje identitete kršitelja)

(1) Ne glede na prvi in drugi odstavek prejšnjega člena Banka Slovenije po uradni dolžnosti ali na podlagi ugovora iz tretjega odstavka tega člena odloči, da se informacije o identiteti kršitelja ne objavijo, če:

2. regarding the breach:
 - a description of the circumstances and conduct that represent a breach of this Act or Regulation (EU) No 575/2013;
 - the nature of the identified breaches;
3. the operational part of the decision by which the relevant proceedings were completed; and
4. information as to whether judicial protection proceedings were initiated against a decision in accordance with this Act.

(3) Notwithstanding paragraphs one and two of this Article, the Bank of Slovenia may disclose an entire decision or the summary of that decision regarding the imposition of measures, which, in addition to the information referred to in the preceding paragraph, shall include additional information in connection with supervisory measures imposed on a bank if it deems such disclosure necessary for the effective prevention of breaches of this Act or Regulation (EU) No 575/2013 or to ensure the appropriate protection of depositors.

(4) When publishing information based on the preceding paragraph, the Bank of Slovenia shall not disclose personal and other confidential data regarding a client or third party, except for the information referred to in paragraph two of this Article. Prior to publishing a decision or the summary of a decision, the Bank of Slovenia shall call on the person to whom the data relate to identify the data it deems to be confidential and provide justification for the treatment of that data as such, this by a set time limit.

(5) The information referred to in paragraphs two and three of this Article shall be published on the Bank of Slovenia's website and shall remain accessible on that website for a minimum of five years following the publication. The Bank of Slovenia shall forward the information referred to in paragraphs two and three of this Article to the European Banking Authority.

Article 278

(Disclosure of the identity of a person who committed the breach)

(1) Notwithstanding paragraphs one and two of the preceding Article, the Bank of Slovenia shall decide, *ex officio* or on the basis of the objection referred to in paragraph three of this Article, that information

1. se ukrep nadzora izreče fizični osebi in objava osebnih podatkov o kršitelju ni sorazmerna s težo kršitve ali
2. bi objava informacij o identiteti kršitelja ogrozila stabilnost finančnih trgov ali izvedbo kazenske preiskave ali
3. bi z objavo vpletenim osebam verjetno nastala nesorazmerna škoda.

(2) Če Banka Slovenije ob izdaji odločbe oceni, da so v zvezi z objavo identitete kršitelja podani razlogi iz prejšnjega odstavka, hkrati z izdajo odločbe, s katero izreče ukrepe nadzora, odloči tudi, da se identiteta kršitelja ne objavi. Banka Slovenije lahko v primeru razlogov iz prejšnjega odstavka odloči tudi, da se objava identitete kršitelja začasno zadrži ter navede rok za zadržanje objave, če bodo razlogi za zadržanje objave v tem obdobju verjetno prenehali obstajati.

(3) Če Banka Slovenije ob izdaji odločbe ne ugotovi razlogov iz prvega odstavka tega člena, v odločbi o izrečenih ukrepih nadzora, izdani na podlagi tega zakona, kršitelja opozori, da bodo informacije o izrečenih ukrepih in sankcijah ter o kršitelju javno objavljene na spletni strani Banke Slovenije v skladu s prejšnjim členom, in ga pouči, da mora v primeru obstoja razlogov iz prvega odstavka tega člena te razloge navesti v ugovoru, ki se vloži v roku, ki je v skladu s tem zakonom določen za vložitev pravnega sredstva zoper odločbo o ukrepu nadzora.

(4) Banka Slovenije odloči o ugovoru iz prejšnjega odstavka z odločbo.

(5) Če na podlagi ugovora kršitelja Banka Slovenije ugotovi, da so podani razlogi iz prvega odstavka tega člena, v odločbi, s katero ugotovi ugovor, odloči, da se identiteta kršitelja ne objavi ali da se objava

regarding the identity of the person who committed the breach shall not be published if:

1. a supervisory measure is imposed on a natural person and the publication of personal data regarding the person who committed the breach is not proportionate to the gravity of the breach; or
2. the publication of information regarding the identity of the person who committed the breach would jeopardise the stability of the financial markets or impede a criminal investigation; or
3. publication would result in disproportionate damage to the parties involved.

(2) If, when issuing a decision, the Bank of Slovenia assesses that the reasons referred to in the preceding paragraph exist in connection with the publication of the identity of the person who committed the breach, it shall, at the same time as it issues the decision by which it imposes supervisory measures, also decide not to publish the identity of the person who committed the breach. If the reasons referred to in the preceding paragraph exist, the Bank of Slovenia may also decide to withhold temporarily the publication of the identity of the person who committed the breach and state the time limit until which it shall withhold publication if it is likely that the reasons for withholding publication will cease to exist during that period.

(3) If, when issuing a decision, the Bank of Slovenia does not identify the reasons referred to in paragraph one of this Article, its decision to impose supervisory measures, issued in accordance with this Act, shall warn the person who committed the breach in question that information regarding imposed measures and sanctions and regarding that person will be published on the Bank of Slovenia's website in accordance with the preceding Article. It shall also instruct that person that, if the reasons referred to in paragraph one of this Article exist, those reasons shall be stated in the objection, which shall be filed by the time limit set in accordance with this Act for the filing of legal remedy against a decision to impose supervisory measures.

(4) The Bank of Slovenia shall issue a decision regarding the objection referred to in the preceding paragraph.

(5) If, based on an objection filed by the person who committed the breach, the Bank of Slovenia establishes that the reasons referred to in paragraph one of this Article exist, its decision ruling in favour of that

identitete kršitelja začasno zadrži, in navede rok za zadržanje objave.

(6) Zoper odločbo, s katero Banka Slovenije zavrne ugovor ali odloči, da se objava identitete kršitelja začasno zadrži, lahko kršitelj vloži zahtevo za sodno varstvo pod pogoji, določenimi v tem zakonu.

(7) Ne glede na peti odstavek prejšnjega člena lahko Banka Slovenije na podlagi zahteve kršitelja, ki je fizična oseba, odloči, da se informacije o identiteti kršitelja po objavi na spletni strani Banke Slovenije umaknejo pred potekom petih let. Za zahtevo kršitelja se uporabljajo določbe tega člena o ugovoru iz tretjega do šestega odstavka tega člena.

9. POGLAVJE:

POSEBNE VRSTE NADZORA

9.1. Nadzor nad banko v zvezi s poslovanjem na območju druge države članice

279. člen

(sodelovanje pristojnih organov v zvezi z opravljanjem storitev banke v drugi državi članici)

(1) Banka Slovenije sodeluje s pristojnim organom države članice, v kateri banka opravlja storitve neposredno ali prek podružnice, zlasti z izmenjavo vseh informacij, ki so ključne ali pomembne za izvajanje nadzora nad banko, vključno z informacijami glede likvidnosti, kapitalske ustreznosti, jamstva za vloge, omejitev velikih izpostavljenosti, načrtov sanacije, mehanizma notranjih kontrol ter glede drugih dejavnikov, ki lahko vplivajo na sistemsko tveganje, ki ga predstavlja banka.

objection shall state that the identity of the person who committed the breach shall not be published or that publication shall be withheld temporarily and state the time limit for withholding the publication.

(6) A person who committed the breach may file a request for judicial protection, under the conditions laid down in this Act, against the Bank of Slovenia's decision by which the Bank of Slovenia rejects its objection or temporarily withholds publication of that person's identity.

(7) Notwithstanding paragraph five of the preceding Article, the Bank of Slovenia may decide to remove information regarding the identity of the person who committed the breach after publication on Bank of Slovenia's website, upon the request of that person who is a natural person, before the expiry of the five-year period. The provisions of this Article governing the objection referred to in paragraphs three to six of this Article shall apply to the request of a person who committed the breach.

CHAPTER 9:

SPECIAL TYPES OF SUPERVISION

9.1. Supervision of a bank in connection with operations in the territory of another Member State

Article 279

(Cooperation between competent authorities in connection with the provision of services by a bank in another Member State)

(1) The Bank of Slovenia shall cooperate with the competent authority of a Member State in which a bank provides services directly or via a branch, in particular with the exchange of all information deemed crucial or important for conducting supervision of that bank, including information regarding liquidity, capital adequacy, deposit guarantees, restrictions on large exposures, recovery plans, internal control mechanisms and other factors that could impact the systemic risk that the bank poses.

(2) Če pristojni organ države članice zavrne zahtevo Banke Slovenije za sodelovanje iz prejšnjega odstavka, zlasti po izmenjavi informacij, s katerimi razpolaga in ki so potrebne za spremljanje poslovanja banke, oziroma če se na takšno zahtevo Banke Slovenije ne odzove v razumnem roku, lahko slednja o tem obvesti Evropski bančni organ v skladu z 19. členom Uredbe (EU) št. 1093/2010.

(3) Banka Slovenije pristojnemu organu države članice, v kateri banka opravlja storitve, nemudoma posreduje vse informacije in ugotovitve v zvezi z banko glede izpolnjevanja zahtev v zvezi z likvidnostjo v skladu s 6. delom Uredbe (EU) št. 575/2013 in določbami tega zakona o izpolnjevanju zahtev na konsolidirani podlagi, ki so pomembne za poslovanje podružnice banke v državi članici, zlasti za zaščito vlagateljev v državi članici.

(4) Če Banka Slovenije ugotovi, da ima banka likvidnostne težave ali se lahko razumno pričakuje, da se bodo te težave pojavile, o teh ugotovitvah nemudoma obvesti pristojni organ države članice, v kateri banka opravlja storitve, in hkrati posreduje tudi informacije o izvedenih in načrtovanih ukrepih sanacije za odpravljanje težav banke, vključno z ukrepi nadzora, ki jih je izrekla.

(5) Če je Banka Slovenije od pristojnega organa države članice, v kateri banka opravlja storitve, pridobila informacije v zvezi z njenim poslovanjem, mu na njegovo zahtevo sporoči in pojasni, kako so bile njegove informacije in ugotovitve upoštevane.

(6) Če je Banka Slovenije od pristojnega organa države članice pridobila informacije o kršitvah banke pri poslovanju v državi članici, zlasti da banka krši ali bo verjetno kršila zahteve, ki jih določa ta zakon ali Uredba (EU) št. 575/2013, pristojnemu organu na njegovo zahtevo posreduje pojasnila o ukrepih, ki jih je sprejela zoper banko, da se odpravijo ali preprečijo takšne kršitve v zvezi s poslovanjem banke v državi članici.

(2) If a competent authority of a Member State rejects the Bank of Slovenia's request for cooperation referred to in the preceding paragraph, in particular with regard to the exchange of information at its disposal that is necessary for monitoring the operations of a bank, or if it fails to respond to such a request in a reasonable period of time, the Bank of Slovenia may notify the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010.

(3) The Bank of Slovenia shall forward to the competent authority of a Member State in which a bank provides services, without delay, all information and findings in connection with that bank regarding the fulfilment of liquidity-related requirements in accordance with Part 6 of Regulation (EU) No 575/2013 and the provisions of this Act regarding the fulfilment of requirements on a consolidated basis that are important for the operations of the bank's branch in a Member State, in particular for the protection of depositors in that Member State.

(4) If the Bank of Slovenia establishes that a bank has liquidity problems or it is reasonable to expect that such problems will arise, it shall notify the competent authority of the Member State in which the bank provides services of these findings without delay and at the same time shall also provide information regarding implemented and planned recovery measures to eliminate problems of the bank, including supervisory measures that it has imposed.

(5) If the Bank of Slovenia receives information from the competent authority of the Member State in which a bank provides services in connection with that bank's operations, it shall explain upon the competent authority's request how the aforementioned information and findings were taken into account.

(6) If the Bank of Slovenia receives information from the competent authority of a Member State regarding breaches by a bank in the latter's operations in that Member State, in particular that the bank is in breach of or is likely to breach the requirements determined in this Act or Regulation (EU) No 575/2013, it shall explain, upon that competent authority's request, the measures that the Bank of Slovenia has adopted against the bank to rectify or prevent such breaches in connection with the bank's operations in the Member State concerned.

(7) Če je pristojni organ države članice kljub ukrepom in pojasnilom Banke Slovenije iz prejšnjega odstavka sprejel ukrepe zoper banko v zvezi z njenim poslovanjem na območju države članice in Banka Slovenije oceni, da ti ukrepi niso primerni, da se preprečijo nadaljnje kršitve banke v državi članici ali da se zaščitijo interesi vlagateljev, investorjev in drugih oseb, za katere banka opravlja storitve v državi članici, ali da se zagotovi stabilnost finančnega sistema države članice, lahko Banka Slovenije zadevo predloži Evropskemu bančnemu organu in ga zaprosi za pomoč v skladu z 19. členom Uredbe (EU) št. 1093/2010.

(8) Če se Banka Slovenije ne strinja z začasnimi ukrepi, ki jih sprejme pristojni organ države članice, v kateri banka opravlja storitve, lahko zadevo predloži Evropskemu bančnemu organu in ga zaprosi za pomoč v skladu z 19. členom Uredbe (EU) št. 1093/2010.

280. člen **(opredelitev podružnice banke v državi članici kot pomembne)**

(1) Kadar pristojni organ države članice, v kateri banka opravlja storitve prek podružnice, pri Banki Slovenije zahteva opredelitev te podružnice kot pomembne, Banka Slovenije sodeluje s pristojnim organom te države članice in si prizadeva za sprejem skupne odločitve glede opredelitve podružnice banke v državi članici kot pomembne.

(2) Skupna odločitev iz prejšnjega odstavka se navede v dokumentu, ki vsebuje obrazložitev in se posreduje relevantnim pristojnim organom držav članic.

(3) Če v dveh mesecih od vložitve zahteve pristojnega organa države članice iz prvega odstavka tega člena skupna odločitev o opredelitvi podružnice kot pomembne ni sprejeta in odločitev v naslednjih dveh mesecih sprejme pristojni organ države članice, je ta odločitev za Banko Slovenije zavezujoča.

(7) If, despite the Bank of Slovenia's measures and explanations referred to in the preceding paragraph, the competent authority of a Member State adopted measures against a bank in connection with its operations in the territory of that Member State and the Bank of Slovenia assesses that those measures are not appropriate to prevent further breaches by the bank in that Member State or to protect the interests of depositors, investors and other persons to whom the bank provides services in that Member State, or to ensure the stability of the financial system of that Member State, the Bank of Slovenia may refer the matter to the European Banking Authority and request the latter's assistance in accordance with Article 19 of Regulation (EU) No 1093/2010.

(8) If the Bank of Slovenia does not agree with the temporary measures adopted by the competent authority of a Member State in which a bank provides services, the Bank of Slovenia may refer the matter to the European Banking Authority and request the latter's assistance in accordance with Article 19 of Regulation (EU) No 1093/2010.

Article 280 **(Designation of a bank branch in a Member State as significant)**

(1) Whenever the competent authority of a Member State in which a bank provides services via a branch requests that the Bank of Slovenia designate that branch as significant, the Bank of Slovenia shall cooperate with that competent authority and strive to reach a joint decision regarding the designation of the bank branch in that Member State as significant.

(2) The joint decision referred to in the preceding paragraph shall be referred to in a document that shall include an explanation and shall be forwarded to the competent authorities of the Member States concerned.

(3) If a joint decision designating a branch as significant fails to be reached within two months from the filing of the request by the competent authority of a Member State referred to in paragraph one of this Article and the competent authority of the Member State concerned adopts a decision during the next two months, that decision shall be

binding for the Bank of Slovenia.

281. člen

(sodelovanje v zvezi z nadzorom nad poslovanjem pomembnih podružnic bank v drugih državah članicah)

(1) Banka Slovenije sodeluje s pristojnim organom države članice glede poslovanja pomembne podružnice banke v tej državi članici tako, da na lastno pobudo pristojnemu organu države članice posreduje zlasti naslednje informacije o poslovanju banke:

1. o neugodnem razvoju poslovanja banke ali drugih subjektov v skupini, ki bi lahko resno vplivali na institucije v tej državi članici;
2. o pomembnejših kaznih in ukrepih nadzora, ki jih je banki izrekla Banka Slovenije v skladu s tem zakonom, zlasti o morebitni zahtevi za zagotovitev kapitala v skladu s tretjim odstavkom 250. člena tega zakona in ukrepih za omejitev uporabe naprednega pristopa pri izračunu kapitalske zahteve v skladu s drugim odstavkom 312. člena Uredbe (EU) št. 575/2013;
3. o ugotovitvah na podlagi ocene tveganj banke, narejene v skladu s 172. členom tega zakona oziroma o skupnih odločitvah pristojnih organov v skladu z 294. členom tega zakona ter o odločitvah glede ukrepov nadzora, če so te ocene in odločitve pomembne z vidika poslovanja pomembne podružnice banke v drugih državah članicah.

(2) Banka Slovenije se posvetuje s pristojnim organom države članice, v kateri ima banka pomembno podružnico, o ustreznosti operativnih postopkov, ki jih določi banka v načrtu za ponovno vzpostavitev likvidnosti v skladu s 160. členom tega zakona, če je to pomembno z vidika likvidnostnih tveganj v tej državi članici.

(3) Banka Slovenije v zvezi z opravljanjem nadzora nad banko s pomembnimi podružnicami v drugih državah članicah načrtuje in usklajuje naloge in ukrepe nadzora v sodelovanju s pristojnimi organi teh držav članic ter po potrebi s pristojnimi centralnimi bankami ESCB, zlasti glede priprave in izvedbe ukrepov v kriznih razmerah ter v primeru

Article 281

(Cooperation in connection with supervision of the operations of significant bank branches in other Member States)

(1) The Bank of Slovenia shall cooperate with the competent authority of a Member State with regard to the operations of a significant bank branch in that Member State by forwarding the following information regarding the bank's operations to the competent authority of a Member State on its own initiative:

1. any unfavourable development regarding the operations of the bank or other entities in a group that could have a serious effect on institutions in that Member State;
2. significant penalties and supervisory measures imposed on the bank by the Bank of Slovenia in accordance with this Act, in particular on a possible requirement to ensure capital in accordance with paragraph three of Article 250 of this Act and measures to limit the use of the Advanced Measurement Approach for the calculation of capital requirements in accordance with Article 312(2) of Regulation (EU) No 575/2013; and
3. findings based on the assessment of the risks to which the bank is exposed carried out in accordance with Article 172 of this Act, or the joint decisions of competent authorities in accordance with Article 294 of this Act, and decisions regarding supervisory measures, where those assessments and decisions are material in terms of the operations of a significant bank branch in other Member States.

(2) The Bank of Slovenia shall consult with the competent authority of a Member State in which a bank has a significant branch with regard to the appropriateness of operational procedures defined by the bank in its plan to re-establish liquidity in accordance with Article 160 of this Act if that information is material in terms of liquidity risks in that Member State.

(3) In connection with performing supervision of a bank with significant branches in other Member States, the Bank of Slovenia shall plan and coordinate its supervisory tasks and measures in cooperation with the competent authorities of those Member States and the competent ESCB central banks, as appropriate, in particular with regard to drawing

neugodnega razvoja pri poslovanju banke ali na finančnih trgih.

(4) Banka Slovenije za namene iz prejšnjega odstavka ustanovi in vodi kolegij pristojnih organov, če tak kolegij še ni ustanovljen na podlagi 295. člena tega zakona.

(5) Ustanovitev in delovanje kolegija iz prejšnjega odstavka temelji na pisnem dogovoru, ki ga sklenejo udeleženi pristojni organi. Banka Slovenije odloči o udeležbi pristojnih organov na posameznem sestanku ali pri dejavnostih kolegija in pri tem upošteva pomen nadzorne aktivnosti, ki bo obravnavana na sestanku kolegija, za te pristojne organe, zlasti mogoč vpliv na stabilnost finančnega sistema v teh državah članicah. Banka Slovenije vse člane kolegija obvešča o načrtovanih sestankih kolegija in zadevah, ki bodo obravnavane, ter o odločitvah, sprejetih na sestankih, in o izvedenih aktivnostih.

282. člen

(pregled poslovanja podružnice banke v državi članici)

(1) V primeru, da Banka Slovenije opravi pregled poslovanja podružnice banke v državi članici, predhodno obvesti pristojni organ države članice, v kateri banka opravlja vzajemno priznane storitve.

(2) Banka Slovenije lahko ne glede na prejšnji odstavek zaprosi pristojni organ države članice, v kateri banka prek podružnice opravlja storitve, ali pooblasti revizorja ali drugo strokovno osebo, da opravi pregled poslovanja podružnice banke v tej državi članici. Pooblaščen osebe Banke Slovenije se lahko udeležijo nadzora, ki ga izvaja pristojni organ države članice.

(3) Banka Slovenije informacije in ugotovitve o poslovanju podružnice banke, ki jih sporoči pristojni organ države članice na podlagi opravljenega pregleda poslovanja te podružnice, upošteva pri določanju

up and implementing measures in crisis situations and in the event of unfavourable developments in the operations of the bank or on the financial markets.

(4) For the purposes referred to in the preceding paragraph, the Bank of Slovenia shall establish and chair a college of competent authorities if such a college has not yet been established based on Article 295 of this Act.

(5) The establishment and functioning of the college referred to in the preceding paragraph shall be based on a written agreement concluded by the participating competent authorities. The Bank of Slovenia shall decide on the participation of competent authorities at an individual meeting or in the activities of the college, taking into account the importance of the supervisory activity to be discussed at a meeting of the college for those competent authorities, in particular the potential impact on the stability of the financial system in these Member States. The Bank of Slovenia shall notify all members of the college about planned meetings of the college and the matters to be discussed, as well as the decisions made at those meetings and activities carried out.

Article 282

(Review of a bank branch's operations in a Member State)

(1) If the Bank of Slovenia conducts a review of the operations of the branch of a bank in a Member State, it shall notify the competent authority of the Member State in which the bank provides mutually recognised services in advance.

(2) Notwithstanding the preceding paragraph, the Bank of Slovenia may request the competent authority of the Member State in which a bank provides services via a branch or may authorise an auditor or other qualified person to review the operations of the bank branch in that Member State. The Bank of Slovenia's authorised persons may participate in supervision conducted by the competent authority of that Member State.

(3) When defining its supervisory examination programme, the Bank of Slovenia shall take into account the information and findings regarding the operations of a bank branch notified by the competent

svojega načrta nadzorniških pregledov, pri čemer upošteva tudi stabilnost finančnega sistema v tej državi članici.

283. člen
(ukrepi nadzora nad banko, ki opravlja storitve v državi članici)

(1) Če Banka Slovenije od pristojnih organov države članice, v kateri banka opravlja storitve neposredno ali prek podružnice, prejme informacijo, da banka krši ali da obstaja pomembno tveganje, da bo kršila predpise države članice, ki prenašajo Direktivo 2013/36/EU, ali določbe Uredbe (EU) št. 575/2013, Banka Slovenije brez odlašanja sprejme ukrepe nadzora po tem zakonu z namenom, da banka odpravi kršitve.

(2) Banka Slovenije mora nemudoma obvestiti pristojni organ države članice o sprejetih ukrepih.

284. člen
(obvestilo pristojnemu organu države članice o odvzemu dovoljenja banki)

Če Banka Slovenije banki odvzame dovoljenje za opravljanje bančnih storitev oziroma ji prepove opravljati posamezne storitve, mora o tem nemudoma pisno obvestiti pristojne organe držav članic, v katerih banka opravlja te storitve.

9.2. Nadzor nad poslovanjem banke države članice na območju
Republike Slovenije

285. člen
(sodelovanje v zvezi z nadzorom pri opravljanju storitev banke države članice v Republiki Sloveniji)

authority of a Member State based on the performed review of the operations of that branch, while taking into account also the stability of the financial system in that Member State.

Article 283
(Supervisory measures imposed on a bank that provides services in a Member State)

(1) If the Bank of Slovenia receives information from the competent authorities of a Member State in which a bank provides services directly or via a branch that the aforementioned bank is in breach of or that there is considerable risk that the bank will breach the regulations of the Member State that transpose Directive 2013/36/EU or the provisions of Regulation (EU) No 575/2013, the Bank of Slovenia shall adopt supervisory measures in accordance with this Act without delay so that the bank rectifies those breaches.

(2) The Bank of Slovenia shall notify the competent authority of the Member State without delay regarding the measures adopted.

Article 284
(Notification to the competent authority of a Member State regarding the withdrawal of authorisation from a bank)

If the Bank of Slovenia withdraws a bank's authorisation to provide bank services or prohibits that bank from providing specific services, it shall notify, in writing and without delay, the competent authorities of the Member States in which the bank provides those services.

9.2. Supervision of the operations of a Member State bank in the territory
of the Republic of Slovenia

Article 285
(Cooperation in connection with supervision of the provision of services by a Member State bank in the Republic of Slovenia)

(1) Banka Slovenije sodeluje s pristojnim organom države članice z namenom izvajanja nadzora nad poslovanjem banke države članice, ki opravlja storitve neposredno ali prek podružnice v Republiki Sloveniji, zlasti z izmenjavo informacij, ki so ključne ali pomembne za izvajanje nadzora nad banko države članice, vključno z informacijami glede likvidnosti, kapitalske ustreznosti, jamstva za vloge, omejitev velikih izpostavljenosti, mehanizma notranjih kontrol ter glede drugih dejavnikov, ki lahko vplivajo na sistemsko tveganje, ki ga predstavlja banka države članice v Republiki Sloveniji.

(2) Če pristojni organ države članice zavrne zahtevo Banke Slovenije za sodelovanje iz prejšnjega odstavka, zlasti po izmenjavi informacij, s katerimi razpolaga in ki so potrebne za spremljanje poslovanja banke, oziroma če se na takšno zahtevo Banke Slovenije ne odzove v razumnem roku, lahko slednja o tem obvesti Evropski bančni organ v skladu z 19. členom Uredbe (EU) št. 1093/2010.

(3) Kadar se pristojni organ države članice ali konsolidacijski nadzornik banke, ki ima pomembno podružnico v Republiki Sloveniji, ne posvetuje z Banko Slovenije o ustreznosti operativnih postopkov, ki jih določi banka v načrtu za ponovno vzpostavitev likvidnosti ali kadar Banka Slovenije po posvetovanju meni, da operativni postopki niso ustrezni, lahko zadevo predloži Evropskemu bančnemu organu in zahteva njeno pomoč v skladu z 19. členom Uredbe (EU) št. 1093/2010.

286. člen

(opredelitev pomembne podružnice banke države članice)

(1) Banka Slovenije lahko predlaga pristojnemu organu države članice, ki je pristojen za nadzor nad banko države članice, ki opravlja storitve prek podružnice v Republiki Sloveniji, da opredeli podružnico banke države članice kot pomembno.

(2) V predlogu iz prejšnjega odstavka Banka Slovenije utemelji pomembnost podružnice banke države članice v Republiki Sloveniji, pri

(1) The Bank of Slovenia shall cooperate with the competent authority of a Member State for the purpose of conducting supervision of the operations of a Member State bank that provides services directly or via a branch in the Republic of Slovenia, in particular through the exchange of information deemed crucial or important for conducting supervision of that Member State bank, including information regarding liquidity, capital adequacy, deposit guarantees, restrictions on large exposures, internal control mechanisms and other factors that could impact the systemic risk that the Member State bank poses in the Republic of Slovenia.

(2) If a competent authority of a Member State rejects the Bank of Slovenia's request for cooperation referred to in the preceding paragraph, in particular with regard to the exchange of information at its disposal that is required to monitor the operations of a bank, or if it fails to respond to such a request in a reasonable amount of time, the Bank of Slovenia may notify the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010.

(3) Whenever the competent authority of a Member State or the consolidating supervisor of a bank that has a significant branch in the Republic of Slovenia fails to consult with the Bank of Slovenia regarding the appropriateness of the operational procedures defined by the bank in its plan to re-establish liquidity or whenever, following the consultation, the Bank of Slovenia deems that those operational procedures are inappropriate, it may refer the matter to the European Banking Authority and request the latter's assistance in accordance with Article 19 of Regulation (EU) No 1093/2010.

Article 286

(Designation of a significant branch of a Member State bank)

(1) The Bank of Slovenia may propose to the competent authority of a Member State responsible for the supervision of a Member State bank that provides services via a branch in the Republic of Slovenia to designate a Member State bank branch as significant.

(2) In the proposal referred to in the preceding paragraph, the Bank of Slovenia shall justify the significance of the branch of a Member

čemer upošteva zlasti, ali:

1. njen tržni delež, merjen po depozitih, zbranih v Republiki Sloveniji, presega 2 odstotka;
2. bi imelo prenehanje ali opustitev dejavnosti podružnice banke države članice negativne posledice za sistemsko likvidnost ter za plačilne in klirinške sisteme ter sisteme poravnave v Republiki Sloveniji;
3. je podružnica banke države članice zaradi svoje velikosti z vidika števila strank pomembna za bančni ali finančni sistem Republike Slovenije.

(3) Banka Slovenije sodeluje s pristojnim organom države članice in si prizadeva za sprejem skupne odločitve o opredelitvi podružnice kot pomembne.

(4) Če v dveh mesecih od vložitve predloga Banke Slovenije za opredelitev podružnice banke države članice kot pomembne skupna odločitev ni sprejeta, mora Banka Slovenije v naslednjih dveh mesecih sama odločiti o opredelitvi podružnice kot pomembne.

(5) Banka Slovenije pri odločitvi iz prejšnjega odstavka v največji možni meri upošteva stališča pristojnega organa države članice. O odločitvi za opredelitev podružnice banke države članice kot pomembne Banka Slovenije pisno obvesti pristojni organ države članice in navede razloge za takšno odločitev.

(6) Če je za opravljanje nalog iz 293. člena tega zakona določen konsolidacijski nadzornik, se vse določbe tega člena, ki se nanašajo na pristojni organ države članice, uporabljajo za konsolidacijskega nadzornika.

(7) Opredelitev podružnice banke kot pomembne ne vpliva na pristojnosti in odgovornosti Banke Slovenije po tem zakonu.

State bank in the Republic of Slovenia, taking particular account of whether:

1. its market share in terms of deposits collected in the Republic of Slovenia exceeds 2%;
2. the cessation or closure of the operations of the Member State bank branch would have negative consequences for systemic liquidity and for the payment, clearing and settlement systems in the Republic of Slovenia; and
3. the Member State bank branch is significant for the banking or financial system of the Republic of Slovenia due to its size in terms of the number of clients.

(3) The Bank of Slovenia shall cooperate with the competent authority of a Member State and strive to reach a joint decision regarding the designation of a branch as significant.

(4) If a joint decision designating a Member State bank branch as significant is not adopted within two months from filing the Bank of Slovenia's proposal to designate a Member State bank branch as significant, the Bank of Slovenia shall adopt its own decision, during the next two months, regarding the designation of the branch in question as significant.

(5) In the decision referred to in the preceding paragraph, the Bank of Slovenia shall take into account the views of the competent authority of the Member State to the greatest extent possible. The Bank of Slovenia shall notify the competent authority of the Member State in writing of its decision to designate a Member State bank branch as significant and state the reasons for such a decision.

(6) If a consolidating supervisor is designated to perform the tasks referred to in Article 293 of this Act, all provisions of this Article relating to the competent authority of a Member State shall apply to that consolidating supervisor.

(7) The designation of a bank branch as significant shall not impact on the powers and responsibilities of the Bank of Slovenia under this Act.

(pregled poslovanja podružnice banke države članice)

(1) Pristojni organ države članice oziroma osebe, ki jih pooblasti, lahko na območju Republike Slovenije v skladu s pravom Republike Slovenije opravijo pregled poslovanja podružnice banke te države članice. O nameravanem pregledu poslovanja iz prejšnjega stavka mora pristojni organ države članice predhodno obvestiti Banko Slovenije, ki se lahko pregleda udeleži.

(2) V primeru iz prejšnjega odstavka ima pristojni organ države članice oziroma osebe, ki jih pooblasti, enake pristojnosti kot Banka Slovenije na podlagi 242. do 247. člena tega zakona.

(3) Na zaprosilo pristojnega organa države članice Banka Slovenije opravi pregled poslovanja podružnice banke te države članice na območju Republike Slovenije. Pristojni organ države članice se lahko, če tako zahteva, udeleži tega pregleda.

(4) Ne glede na prvi do tretji odstavek tega člena je Banka Slovenije pristojna opraviti pregled poslovanja podružnice banke te države članice na območju Republike Slovenije zaradi preverjanja, ali podružnica ravna v skladu z določbami predpisov iz prvega in drugega odstavka 118. člena tega zakona.

(5) Banka Slovenije lahko po predhodnem posvetovanju s pristojnim organom države članice opravi pregled poslovanja podružnice ter od podružnice zahteva tudi vse informacije o njenem poslovanju, če so te informacije pomembne za oceno tveganja podružnice za stabilnost finančnega sistema Republike Slovenije. Po opravljenem pregledu Banka Slovenije pridobljene informacije in ugotovitve, ki so pomembne za oceno tveganja banke ali stabilnost finančnega sistema v Republiki Sloveniji, posreduje pristojnemu organu države članice.

(Review of the operations of a Member State bank branch)

(1) The competent authority of a Member State or the persons authorised by that competent authority may conduct a review of the operations of the branch of a bank of that Member State in the territory of the Republic of Slovenia in accordance with the applicable Slovenian law. The competent authority of that Member State shall notify the Bank of Slovenia in advance of its intent to review operations as referred to in the preceding sentence. The Bank of Slovenia may participate in such a review.

(2) In the case referred to in the preceding paragraph, the competent authority of a Member State or the persons authorised by that competent authority shall have the same powers as the Bank of Slovenia based on Articles 242 to 247 of this Act.

(3) Upon request of the competent authority of a Member State, the Bank of Slovenia shall conduct a review of the operations of the branch of a bank of that Member State in the territory of the Republic of Slovenia. If it so requests, the competent authority of the Member State may participate in that review.

(4) Notwithstanding paragraphs one to three of this Article, the Bank of Slovenia shall be competent for conducting a review of the operations of the branch of a bank of that Member State in the territory of the Republic of Slovenia for verification of whether the branch acts in accordance with the provisions of the regulations referred to in paragraphs one and two of Article 118 of this Act.

(5) Following prior consultation with the competent authority of a Member State, the Bank of Slovenia may conduct a review of a branch's operations and request that branch to provide all information regarding its operations if that information is relevant for the assessment of the risk the branch poses to the stability of the financial system in the Republic of Slovenia. Following the completion of its review, the Bank of Slovenia shall forward the obtained information and findings that are relevant for assessing the risk associated with the bank in question or the stability of the financial system in the Republic of Slovenia to the competent authority of the Member State.

288. člen
(poročanje banke države članice)

Banka države članice, ki prek podružnice opravlja storitve v Republiki Sloveniji, mora na zahtevo Banke Slovenije posredovati informacije o vseh zadevah, pomembnih za opravljanje nadzora oziroma izvrševanje drugih pristojnosti in nalog Banke Slovenije v zvezi opravljanjem storitev banke države članice v Republiki Sloveniji, vključno z informacijami, ki so potrebne za opredelitev podružnice kot pomembne.

289. člen
(ukrepi nadzora ter drugi ukrepi v zvezi s poslovanjem banke in podružnice banke države članice)

(1) Če banka države članice, ki opravlja storitve na območju Republike Slovenije, krši določbe predpisov iz 118. člena tega zakona, ji z namenom zaščite javne koristi Banka Slovenije z odredbo naloži odpravo kršitev ali ji izreče druge ukrepe po tem zakonu in o tem obvesti pristojni organ države članice sedeža banke.

(2) Če je Banka Slovenije pristojnemu organu države članice posredovala informacije in ugotovitve o kršitvah v zvezi s poslovanjem banke države članice na območju Republike Slovenije, zlasti da banka krši ali bo verjetno kršila zahteve, ki jih določa ta zakon ali Uredba (EU) št. 575/2013, ter na podlagi pojasnil pristojnega organa države članice ugotovila, da pristojni organ ni ukrepal zoper banko države članice ali sprejeti ukrepi niso ustrezni, lahko Banka Slovenije, potem ko je obvestila pristojni organ države članice in Evropski bančni organ, sprejme ukrepe v skladu s tem zakonom z namenom, da se preprečijo nadaljnje kršitve banke države članice pri poslovanju v Republiki Slovenije ter da se zaščitijo interesi vlagateljev, investorjev in drugih, za katere se opravljajo storitve, ali da se zagotovi stabilnost finančnega sistema.

Article 288
(Reporting by a Member State bank)

A Member State bank that provides services in the Republic of Slovenia via a branch shall, upon the Bank of Slovenia's request, forward information regarding all matters relevant for the performance of supervision and for exercising other powers and performing the tasks of the Bank of Slovenia in connection with the provision of services by a Member State bank in the Republic of Slovenia, including the information required to designate a branch as significant.

Article 289
(Supervisory and other measures in connection with the operations of a Member State bank and Member State bank branch)

(1) If a Member State bank that provides services in the territory of the Republic of Slovenia breaches the provisions of the regulations referred to in Article 118 of this Act, the Bank of Slovenia shall, for the purpose of protecting the public good, order that bank to rectify those breaches or impose other measures in accordance with this Act and notify the competent authority of the bank's home Member State.

(2) If the Bank of Slovenia forwarded information and findings to the competent authority of a Member State regarding breaches in connection with the operations of a Member State bank in the territory of the Republic of Slovenia, in particular that the bank is in breach of or is likely to breach the requirements provided by this Act or Regulation (EU) No 575/2013, and it establishes on the basis of explanations provided by the competent authority of that Member State that the competent authority failed to impose measures on the bank or adopted measures that it deems inappropriate, the Bank of Slovenia may, after notifying the competent authority of the Member State concerned and the European Banking Authority, adopt measures in accordance with this Act with the purpose of preventing further breaches by that Member State bank in its operations in the Republic of Slovenia and protecting the interests of depositors, investors and other persons for whom services are provided or with the aim of ensuring the stability of the financial system.

(3) Banka Slovenije lahko v nujnih primerih še pred posredovanjem informacij pristojnemu organu države članice po prejšnjem odstavku, ali preden pristojni organ druge države članice na podlagi informacij Banke Slovenije ukrepa v banki države članice, ki opravlja storitve v Republiki Sloveniji, ali preden so sprejeti ukrepi za stabilizacijo poslovanja banke, sprejme začasne ukrepe in od podružnice banke države članice zahteva ali ji prepove določene aktivnosti, če je to potrebno zaradi zaščite stabilnosti finančnega sistema ali da se prepreči ogroženost skupnih interesov vlagateljev, investorjev in drugih oseb v Republiki Sloveniji.

(4) Začasni ukrepi iz prejšnjega odstavka morajo biti sorazmerni z namenom zaščite pred finančno nestabilnostjo in ne smejo omogočati slabše obravnave upnikov iz drugih držav članic ter lahko vključujejo tudi prepoved plačil in druge ukrepe iz 262. člena tega zakona.

(5) Banka Slovenije začasne ukrepe iz tretjega odstavka tega člena odpravi, ko oceni, da je bil namen, zaradi katerega so bili sprejeti, dosežen, zlasti potem ko pristojni organ države članice sprejme ustrezne ukrepe oziroma potem ko so sprejeti ustrezni ukrepi za stabilizacijo poslovanja banke.

(6) Banka Slovenije o sprejemu in odpravi začasnih ukrepov iz tretjega odstavka brez odlašanja obvesti Evropski bančni organ, Komisijo in pristojni organ druge države članice.

(7) Če banka države članice kljub ukrepom pristojnega organa države članice ali zato, ker ti ukrepi niso učinkoviti oziroma jih v državi članici sedeža banke ni mogoče izreči, ne odpravi kršitev ali ne odpravi kršitev kljub ukrepom Banke Slovenije iz prvega odstavka tega člena, ji lahko Banka Slovenije izreče prepoved opravljanja storitev na območju Republike Slovenije.

(8) Pred izrekom ukrepa iz prejšnjega odstavka mora Banka

(3) In urgent cases, prior to forwarding information to the competent authority of the Member State in accordance with the preceding paragraph, before the competent authority of the Member State, based on information provided by the Bank of Slovenia, imposes measures on a Member State bank that provides services in the Republic of Slovenia, or before measures are adopted to stabilise the bank's operations, the Bank of Slovenia may adopt temporary measures and require on the part of or prohibit certain activities of a Member State bank branch if so required to protect the stability of the financial system or to prevent threats to the collective interests of depositors, investors and other persons in the Republic of Slovenia.

(4) The temporary measures referred to in the preceding paragraph shall be proportional to the purpose of protecting against financial instability and shall not facilitate discrimination against the creditors of other Member States and may also include a prohibition on payments and the other measures referred to in Article 262 of this Act.

(5) The Bank of Slovenia shall suspend the temporary measures referred to in paragraph three of this Article when it considers that the purpose for which those measures were adopted has been achieved, in particular when the competent authority of the Member State concerned has adopted the appropriate measures or when the appropriate measures to stabilise the operations of the bank in question have been adopted.

(6) The Bank of Slovenia shall notify the European Banking Authority, the Commission and the competent authority of the other Member State concerned, without delay, regarding the adoption and suspension of the temporary measures referred to in paragraph three.

(7) If a Member State bank, despite the measures imposed by the competent authority of a Member State or because those measures are ineffective or cannot be imposed in the home Member State of a bank, fails to rectify breaches or fails to rectify breaches despite the Bank of Slovenia's measures referred to in paragraph one of this Article, the Bank of Slovenia may prohibit that bank from providing services in the territory of the Republic of Slovenia.

(8) The Bank of Slovenia shall notify the competent authority of

Slovenije obvestiti pristojni organ države članice, razen če zaradi varovanja interesov strank banke ali zaradi varovanja drugih javnih koristi ni mogoče odlašati. V tem primeru Banka Slovenije o prepovedi opravljanja storitev obvesti pristojni organ države članice, Evropski bančni organ in Komisijo takoj, ko je to mogoče.

290. člen
(ukrepi zaradi odvzema dovoljenja banki države članice)

Če pristojni organ države članice sedeža banke obvesti Banko Slovenije, da je bilo banki, ki neposredno ali prek podružnice opravlja storitve v Republiki Sloveniji, odvzeto dovoljenje za opravljanje bančnih storitev oziroma ji je bilo prepovedano opravljati posamezne storitve, Banka Slovenije brez odlašanja sprejme ukrepe po tem zakonu, da se tej banki prepreči nadaljnje opravljanje teh storitev in da se zavarujejo interesi strank te banke.

9.3. Nadzor na konsolidirani podlagi

291. člen
(pristojnost Banke Slovenije za nadzor na konsolidirani podlagi)

(1) Banka Slovenije je kot konsolidacijski nadzornik pristojna in odgovorna za nadzor na konsolidirani podlagi:

1. če ima banka položaj nadrejene banke Republike Slovenije ali EU nadrejene banke ali
2. če je banka podrejena:
 - nadrejenemu finančnemu holdingu ali mešanemu finančnemu holdingu Republike Slovenije ali
 - EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu, ali
3. v primerih iz 22. člena Uredbe (EU) št. 575/2013.

the Member State concerned before imposing the measures referred to in the preceding paragraph unless the imposition of measures cannot be delayed in order to protect the interests of the bank's clients or to protect the public good. In such cases, the Bank of Slovenia shall notify the competent authority of the Member State, the European Banking Authority and the Commission regarding the prohibition on the provision of services as soon as this is possible.

Article 290
(Measures due to the withdrawal of authorisation from a Member State bank)

If the competent authority of a bank's home Member State notifies the Bank of Slovenia that authorisation to provide banking services was withdrawn from a bank that provides services directly or via a branch in the Republic of Slovenia or that it has prohibited that bank from providing individual services, the Bank of Slovenia shall adopt measures in accordance with this Act, without delay, to prevent that bank from continuing to provide those services and to protect the interests of that bank's clients.

9.3. Supervision on a consolidated basis

Article 291
(Bank of Slovenia's powers with regard to supervision on a consolidated basis)

(1) The Bank of Slovenia shall be competent and responsible for supervision on a consolidated basis, as the consolidating supervisor, if:

1. a bank is a parent bank in the Republic of Slovenia or an EU parent bank; or
2. a bank is a subsidiary of:
 - a parent financial holding company or mixed financial holding company in the Republic of Slovenia or
 - an EU parent financial holding company or an EU parent mixed financial holding company; or
3. in the cases referred to in Article 22 of Regulation (EU) No 575/2013.

(2) Če so istemu nadrejenemu finančnemu holdingu, nadrejenemu mešanemu finančnemu holdingu, EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu poleg banke podrejene banke drugih držav članic, je Banka Slovenije pristojna in odgovorna za nadzor na konsolidirani podlagi, če ima ta finančni holding ali mešani finančni holding sedež v Republiki Sloveniji.

(3) Če je banka podrejena več finančnim holdingom ali mešanim finančnim holdingom, ki imajo sedež v Republiki Sloveniji in drugih državah članicah, ter je vsakemu od njih podrejena tudi banka teh držav članic, je Banka Slovenije pristojna in odgovorna za nadzor na konsolidirani podlagi, če je bilančna vsota banke večja od bilančnih vsot drugih podrejenih bank drugih držav članic.

(4) Če so istemu finančnemu holdingu ali mešanemu finančnemu holdingu poleg banke podrejene banke drugih držav članic in nobena od podrejenih bank ni pridobila dovoljenja za opravljanje storitev v državi članici sedeža tega finančnega holdinga ali mešanega finančnega holdinga, je Banka Slovenije pristojna in odgovorna za nadzor banke na konsolidirani podlagi, če je bilančna vsota banke večja od bilančnih vsot podrejenih bank drugih držav članic.

(5) Ne glede na določbe drugega, tretjega in četrtega odstavka tega člena je Banka Slovenije pristojna in odgovorna za nadzor na konsolidirani podlagi tudi v primerih, ko je odgovornost za tak nadzor prevzela na podlagi dogovora s pristojnim organom druge države članice, ki bi bil sicer pristojen in odgovoren za ta nadzor.

(6) Ne glede na 2. točko prvega odstavka tega člena Banka Slovenije ni pristojna in odgovorna za nadzor na konsolidirani podlagi:

1. če ima nadrejeni finančni holding ali nadrejeni mešani finančni holding Republike Slovenije ali EU nadrejeni finančni holding ali EU nadrejeni mešani finančni holding položaj investicijskega podjetja in
2. če je za nadzor na konsolidirani podlagi tega investicijskega podjetja

(2) If, in addition to the bank, other Member State banks are subsidiaries of the same parent financial holding company, parent mixed financial holding company, EU parent financial holding company or EU parent mixed financial holding company, the Bank of Slovenia shall be competent and responsible for supervision on a consolidated basis if that financial holding company or mixed financial holding company is established in the Republic of Slovenia.

(3) If a bank is a subsidiary of several financial holding companies or mixed financial holding companies established in the Republic of Slovenia and other Member States, and if a bank from those Member States is also a subsidiary of each of those holding companies, the Bank of Slovenia shall be competent and responsible for supervision on a consolidated basis if the bank's total assets exceed the total assets of other subsidiary banks of other Member States.

(4) If, in addition to the bank, other Member State banks are subsidiaries of the same financial holding company or mixed financial holding company, and none of the subsidiary banks have acquired authorisation to provide services in the home Member State of that financial holding company or mixed financial holding company, the Bank of Slovenia shall be competent and responsible for supervision of the bank on a consolidated basis if the bank's total assets exceed the total assets of the subsidiary banks of other Member States.

(5) Notwithstanding the provisions of paragraphs two, three and four of this Article, the Bank of Slovenia shall also be competent and responsible for supervision on a consolidated basis in cases where it assumed responsibility for such supervision based on an agreement with the competent authority of another Member State that would otherwise be competent and responsible for that supervision.

(6) Notwithstanding point 2 of paragraph one of this Article, the Bank of Slovenia shall not be competent and responsible for supervision on a consolidated basis if:

1. a parent financial holding company or parent mixed financial holding company in the Republic of Slovenia or an EU parent financial holding company or an EU parent mixed financial holding company is an investment firm and
2. another supervisory authority is competent and responsible for the

pristojen in odgovoren drug nadzorni organ.

292. člen

(prenos pristojnosti za nadzor na konsolidirani podlagi)

(1) Banka Slovenije lahko v dogovoru s pristojnimi organi držav članic prenese svoje pristojnosti in odgovornosti za nadzor na konsolidirani podlagi iz drugega, tretjega ali četrtega odstavka prejšnjega člena na pristojni organ države članice sedeža posamezne druge podrejene banke, če je to ustrezno ob upoštevanju dejavnosti bank v drugih državah članicah.

(2) Pred sprejemom odločitve iz prejšnjega odstavka mora dati Banka Slovenije EU nadrejeni banki, EU nadrejenemu finančnemu holdingu, EU nadrejenemu mešanemu finančnemu holdingu oziroma podrejeni banki z največjo bilančno vsoto možnost, da se o tem izjavi.

(3) Banka Slovenije obvesti Komisijo in Evropski bančni organ o vsakem prenosu pristojnosti za nadzor na konsolidirani podlagi iz prvega odstavka tega člena.

293. člen

(dodatne naloge nadzora na konsolidirani podlagi)

(1) Če je Banka Slovenije v skladu z 291. členom tega zakona konsolidacijski nadzornik, mora poleg splošnih nalog nadzora opravljati tudi naslednje naloge:

1. usklajevati zbiranje in posredovanje ključnih informacij med pristojnimi organi, vključenimi v nadzor na konsolidirani podlagi v času rednega poslovanja in v kriznih razmerah;
2. načrtovati in usklajevati izvajanje nadzora v času rednega poslovanja, vključno z izvajanjem nadzora na konsolidirani podlagi z drugimi pristojnimi organi, ki sodelujejo v nadzoru na konsolidirani podlagi;
3. načrtovati in usklajevati izvajanje nadzora z drugimi pristojnimi organi, ki sodelujejo v nadzoru na konsolidirani podlagi, in po potrebi s centralnimi bankami ESCB pri pripravi na krizne razmere in v

supervision on a consolidated basis of that investment firm.

Article 292

(Transfer of powers for supervision on a consolidated basis)

(1) In agreement with the competent authorities of other Member States, the Bank of Slovenia may transfer its powers and responsibilities for supervision on a consolidated basis referred to in paragraph two, three or four of the preceding Article to the competent authority of the home Member State of another individual subsidiary bank if that is appropriate taking into account the activities of banks in other Member States.

(2) Before adopting the decision referred to in the preceding paragraph, the Bank of Slovenia shall give the relevant EU parent bank, EU parent financial holding company, EU parent mixed financial holding company or subsidiary bank with the highest total assets an opportunity to make a statement in this regard.

(3) The Bank of Slovenia shall notify the Commission and the European Banking Authority of every transfer of powers for supervision on a consolidated basis referred to in paragraph one of this Article.

Article 293

(Additional tasks relating to supervision on a consolidated basis)

(1) If the Bank of Slovenia is the consolidating supervisor in accordance with Article 291 of this Act, in addition to its general supervisory tasks, it shall carry out also the following tasks:

1. coordination of the gathering and dissemination of information between competent authorities included in supervision on a consolidated basis in going concern and emergency situations;
2. planning and coordination of supervisory tasks in going concern situations, including performing of supervision on a consolidated basis in cooperation with other competent authorities participating in supervision on a consolidated basis; and
3. planning and coordination of supervisory tasks in cooperation with other competent authorities participating in supervision on a consolidated basis, and, if necessary, with ESCB central banks, in

kriznih razmerah, vključno z neugodnim razvojem v bankah ali na finančnih trgih, z uporabo obstoječih načinov obveščanja zaradi učinkovitega kriznega upravljanja.

(2) Načrtovanje in usklajevanje nalog nadzora iz 3. točke prejšnjega odstavka vključuje ukrepe iz 250. člena tega zakona in vzpostavitev vsake omejitve za uporabo naprednega pristopa za izračun kapitalske zahteve za operativno tveganje, pripravo skupnih ocen, izvajanje kriznih načrtov in obveščanje javnosti.

(3) Če Banka Slovenije ugotovi, da drugi pristojni organi, ki sodelujejo v nadzoru na konsolidirani podlagi, ne izvajajo svojih nalog nadzora v obsegu iz prvega odstavka tega člena ali če z njo ne sodelujejo v obsegu, ki je potreben za ustrezno opravljanje nalog nadzora iz prvega odstavka tega člena, lahko zadevo predloži Evropskemu bančnemu organu in zahteva njegovo pomoč v skladu z 19. členom Uredbe (EU) št. 1093/2010.

(4) Če je konsolidacijski nadzornik pristojni organ druge države članice in Banka Slovenije ugotovi, da ta organ ne opravlja ustrezno nalog nadzora na konsolidirani podlagi iz prvega odstavka tega člena, lahko Banka Slovenije to zadevo predloži Evropskemu bančnemu organu in zahteva njegovo pomoč v skladu z 19. členom Uredbe (EU) št. 1093/2010.

(5) Banka Slovenije lahko zahteva predložitev finančnih in drugih poročil v zvezi s skupino oziroma bančno skupino ter določi podrobnejšo vsebino, način in roke za predložitev poročil.

294. člen

(sodelovanje z drugimi pristojnimi organi pri skupnih odločitvah)

(1) Pri nadzoru na konsolidirani podlagi si mora Banka Slovenije skupaj z drugimi sodelujočimi pristojnimi organi prizadevati za sprejem skupne odločitve o:

preparation for and during emergency situations, including adverse developments at banks or on the financial markets, using existing channels of communication due to effective crisis management.

(2) The planning and coordination of the supervisory tasks referred to in point 3 of the preceding paragraph shall include the measures referred to in Article 250 of this Act and the establishment of restrictions on the use of the Advanced Measurement Approach for the calculation of capital requirements for operational risk, the preparation of joint assessments, the implementation of contingency plans and communication to the public.

(3) If the Bank of Slovenia establishes that other competent authorities participating in supervision on a consolidated basis fail to perform their supervisory tasks to the extent referred to in paragraph one of this Article or fail to cooperate with the Bank of Slovenia to the extent required to perform the supervisory tasks referred to in paragraph one of this Article appropriately, the Bank of Slovenia may refer the matter to the European Banking Authority and request its assistance in accordance with Article 19 of Regulation (EU) No 1093/2010.

(4) If the consolidating supervisor is the competent authority of another Member State and the Bank of Slovenia establishes that the aforementioned authority fails to perform the tasks relating to supervision on a consolidated basis referred to in paragraph one of this Article appropriately, the Bank of Slovenia may refer the matter to the European Banking Authority and request its assistance in accordance with Article 19 of Regulation (EU) No 1093/2010.

(5) The Bank of Slovenia may request the submission of financial or other reports in connection with a group or banking group and may specify more detailed content, manner and time limits for the submission of such reports.

Article 294

(Cooperation with other competent authorities in joint decisions)

(1) During supervision on a consolidated basis, the Bank of Slovenia shall strive together with other participating competent authorities to reach a joint decision on:

1. oceni ustreznega notranjega kapitala na konsolidirani podlagi za bančno skupino, upošteva njegov finančni položaj in profil tveganosti ter zahtevani ravni kapitala na podlagi tretjega odstavka 250. člena tega zakona, pri vseh subjektih v bančni skupini in na konsolidirani podlagi;
2. ukrepov za obravnavo pomembnih zadev in ugotovitev v zvezi z nadzorom likvidnosti, upošteva ustreznost organizacije in upravljanje likvidnostnega tveganja iz pododdelka 6.3.5. tega zakona ter posebnih zahtev za posamezno banko glede likvidnosti v skladu s petim odstavkom 250. člena tega zakona.

(2) Banka Slovenije si mora skupaj z drugimi pristojnimi organi prizadevati, da bi bila skupna odločitev sprejeta:

1. v primeru iz 1. točke prejšnjega odstavka: v štirih mesecih od predložitve poročila konsolidacijskega nadzornika drugim pristojnim organom, ki vsebuje oceno tveganosti bančne skupine;
2. v primeru iz 2. točke prejšnjega odstavka: v enem mesecu od predložitve poročila konsolidacijskega nadzornika drugim pristojnim organom, ki vsebuje oceno profila likvidnostnega tveganja bančne skupine.

(3) Skupna odločitev iz prvega odstavka tega člena vsebuje poleg ocene tveganosti bančne skupine oziroma ocene profila likvidnostnega tveganja bančne skupine iz prejšnjega odstavka tudi oceno tveganosti podrejenih družb, ki jih izdelajo sodelujoči pristojni organi.

(4) Obrazloženo skupno odločitev iz prvega odstavka tega člena Banka Slovenije kot konsolidacijski nadzornik posreduje EU nadrejeni banki.

(5) Banka Slovenije ali katerikoli drug pristojni organ, ki je vključen v nadzor na konsolidirani podlagi, lahko v zvezi s skupno odločitvijo iz prvega odstavka tega člena ali odločitvijo pristojnega organa v skladu s šestim ali sedmim odstavkom tega člena do izteka roka iz drugega odstavka tega člena oziroma v vsakem primeru pred sprejetjem odločitve pristojnega organa predloži Evropskemu bančnemu organu zahtevo v skladu z 19. členom Uredbe (EU) št. 1093/2010/EU.

1. the assessment of internal capital adequacy on a consolidated basis for a banking group, taking into account its financial position and risk profile, and the required level of capital on the basis of paragraph three of Article 250 of this Act at all entities in the banking group and on a consolidated basis and
2. measures to address any significant matters and material findings relating to liquidity supervision, taking into account the adequacy of the organisation and the management of liquidity risk referred to in Subsection 6.3.5. of this Act and the need for bank-specific liquidity requirements in accordance with paragraph five of Article 250 of this Act.

(2) The Bank of Slovenia shall strive together with other competent authorities to reach a joint decision:

1. within four months following the submission of the report of the consolidating supervisor containing a risk assessment of the banking group to other competent authorities in the case referred to in point 1 of the preceding paragraph or
2. within one month following the submission of the report of the consolidating supervisor containing an assessment of the liquidity risk profile of the banking group to other competent authorities in the case referred to in point 2 of the preceding paragraph.

(3) In addition to a risk assessment of the banking group or an assessment of the liquidity risk profile of the banking group referred to in the preceding paragraph, the joint decision referred to in paragraph one of this Article shall also include risk assessments of subsidiaries prepared by the participating competent authorities.

(4) As a consolidating supervisor, the Bank of Slovenia shall forward the justified joint decision referred to in paragraph one of this Article to the relevant EU parent bank.

(5) In connection with the joint decision referred to in paragraph one of this Article or the decision of a competent authority in accordance with paragraph six or seven of this Article, the Bank of Slovenia or any other competent authority included in supervision on a consolidated basis may submit a request to the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010 before the expiry of the time limit referred to in paragraph two of this Article or at any time before the adoption of a decision by the competent authority concerned.

(6) Konsolidacijski nadzornik sam sprejme odločitev na konsolidirani podlagi, če:

1. skupna odločitev iz prvega odstavka tega člena ni sprejeta v roku iz drugega odstavka tega člena ali
2. Evropski bančni organ svoje odločitve ne sprejme v enem mesecu od vložitve zahteve iz prejšnjega odstavka.

(7) Če Banka Slovenije kot konsolidacijski nadzornik sprejme odločitev v skladu s prejšnjim odstavkom, pri tem po presoji upošteva ocene tveganosti podrejenih družb, ki jih izdelajo sodelujoči pristojni organi. Banka Slovenije kot konsolidacijski nadzornik svojo odločitev pisno obrazloži in posreduje EU nadrejeni banki in sodelujočim pristojnim organom. Obrazložitev mora obsegati podrobne razloge za odločitev, ki upoštevajo ocene tveganosti podrejenih družb, ki so jih izdali sodelujoči pristojni organi, ter stališča Banke Slovenije o mnenjih in pomislekih drugih pristojnih organov.

(8) Če je banka del skupine, nad katero izvaja nadzor pristojni organ druge države članice kot konsolidacijski nadzornik, Banka Slovenije sama sprejme odločitev iz prvega odstavka tega člena na posamični ali subkonsolidirani podlagi za banko, ki je podrejena EU nadrejeni banki ali EU nadrejenemu finančnemu holdingu ali EU nadrejenemu mešanemu finančnemu holdingu, z upoštevanjem skupne odločitve oziroma mnenj in pomislekov konsolidacijskega nadzornika, kadar skupna odločitev iz prvega odstavka tega člena ni sprejeta v roku iz drugega odstavka tega člena. Banka Slovenije to odločitev pisno obrazloži in posreduje banki ter konsolidacijskemu nadzorniku. Obrazložitev mora obsegati podrobne razloge za odločitev, ki upoštevajo tudi stališča Banke Slovenije do mnenj in pomislekov konsolidacijskega nadzornika.

(9) Če je vložena zahteva iz petega odstavka tega člena, Banka Slovenije prekine postopek odločanja iz sedmega ali osmega odstavka tega člena do odločitve Evropskega bančnega organa. Če slednji na podlagi tretjega odstavka 19. člena Uredbe (EU) št. 1093/2010 sprejme svojo odločitev o zadevi, Banka Slovenije to odločitev upošteva pri odločitvi na podlagi sedmega ali osmega odstavka tega člena in

(6) The consolidating supervisor itself shall adopt a decision on a consolidated basis if:

1. the joint decision referred to in paragraph one of this Article fails to be reached by the time limit referred to in paragraph two of this Article or
2. the European Banking Authority fails to adopt a decision within one month from the submission of the request referred to in the preceding paragraph.

(7) If the Bank of Slovenia adopts a decision in accordance with the preceding paragraph as a consolidating supervisor, it shall, at its own discretion, take into account risk assessments of subsidiaries drawn up by the participating competent authorities. As a consolidating supervisor, the Bank of Slovenia shall explain its decision in writing and forward it to the EU parent bank and participating competent authorities. The explanation shall include detailed reasons for the decision that take into account risk assessments of subsidiaries issued by the participating competent authorities and the Bank of Slovenia's views regarding the opinions and reservations of other competent authorities.

(8) If a bank is a part of a group subject to supervision by the competent authority of another Member State as the consolidating supervisor, the Bank of Slovenia shall adopt the decision referred to in paragraph one of this Article itself on an individual or sub-consolidated basis for a bank that is a subsidiary of an EU parent bank, EU parent financial holding company or EU parent mixed financial holding company, taking into account the joint decision or the opinions and reservations of the consolidating supervisor, whenever the joint decision referred to in paragraph one of this Article fails to be reached by the time limit referred to in paragraph two of this Article. The Bank of Slovenia shall explain the decision in writing and forward it to the bank and consolidating supervisor concerned. The explanation shall include detailed reasons for the decision that take into account also the Bank of Slovenia's views regarding the opinions and reservations of the consolidating supervisor.

(9) If the request referred to in paragraph five of this Article is filed, the Bank of Slovenia shall halt the decision-making process referred to in paragraph seven or eight of this Article until the European Banking Authority issues its own decision. If, based on Article 19(3) of Regulation (EU) No 1093/2010, the European Banking Authority adopts its own decision regarding the matter, the Bank of Slovenia shall take that

pojasni vsakršno pomembnejše odstopanje od te odločitve. Obrazloženo odločitev Banka Slovenije kot konsolidacijski nadzornik posreduje EU nadrejeni banki in sodelujočim pristojnim organom oziroma podrejeni banki in konsolidacijskemu nadzorniku, če je Banka Slovenije sodelujoči pristojni organ.

(10) Banka Slovenije kot sodelujoči pristojni organ pri izvajanju nadzora nad banko na posamični ali subkonsolidirani podlagi upošteva skupno odločitev iz prvega odstavka tega člena ter odločitev konsolidacijskega nadzornika iz šestega odstavka tega člena kot dokončno.

(11) Banka Slovenije kot konsolidacijski nadzornik zagotovi, da se skupna odločitev iz prvega odstavka tega člena ter odločitev iz šestega in devetega odstavka tega člena posodobi enkrat na leto. Posodobitev odločitve Banka Slovenije zagotovi tudi, kadar organ, pristojen za nadzor podrejenih družb EU nadrejene banke ali EU nadrejenega finančnega holdinga ali EU nadrejenega mešanega finančnega holdinga, pri Banki Slovenije kot konsolidacijskem nadzorniku vloži pisno in utemeljeno zahtevo za posodobitev odločitve. V primeru iz prejšnjega stavka lahko posodobitev odločitve temelji na dvostranskem dogovoru med Banko Slovenije in pristojnim organom, ki je vložil zahtevo.

(12) Če je konsolidacijski nadzornik pristojni organ druge države članice, lahko Banka Slovenije pri tem organu vloži pisno in utemeljeno zahtevo za posodobitev skupnih odločitev iz prvega odstavka tega člena.

295. člen

(kolegij pristojnih organov in sodelovanje Banke Slovenije v kolegiju)

(1) Banka Slovenije kot konsolidacijski nadzornik na podlagi pisnega dogovora iz 298. člena tega zakona s sodelujočimi pristojnimi organi držav članic ustanovi kolegij pristojnih organov (v nadaljnjem besedilu: kolegij) z namenom učinkovitega sodelovanja pri izvajanju nalog

decision into account in its decision based on paragraph seven or eight of this Article and explain every major deviation from the European Banking Authority's decision. As a consolidating supervisor, the Bank of Slovenia shall forward a justified decision to the EU parent bank and the participating competent authorities or to the subsidiary bank and consolidating supervisor concerned if the Bank of Slovenia is a participating competent authority.

(10) As a participating competent authority in the supervision of a bank on an individual basis or sub-consolidated basis, the Bank of Slovenia shall treat the joint decision referred to in paragraph one of this Article and the decision of the consolidating supervisor referred to in paragraph six of this Article as final.

(11) As a consolidating supervisor, the Bank of Slovenia shall ensure that the joint decision referred to in paragraph one of this Article and the decision referred to in paragraphs six and nine of this Article shall be updated once a year. The Bank of Slovenia shall also ensure the updating of the decision whenever the authority responsible for the supervision of subsidiaries of an EU parent bank, EU parent financial holding company or EU parent mixed financial holding company submits a written and justified request to the Bank of Slovenia, as a consolidating supervisor, to update the decision. In the case referred to in the preceding sentence, the updating of the decision may be based on a bilateral agreement between the Bank of Slovenia and the competent authority that filed the request.

(12) If the consolidating supervisor is the competent authority of another Member State, the Bank of Slovenia may file a written and justified request with that authority to update the joint decisions referred to in paragraph one of this Article.

Article 295

(College of competent authorities and the Bank of Slovenia's participation in that college)

(1) As a consolidating supervisor, the Bank of Slovenia shall, based on the written arrangements referred to in Article 298 of this Act, establish a college of competent authorities with participating competent authorities of Member States (hereinafter: college) to facilitate effective

iz 293., 294. in 296. člena tega zakona.

(2) Kolegij zagotavlja konsolidacijskemu nadzorniku in drugim sodelujočim pristojnim organom, vključno z Evropskim bančnim organom, okvir za izvajanje njihovih nalog in pristojnosti, zlasti za:

1. izmenjavo informacij med člani kolegija, vključno z Evropskim bančnim organom, v skladu z 21. členom Uredbe (EU) št. 1093/2010;
2. pripravo dogovorov o dodelitvi nalog in prenosu odgovornosti med člani kolegija;
3. določanje načrta nadzorniških pregledov na podlagi ocene tveganosti bančne skupine;
4. preprečevanje in odpravljanje podvajanja nadzorniških zahtev, vključno z zahtevami po informacijah iz 297. člena in tretjega odstavka 299. člena tega zakona za povečanje učinkovitosti nadzora;
5. dosledno uporabo bonitetnih zahtev iz tega zakona in Uredbe (EU) št. 575/2013 za vse osebe v bančni skupini brez poseganja v izvrševanje opcij in diskrecijskih pravic, ki izhajajo iz tega zakona in Uredbe (EU) št. 575/2013;
6. izvajanje nalog iz 3. točke prvega odstavka 293. člena tega zakona ob upoštevanju dela drugih forumov, ki bi bili lahko ustanovljeni za ta namen.

(3) V kolegiju lahko sodelujejo pristojni organi, odgovorni za nadzor podrejenih družb EU nadrejene banke ali EU nadrejenega finančnega holdinga ali EU nadrejenega mešanega finančnega holdinga, in pristojni organi države članice, v kateri imajo sedež pomembne podružnice banke iz 286. člena tega zakona, Evropski bančni organ in po potrebi centralne banke Evropskega sistema centralnih bank ter pristojni organi tretjih držav (člani kolegija), če zanje velja obveznost varovanja zaupnih informacij, enakovredna obveznosti iz pododdelka 2.2.1. tega zakona.

(4) Kolegij iz prvega odstavka tega člena vodi Banka Slovenije, ki v zvezi s tem izvaja zlasti te dejavnosti:

1. odloča o udeležbi članov kolegija na posameznem sestanku in pri

cooperation in the performance of the tasks referred to in Articles 293, 294 and 296 of this Act.

(2) The college shall provide a framework for the consolidating supervisor and other participating competent authorities, including the European Banking Authority, to carry out their tasks and exercise their powers, in particular for:

1. the exchange of information between members of the college, including the European Banking Authority, in accordance with Article 21 of Regulation (EU) No 1093/2010;
2. the drafting of agreements on the allocation of tasks and transfer of responsibilities between members of the college;
3. determining a supervisory examination programme based on the risk assessment of a banking group;
4. the prevention and elimination of duplicated supervisory requirements, including requests for the information referred to in Article 297 and paragraph three of Article 299 of this Act, for the purpose of increasing the efficiency of supervision;
5. the consistent application of the prudential requirements referred to in this Act and Regulation (EU) No 575/2013 across all entities of a banking group, without prejudice to the options and discretions available under this Act and Regulation (EU) No 575/2013; and
6. the performance of the tasks referred to in point 3 of paragraph one of Article 293 of this Act, taking into account the work of other forums that could be established for that purpose.

(3) The following authorities may participate in the college: the competent authorities responsible for the supervision of subsidiaries of an EU parent bank or EU parent financial holding company or EU parent mixed financial holding company, and the competent authorities of the Member State in which the significant branches of the bank referred to in Article 286 of this Act are established, the European Banking Authority and central banks of the European System of Central Banks as appropriate, and the competent authorities of third countries (members of the college) if they are subject to confidentiality requirements that are equivalent to the obligation referred to in Subsection 2.2.1. of this Act.

(4) The Bank of Slovenia shall chair the college referred to in paragraph one of this Article and perform the following activities in particular:

1. make decisions regarding participation of members of the college in

- dejavnostih kolegija;
2. obvešča člane kolegija o sestankih in pomembnejših zadevah, ki bodo obravnavane, ter o odločitvah, sprejetih na sestankih kolegija, in izvedenih dejavnostih;
 3. obvešča Evropski bančni organ o dejavnosti kolegija, tudi v kriznih razmerah, in mu predloži informacije, pomembne za približevanje nadzorniških praks.

(5) Banka Slovenije pri vodenju kolegija upošteva mogoč vpliv sprejetih odločitev na izvajanje nadzora drugih sodelujočih pristojnih organov, zlasti vpliv na stabilnost finančnega sistema v državah članicah teh pristojnih organov, še posebno v kriznih razmerah, poleg tega pa upošteva izvajanje obveznosti iz petega odstavka 281. člena tega zakona.

(6) Ustanovitev in delovanje kolegija ne vplivata na pristojnosti in odgovornosti Banke Slovenije po tem zakonu in Uredbi (EU) št. 575/2013.

(7) Če je za ustanovitev kolegija kot konsolidacijski nadzornik pristojen pristojni organ druge države članice, Banka Slovenije sodeluje v tem kolegiju na podlagi pisnega dogovora iz 298. člena tega zakona.

296. člen

(obvestilo in informacije v kriznih razmerah)

(1) Ob nastopu kriznih razmer, vključno z razmerami iz 18. člena Uredbe (EU) št. 1093/2010, ali ob neugodnem razvoju na trgih, ki bi lahko ogrozil likvidnost trga in stabilnost finančnega sistema v katerikoli državi članici, v kateri so osebe bančne skupine ali pomembne podružnice iz 280. člena tega zakona, vključene v to skupino, Banka Slovenije z upoštevanjem 18. člena tega zakona kot konsolidacijski nadzornik takoj, ko je mogoče, pošlje obvestilo in informacije o tem Evropskemu bančnemu organu, Evropskemu odboru za sistemska tveganja, pristojnim organom držav članic, udeleženi pri nadzoru te skupine, in naslednjim organom vsake od teh držav članic, kadar so informacije pomembne:

- an individual meeting and in the activities of the college;
2. notify members of the college about meetings and the main issues to be discussed and of decisions adopted at college meetings and activities carried out; and
 3. notify the European Banking Authority about the activities of the college, including also in emergency situations, and submit to that authority information relevant for supervisory convergence.

(5) In chairing the college, the Bank of Slovenia shall take into account the potential impact of adopted decisions on the performing of supervision by other participating competent authorities, in particular the impact on the stability of the financial system in the Member States of those competent authorities, especially in emergency situations. In addition, it shall also take into account the fulfilment of the obligations referred to in paragraph five of Article 281 of this Act.

(6) The establishment and functioning of the college shall not impact on the powers and responsibilities of the Bank of Slovenia under this Act and Regulation (EU) No 575/2013.

(7) If, as a consolidating supervisor, the competent authority of another Member State is responsible for establishing a college, the Bank of Slovenia shall participate in that college based on the written arrangements referred to in Article 298 of this Act.

Article 296

(Notification and information in emergency situations)

(1) If an emergency situation, including a situation referred to in Article 18 of Regulation (EU) No 1093/2010 or a situation of adverse developments on the markets, arises that could jeopardise the market liquidity and the stability of the financial system in any of the Member States in which the entities of a banking group or significant branches referred to in Article 280 of this Act are included in that group, the Bank of Slovenia shall, as consolidating supervisor and taking into account Article 18 of this Act, alert as soon as possible the European Banking Authority, the European Systemic Risk Board, the competent authorities of the Member States included in the supervision of that group, and the following authorities of each of those Member States when such information is deemed relevant:

1. centralnim bankam ESCB, kadar so informacije pomembne za opravljanje njihovih zakonsko predpisanih nalog, vključno z vodenjem monetarne politike in s tem povezanim zagotavljanjem likvidnosti, nadzorom plačil, klirinških sistemov in sistemov poravnave ter varovanjem stabilnosti finančnega sistema;
2. ministrstvom, pristojnim za finance, oziroma državnim organom drugih držav članic, pristojnim za izvrševanje zakonov na področju nadzora nad kreditnimi institucijami, finančnimi institucijami, investicijskimi podjetji ali zavarovalnicami.

(2) Če je konsolidacijski nadzornik pristojni organ druge države članice, Banka Slovenije ob nastopu kriznih razmer iz prejšnjega odstavka takoj, ko je mogoče, o tem obvesti konsolidacijskega nadzornika in druge pristojne organe držav članic, ki so udeleženi pri nadzoru te bančne skupine na konsolidirani podlagi ali na subkonsolidirani podlagi, in Evropski bančni organ.

297. člen

(pridobivanje informacij od drugih pristojnih organov)

Če Banka Slovenije kot konsolidacijski nadzornik potrebuje informacije o bančni skupini, ki so bile že posredovane drugemu pristojnemu organu, mora, če je to mogoče, te informacije pridobiti od tega pristojnega organa z namenom preprečiti podvajanje poročanja bank različnim pristojnim organom, ki sodelujejo pri nadzoru.

298. člen

(dogovori s pristojnimi organi o sodelovanju pri nadzoru na konsolidirani podlagi)

(1) Z namenom zagotoviti učinkovit nadzor na konsolidirani podlagi Banka Slovenije z drugimi pristojnimi organi, udeleženi pri tem nadzoru, sklene ustrezne pisne dogovore o usklajevanju in sodelovanju.

(2) Z dogovori iz prejšnjega odstavka se lahko določijo dodatne

1. ESCB central banks whenever such information is relevant for the performance of their legally prescribed tasks, including the pursuit of monetary policy and the associated provision of liquidity, the supervision of payments and the functioning of clearing systems and settlement systems, and safeguarding the stability of the financial system, and
2. the ministry responsible for finance or the government authorities of other Member States responsible for the implementation of Acts governing the supervision of credit institutions, financial institutions, investment firms or insurance undertakings.

(2) If the consolidating supervisor is the competent authority of another Member State, the Bank of Slovenia shall alert as soon as possible the consolidating supervisor and the other competent authorities of Member States included in the supervision of the banking group in question on a consolidated or sub-consolidated basis and the European Banking Authority that an emergency situation referred to in the preceding paragraph has arisen.

Article 297

(Obtaining information from other competent authorities)

If the Bank of Slovenia, as a consolidating supervisor, requires information on the banking group that has already been provided to another competent authority, it shall obtain that information from the aforementioned competent authority, if possible, with the purpose of preventing the duplication of reporting by banks to various competent authorities participating in supervision.

Article 298

(Cooperation arrangements with competent authorities regarding supervision on a consolidated basis)

(1) With the purpose of ensuring effective supervision on a consolidated basis, the Bank of Slovenia shall conclude appropriate written coordination and cooperation arrangements with other competent authorities involved in that supervision.

(2) Under the arrangements referred to in the preceding

naloge konsolidacijskemu nadzorniku in postopki za sprejemanje odločitev ter sodelovanja z drugimi pristojnimi organi.

(3) Banka Slovenije lahko v skladu z 28. členom Uredbe (EU) št. 1093/2010 na podlagi dvostranskega dogovora prenese pristojnost in odgovornosti za nadzor nad podrejeno banko pristojnemu organu druge države članice, ki je izdal dovoljenje in nadzoruje nadrejeno banko države članice, tako da slednja prevzame odgovornost za nadzor te podrejene banke.

(4) Če je Banka Slovenije pristojna za nadzor nad nadrejeno banko, lahko v skladu z 28. členom Uredbe (EU) št. 1093/2010 na podlagi dvostranskega dogovora s pristojnim organom druge države članice, ki je pristojen za nadzor nad podrejeno družbo, prevzame pristojnost in odgovornosti za nadzor podrejene družbe in o tem obvesti Evropski bančni organ.

299. člen

(izmenjava informacij s pristojnimi organi držav članic pri nadzoru na konsolidirani podlagi)

(1) Banka Slovenije sodeluje s pristojnimi organi drugih držav članic v zvezi z nadzorom na konsolidirani podlagi in z upoštevanjem 22. člena tega zakona tem organom posreduje zlasti informacije o:

1. pravni strukturi skupine in njeni strukturi upravljanja, vključno z organizacijsko strukturo, ki zajema vse nadzorovane subjekte, nenadzorovane subjekte, nenadzorovane podrejene družbe in pomembne podružnice, ki pripadajo skupini, ter nadrejene osebe z opisom ureditve notranjega upravljanja v skladu s 128. členom tega zakona, ureditve glede razmerji tesne povezanosti in ureditve upravljanja v podrejenih družbah v skladu s četrtem odstavkom 134. člena tega zakona ter navedbo vseh pristojnih organov nadzorovanih subjektov v skupini;
2. postopkih zbiranja informacij od institucij v skupini in preverjanja pravilnosti teh informacij;
3. neugodnih dogajanjih v banki ali drugih osebah v skupini, ki lahko

paragraph, additional tasks may be entrusted to the consolidating supervisor, and procedures for decision-making and cooperation with other competent authorities may be defined.

(3) The Bank of Slovenia may, in accordance with Article 28 of Regulation (EU) No 1093/2010 and based on a bilateral agreement, delegate its powers and responsibilities for the supervision of a subsidiary bank to the competent authority of another Member State that issued authorisation and supervises the Member State parent bank concerned, such that the aforementioned competent authority assumes responsibility for the supervision of that subsidiary bank.

(4) If it is competent for the supervision of a parent bank, the Bank of Slovenia may, in accordance with Article 28 of Regulation (EU) No 1093/2010, based on a bilateral agreement with the competent authority of another Member State responsible for the supervision of a subsidiary bank, assume the powers and responsibilities for the supervision of that subsidiary bank. The Bank of Slovenia shall notify the European Banking Authority accordingly.

Article 299

(Exchange of information with competent authorities of Member States during supervision on a consolidated basis)

(1) The Bank of Slovenia shall cooperate with competent authorities of other Member States in connection with supervision on a consolidated basis and, taking into account Article 22 of this Act, submit the information to those authorities regarding:

1. the legal structure of the group and its governance structure, including the organisational structure, covering all regulated entities, non-regulated entities, non-regulated subsidiaries and significant branches belonging to the group, including parent undertakings, with a description of the internal governance structure in accordance with Article 128 of this Act, arrangements regarding close relationship and governance at subsidiaries in accordance with paragraph four of Article 134 of this Act, and a list of all competent authorities of the regulated entities in the group;
2. procedures for the collection of information from institutions in the group and the verification of the accuracy of such information;
3. adverse developments at a bank or other entities in the group that

- resno vplivajo na druge banke v skupini;
4. pomembnih ukrepov, ki jih je izrekla banki, vključno z zahtevo za zagotovitev kapitala iz tretjega odstavka 250. člena tega zakona, in o vzpostavitvi vsake omejitve za uporabo naprednega pristopa za operativno tveganje.

(2) Če Banka Slovenije, kadar je odgovorna za nadzor banke, ki jo obvladuje EU nadrejena kreditna institucija, potrebuje informacije glede uporabe pristopov in metodologij iz tega zakona in Uredbe (EU) št. 575/2013, preden naslovi na banko zahtevo za predložitev teh informacij, preveri, ali je to mogoče, ali so te informacije dostopne pri konsolidacijskem nadzorniku.

(3) Če konsolidacijski nadzornik ali pristojni organ druge države članice Banki Slovenije ne zagotovi vseh bistvenih informacij iz prvega odstavka tega člena oziroma se na zahtevo po zagotovitvi teh informacij ne odzove v razumnem roku, lahko Banka Slovenije to zadevo predloži Evropskemu bančnemu organu v skladu z 19. členom Uredbe (EU) št. 1093/2010.

300. člen

(posvetovanje s pristojnimi organi držav članic, vključenimi v nadzor na konsolidirani podlagi)

(1) Banka Slovenije se mora pred posamezno odločitvijo, ki je pomembna tudi za opravljanje nalog nadzora drugih pristojnih organov držav članic, z njimi posvetovati o:

1. spremembah delničarske, organizacijske ali upravljske strukture banke v skupini, za katere je treba pridobiti dovoljenje pristojnega organa;
2. pomembnih ukrepov, ki jih namerava izreči banki, vključno z zahtevo za zagotovitev kapitala na podlagi zahteve iz tretjega odstavka 250. člena tega zakona, in o vzpostavitvi vsake omejitve za uporabo naprednega pristopa za operativno tveganje v skladu z drugim odstavkom 312. člena Uredbe (EU) št. 575/2013.

4. could seriously affect the other banks in that group; and significant measures imposed on a bank, including the requirement to ensure capital referred to in paragraph three of Article 250 of this Act, and the imposition of any limitation on the use of the Advanced Measurement Approach for operational risk.

(2) If the Bank of Slovenia, when it is responsible for the supervision of a bank controlled by an EU parent credit institution, requires information regarding the implementation of approaches and methodologies referred to in this Act and Regulation (EU) No 575/2013, it shall verify whether this is possible or whether that information is available from the consolidating supervisor before addressing a request for the submission of that information to the bank concerned.

(3) If the consolidating supervisor or the competent authority of another Member State fails to provide all of the essential information referred to in paragraph one of this Article to the Bank of Slovenia or fails to respond to a request to provide that information within a reasonable period of time, the Bank of Slovenia may refer the matter to the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010.

Article 300

(Consultation with the competent authorities of Member States included in supervision on a consolidated basis)

(1) Before making an individual decision of importance also for the performance of supervisory tasks by other competent authorities of Member States, the Bank of Slovenia shall consult with those competent authorities with regard to the following:

1. changes in the shareholder, organisational or governance structure of a bank in the group that require the authorisation of the competent authority and
2. significant measures that it intends to impose on a bank, including the requirement to ensure capital based on a requirement referred to in paragraph three of Article 250 of this Act, and the imposition of any restriction on the use of the Advanced Measurement Approach for operational risk in accordance with Article 312(2) of Regulation (EU) No 575/2013.

(2) V primerih iz 2. točke prejšnjega odstavka se mora Banka Slovenije vedno posvetovati s konsolidacijskim nadzornikom.

(3) Ne glede na prvi in drugi odstavek tega člena se Banka Slovenije ni dolžna predhodno posvetovati, če je izvedba ukrepa nujna ali če bi postopek posvetovanja lahko ogrozil učinkovitost predvidenih ukrepov. V teh primerih mora Banka Slovenije obvestiti pristojni organ države članice nemudoma po sprejetju ukrepa.

301. člen

(obveznosti podrejenih družb in nadrejenega finančnega holdinga ali nadrejenega mešanega finančnega holdinga glede nadzora na konsolidirani podlagi)

(1) Podrejene družbe morajo nadrejeni banki v bančni skupini oziroma banki, ki jo obvladuje nadrejeni finančni holding ali nadrejeni mešani finančni holding, posredovati vse informacije, ki jih ta potrebuje za izpolnitev obveznosti na konsolidirani podlagi.

(2) Nadrejeni finančni holding ali nadrejeni mešani finančni holding mora svoji podrejeni banki posredovati vse informacije, ki jih ta potrebuje za izpolnitev obveznosti na konsolidirani podlagi.

(3) Če nadrejeni finančni holding ali nadrejeni mešani finančni holding banki ne posreduje informacij iz prejšnjega odstavka, mora banka o tem takoj obvestiti Banko Slovenije.

(4) Podrejene družbe in nadrejeni finančni holding ali nadrejeni mešani finančni holding morajo Banki Slovenije oziroma drugemu pristojnemu organu, pristojnemu in odgovornemu za nadzor na konsolidirani podlagi, omogočiti, da opravi pregled poslovanja zaradi preveritve informacij iz prvega oziroma drugega odstavka tega člena.

(5) Obveznosti iz prvega do četrtega odstavka tega člena obstajajo tudi, če nadrejena banka, nadrejeni finančni holding, nadrejeni

(2) In cases referred to in point 2 of the preceding paragraph, the Bank of Slovenia shall always consult with the consolidating supervisor.

(3) Notwithstanding paragraphs one and two of this Article, the Bank of Slovenia shall not be obliged to consult in advance if the implementation of a measure is urgent or if such consultation procedure could jeopardise the efficiency of planned measures. In such cases, the Bank of Slovenia shall notify the competent authority of the Member State concerned, without delay, of the adoption of a measure.

Article 301

(Obligations of subsidiaries and a parent financial holding company or parent mixed financial holding company with regard to supervision on a consolidated basis)

(1) Subsidiaries shall forward to the parent bank in a banking group or a bank that is controlled by a parent financial holding company or parent mixed financial holding company all the information it needs to fulfil its obligations on a consolidated basis.

(2) A parent financial holding company or parent mixed financial holding company shall forward to its subsidiary bank all the information that the latter needs to fulfil its obligations on a consolidated basis.

(3) If a parent financial holding company or parent mixed financial holding company fails to forward the information referred to in the preceding paragraph to a bank, the latter shall notify the Bank of Slovenia accordingly without delay.

(4) Subsidiaries and the parent financial holding company or parent mixed financial holding company shall enable the Bank of Slovenia or another competent authority competent and responsible for supervision on a consolidated basis to review the operations for the purpose of verifying the information referred to in paragraph one or two of this Article.

(5) The obligations referred to in paragraphs one to four of this Article shall also arise if the parent bank, parent financial holding

mešani finančni holding ali banka, ki je podrejena nadrejenemu finančnemu holdingu ali mešanemu finančnemu holdingu, nima sedeža v Republiki Sloveniji.

(6) Družba, ki je podrejena banki, finančnemu holdingu ali mešanemu finančnemu holdingu, vendar ni vključena v nadzor na konsolidirani podlagi te banke, finančnega holdinga oziroma mešanega finančnega holdinga, mora pristojnemu organu, pristojnemu za nadzor na konsolidirani podlagi te banke, finančnega holdinga oziroma mešanega finančnega holdinga:

1. na njegovo zahtevo posredovati vse informacije, potrebne za nadzor posameznih bank v bančni skupini;
2. omogočiti, da opravi pregled poslovanja zaradi preveritve informacij iz prejšnje točke.

(7) Če je družba iz prejšnjega odstavka zavarovalnica ali investicijsko podjetje, se pridobivanje oziroma preverjanje informacij lahko opravi tudi po postopku sodelovanja z nadzornimi organi iz 306. člena tega zakona.

(8) Če ima družba iz šestega odstavka tega člena sedež v drugi državi članici, se pregled poslovanja iz 2. točke šestega odstavka tega člena lahko opravi tudi na način iz 308. člena tega zakona.

(9) V primeru podrejene banke, ki ni vključena v nadzor na konsolidirani podlagi v skladu z enim od primerov iz 19. člena Uredbe (EU) št. 575/2013, lahko Banka Slovenije od nadrejene osebe zahteva informacije, ki bi olajšale nadzor nad to podrejeno banko.

302. člen
(izpolnjevanje obveznosti na konsolidirani podlagi v zvezi z mešanim finančnim holdingom)

company, parent mixed financial holding company or bank that is a subsidiary of the parent financial holding company or mixed financial holding company is not established in the Republic of Slovenia.

(6) An undertaking that is a subsidiary of a bank, financial holding company or mixed financial holding company but is not included in the supervision on a consolidated basis of that bank, financial holding company or mixed financial holding company shall:

1. submit, at the request of competent authority competent for the supervision on a consolidated basis of that bank, financial holding company or mixed financial holding company, all the information that it requires for the supervision of individual banks in the banking group and
2. enable the competent authority competent for the supervision on a consolidated basis of that bank, financial holding company or mixed financial holding company to review operations for the purpose of verifying the information referred to in the preceding point.

(7) If the undertaking referred to in the preceding paragraph is an insurance undertaking or investment firm, information may also be obtained or verified through cooperation with the supervisory authorities referred to in Article 306 of this Act.

(8) If the undertaking referred to in paragraph six of this Article is established in another Member State, the review of operations referred to in point 2 of paragraph six of this Article may also be performed in the manner referred to in Article 308 of this Act.

(9) If a subsidiary bank is not included in supervision on a consolidated basis in accordance with one of the cases referred to in Article 19 of Regulation (EU) No 575/2013, the Bank of Slovenia may request information from the parent undertaking to facilitate the supervision of that subsidiary bank.

Article 302
(Fulfilment of obligations on a consolidated basis in connection with a mixed financial holding company)

(1) Če za mešani finančni holding veljajo enakovredne določbe po tem zakonu in ZFK, zlasti glede nadzora nad upravljanjem tveganj, lahko Banka Slovenije kot konsolidacijski nadzornik po posvetovanju z drugimi pristojnimi ali nadzornimi organi, pristojnimi za nadzor podrejenih oseb, za ta mešani finančni holding uporabi samo ustrezne določbe ZFK.

(2) Če za mešani finančni holding veljajo enakovredne določbe po tem zakonu in zakonu, ki ureja zavarovalništvo, zlasti glede nadzora nad upravljanjem tveganj, lahko Banka Slovenije kot konsolidacijski nadzornik v dogovoru z nadzornim organom, pristojnim za nadzor zavarovalniške skupine, za ta mešani finančni holding uporabi samo določbe ZFK, ki veljajo za bančni sektor kot najpomembnejši v finančnem sektorju finančnega konglomerata, kot je opredeljen v 9. in 10. členu ZFK.

(3) Banka Slovenije kot konsolidacijski nadzornik obvesti Evropski bančni organ in Evropski organ za zavarovanja in poklicne pokojnine o sklepih, sprejetih na podlagi prvega in drugega odstavka tega člena.

303. člen

(obveznosti mešanega poslovnega holdinga in njegovih podrejenih družb glede nadzora)

(1) Če je družba, ki je nadrejena eni ali več bankam, mešani poslovni holding, morajo mešani poslovni holding in njegove podrejene družbe podrejenim bankam oziroma Banki Slovenije in drugim pristojnim organom posredovati vse informacije, ki so pomembne za nadzor teh podrejenih bank.

(2) Nadrejeni mešani poslovni holding in njegove podrejene družbe morajo Banki Slovenije oziroma drugemu pristojnemu organu, pristojnemu in odgovornemu za nadzor podrejenih bank, omogočiti, da opravi pregled poslovanja zaradi preveritve informacij iz prejšnjega odstavka.

(3) V primeru, ko ima mešani poslovni holding ali ena od

(1) If a mixed financial holding company is subject to equivalent provisions under this Act and the ZFK, in particular in terms of risk-management supervision, the Bank of Slovenia, as a consolidating supervisor, may apply only the relevant provisions of the ZFK to that mixed financial holding company, this following consultation with other competent authorities or supervisory authorities responsible for the supervision of subsidiaries.

(2) If a mixed financial holding company is subject to equivalent provisions under this Act and the Act governing insurance, in particular in terms of risk-management supervision, the Bank of Slovenia, as a consolidating supervisor, may, in agreement with the authority responsible for the supervision of an insurance group, apply to that mixed financial holding company only the provisions of the ZFK applicable to the banking sector as the most significant in the financial sector of a financial conglomerate, as determined in Articles 9 and 10 of the ZFK.

(3) As a consolidating supervisor, the Bank of Slovenia shall notify the European Banking Authority and the European Insurance and Occupational Pensions Authority about decisions adopted on the basis of paragraphs one and two of this Article.

Article 303

(Obligations of a mixed-activity holding company and its subsidiaries with regard to supervision)

(1) If the parent undertaking of one or more banks is a mixed-activity holding company, the latter and its subsidiaries shall submit to subsidiary banks or the Bank of Slovenia and other competent authorities all the information relevant for the supervision of those subsidiary banks.

(2) A parent mixed-activity holding company and its subsidiaries shall enable the Bank of Slovenia or another competent authority competent and responsible for the supervision of subsidiary banks to review their operations for the purpose of verifying the information referred to in the preceding paragraph.

(3) If a mixed-activity holding company or one of its subsidiaries

njegovih podrejenih družb sedež v drugi državi članici, se preverjanje informacij opravi v skladu s 308. členom tega zakona.

304. člen
(nadzor nad posli med mešanim poslovnim holdingom in podrejenimi družbami)

(1) Če je družba, ki je nadrejena eni ali več bankam, mešani poslovni holding, je Banka Slovenije v okviru svojih pristojnosti in odgovornosti za nadzor nad temi bankami pristojna in odgovorna tudi za nadzor nad posli med temi bankami in mešanim poslovnim holdingom ter njegovimi drugimi podrejenimi družbami.

(2) V primeru iz prejšnjega odstavka mora banka vzpostaviti in dosledno uresničevati primerne notranje postopke za upravljanje tveganj in mehanizme notranjih kontrol, vključno z zanesljivimi postopki poročanja ter računovodskimi postopki, z namenom ugotavljanja, merjenja, spremljanja in nadzora poslov z njenim nadrejenim mešanim poslovnim holdingom in njegovimi podrejenimi družbami.

(3) Banka mora Banki Slovenije poročati o vseh pomembnih poslih z mešanim poslovnim holdingom in njegovimi drugimi podrejenimi družbami, ki niso vključeni v poročanje na podlagi 394. člena Uredbe (EU) št. 575/2013.

(4) Banka Slovenije lahko podrobneje predpiše način, vsebino in pogostost poročanja iz prejšnjega odstavka.

305. člen
(izmenjava informacij za namen nadzora na konsolidirani podlagi)

Če imata nadrejena družba in katerakoli banka, ki ji je podrejena, sedeža v različnih državah članicah, si mora Banka Slovenije s pristojnimi organi teh držav članic izmenjevati vse pomembne informacije, ki lahko omogočijo izvajanje nadzora na konsolidirani podlagi ali k temu pripomorejo.

is established in another Member State, the verification of information shall be carried out in accordance with Article 308 of this Act.

Article 304
(Supervision of transactions between a mixed-activity holding company and its subsidiaries)

(1) If the parent undertaking of one or more banks is a mixed-activity holding company, the Bank of Slovenia, in the scope of its powers and responsibilities for the supervision of those banks, shall also be competent and responsible for the supervision of transactions between those banks and the mixed-activity holding company and its other subsidiaries.

(2) In the case referred to in the preceding paragraph, a bank shall establish and consistently implement appropriate internal risk management procedures and internal control mechanisms, including sound reporting and accounting procedures, with the aim of identifying, measuring, monitoring and controlling transactions with its parent mixed-activity holding company and its subsidiaries.

(3) A bank shall report to the Bank of Slovenia all significant transactions with a mixed-activity holding company and its other subsidiaries that are not included in reporting based on Article 394 of Regulation (EU) No 575/2013.

(4) The Bank of Slovenia may prescribe in detail the manner, content and frequency of reporting referred to in the preceding paragraph.

Article 305
(Exchange of information for the purpose of supervision on a consolidated basis)

If a parent undertaking and any of its subsidiary banks are established in different Member States, the Bank of Slovenia shall exchange with the competent authorities of those Member States all relevant information that may facilitate the performing of supervision on a consolidated basis or contribute to it.

306. člen

(sodelovanje med nadzornimi organi, če je ena od podrejenih družb zavarovalnica ali investicijsko podjetje)

(1) Če banka, finančni holding, mešani finančni holding ali mešani poslovni holding obvladuje eno ali več podrejenih družb, ki imajo položaj zavarovalnice ali druge družbe za investicijske storitve, ki so pridobile dovoljenje za opravljanje storitev, Banka Slovenije sodeluje tudi z nadzornimi organi, pristojnimi za nadzor teh družb.

(2) Banka Slovenije si mora z nadzornimi organi iz prejšnjega odstavka izmenjevati vse informacije, ki lahko olajšajo njihove naloge in jim omogočijo nadzor nad poslovanjem in splošnim finančnim položajem družb, ki jih nadzorujejo.

(3) Če je mešani poslovni holding ali njegova podrejena družba zavarovalnica, se pregled poslovanja iz drugega odstavka 303. člena tega zakona lahko opravi v sodelovanju z nadzornim organom, pristojnim na nadzor zavarovalnice.

307. člen

(seznam nadrejenih finančnih holdingov ali nadrejenih mešanih finančnih holdingov)

Banka Slovenije oblikuje sezname nadrejenih finančnih holdingov ali nadrejenih mešanih finančnih holdingov Republike Slovenije iz 11. člena Uredbe (EU) št. 575/2013 ter jih pošlje pristojnim organom drugih držav članic, Evropskemu bančnemu organu in Komisiji.

308. člen

(pregled poslovanja zaradi preveritve informacij)

(1) Če želi Banka Slovenije zaradi nadzora, za katerega je

Article 306

(Cooperation between competent authorities if one of the subsidiaries is an insurance undertaking or investment firm)

(1) If a bank, financial holding company, mixed financial holding company or mixed-activity holding company controls one or more subsidiaries that are insurance undertakings or other undertakings providing investment services that have obtained authorisation to provide services, the Bank of Slovenia shall cooperate also with the supervisory authorities responsible for the supervision of those undertakings.

(2) The Bank of Slovenia shall exchange all information with the supervisory authorities referred to in the preceding paragraph that may facilitate their tasks and facilitate supervision of the operations and overall financial position of the undertakings they supervise.

(3) If a mixed-activity holding company or its subsidiary is an insurance undertaking, the review of operations referred to in paragraph two of Article 303 of this Act shall be carried out in cooperation with the supervisory authority responsible for the supervision of that insurance undertaking.

Article 307

(List of parent financial holding companies or parent mixed financial holding companies)

The Bank of Slovenia shall make lists of parent financial holding companies or parent mixed financial holding companies in the Republic of Slovenia referred to in Article 11 of Regulation (EU) No 575/2013 and communicate those lists to the competent authorities of other Member States, the European Banking Authority and the Commission.

Article 308

(Review of operations for the purpose of verifying information)

(1) If, for the purpose of supervision for which it is competent

pristojna in odgovorna po tem zakonu ali Uredbi (EU) št. 575/2013, preveriti informacije, ki se nanašajo na banko, finančni holding, mešani finančni holding, finančno institucijo, družbo za pomožne storitve, mešani poslovni holding ali podrejeno družbo iz prvega odstavka 303. člena tega zakona, ki ima sedež v drugi državi članici, zaprosi pristojni organ te druge države članice, da opravi pregled poslovanja te družbe zaradi preveritve teh informacij ali da ji omogoči, da sama opravi tak pregled poslovanja.

(2) Pristojni organ, pristojen in odgovoren za nadzor na konsolidirani podlagi ali za nadzor nad banko države članice, lahko na območju Republike Slovenije za namen preveritve informacij, ki se nanašajo na banko, finančni holding, mešani finančni holding, finančno institucijo, družbo za pomožne bančne storitve, mešani poslovni holding ali podrejeno družbo iz prvega odstavka 303. člena tega zakona, ki ima sedež v Republiki Sloveniji, opravi pregled poslovanja te družbe. O nameravanem pregledu poslovanja iz prejšnjega stavka mora pristojni organ države članice predhodno obvestiti Banko Slovenije, ki se lahko pregleda udeleži.

(3) V primeru iz prejšnjega odstavka ima pristojni organ države članice oziroma osebe, ki jih pooblasti, enake pristojnosti kot Banka Slovenije na podlagi 248. člena tega zakona.

(4) Na zaprosilo pristojnega organa države članice mora Banka Slovenije opraviti pregled poslovanja družbe iz drugega odstavka tega člena. Pristojni organ države članice se lahko, če tako zahteva, udeleži pregleda iz prejšnjega stavka.

309. člen

(poslovodstvo nadrejenega finančnega holdinga ali nadrejenega mešanega finančnega holdinga)

(1) Nadrejeni finančni holding ali nadrejeni mešani finančni holding mora zagotoviti, da ima njegovo poslovodstvo ustrezen ugled in

and responsible under this Act or Regulation (EU) No 575/2013, the Bank of Slovenia wishes to verify information concerning a bank, financial holding company, mixed financial holding company, financial institution, ancillary services undertaking, mixed-activity holding company or a subsidiary referred to in paragraph one of Article 303 of this Act that is established in another Member State, it shall ask the competent authority of that Member State to conduct a review of the operations of the undertaking in question with the aim of verifying that information or enable the Bank of Slovenia to conduct such a review of operations itself.

(2) A competent authority competent and responsible for supervision on a consolidated basis or for supervision of a Member State bank may, on the territory of the Republic of Slovenia for the purpose of verifying information concerning a bank, financial holding company, mixed financial holding company, financial institution, ancillary banking services undertaking, mixed-activity holding company or a subsidiary referred to in paragraph one of Article 303 of this Act that is established in the Republic of Slovenia, conduct a review of the operations of that undertaking. The competent authority of that Member State shall notify the Bank of Slovenia in advance of its intent to review operations referred to in the preceding sentence. The Bank of Slovenia may participate in such a review.

(3) In the case referred to in the preceding paragraph, the competent authority of a Member State or the persons authorised by that competent authority shall have the same competences as the Bank of Slovenia based on Article 248 of this Act.

(4) Upon request of the competent authority of a Member State, the Bank of Slovenia shall conduct a review of the operations of the undertaking referred to in paragraph two of this Article. If it so requests, the competent authority of the Member State may participate in the review referred to in the preceding sentence.

Article 309

(Management of a parent financial holding company or parent mixed financial holding company)

(1) A parent financial holding company or parent mixed financial holding company shall ensure that the members of its

izkušnje za vodenje njegovih poslov.

(2) Šteje se, če se ne dokaže drugače, da ima poslovodstvo nadrejenega finančnega holdinga ali nadrejenega mešanega finančnega holdinga ustrezen ugled in izkušnje za vodenje njegovih poslov, če vsak član poslovodstva izpolnjuje naslednje pogoje:

1. ima ustrezne lastnosti in izkušnje pri vodenju poslov finančne družbe ali drugega podjetja primerljive velikosti in dejavnosti kot finančna družba oziroma drugih primerljivih poslov in
2. ni bil pravnomočno obsojen zaradi kaznivega dejanja in obsodba še ni bila izbrisana ter zoper njega tudi ni vložena pravnomočna obtožnica zaradi kaznivega dejanja, ki se preganja po uradni dolžnosti in za katero se lahko izreče kazen zapora eno leto ali več.

310. člen

(ukrepi nad finančnim holdingom, mešanim finančnim holdingom in mešanim poslovnim holdingom)

(1) Če finančni holding, mešani finančni holding ali mešani poslovni holding krši svoje obveznosti, določene v oddelku 9.3. tega zakona, Banka Slovenije temu holdingu oziroma njegovemu poslovodstvu izda odredbo. Za ukrepe iz prejšnjega stavka se smiselno uporabljajo določbe 8. poglavja tega zakona, ki veljajo za ukrepe izrečene banki in članom uprave banke.

(2) Če ima finančni holding, mešani finančni holding ali mešani poslovni holding sedež v drugi državi članici, Banka Slovenije o kršitvi obveznosti iz prejšnjega odstavka in o sprejetih ukrepih obvesti pristojni ali nadzorni organ te države članice.

(3) Pri izrekanju ukrepov, katerih namen je odpraviti ugotovljene kršitve ali vzroke za take kršitve finančnega holdinga, mešanega finančnega holdinga ali mešanega poslovnega holdinga, mora

management are of sufficiently good reputation and possess the experience to manage that undertaking's operations.

(2) Unless proven otherwise, the members of the management of a parent financial holding company or parent mixed financial holding company shall be deemed to be of sufficiently good reputation and possess the experience to manage that undertaking's operations if each member fulfils the following conditions:

1. they possess the requisite traits and experience to manage the operations of a financial undertaking or an undertaking of similar size and activity to those of a financial undertaking or other similar transactions and
2. they have not been convicted by a final judgement for a criminal offence and the conviction has not yet been expunged from the records and final charges have not been brought against them for a criminal offence prosecuted *ex officio* and for which a prison sentence of a year or more may be imposed.

Article 310

(Measures imposed on a financial holding company, a mixed financial holding company and a mixed-activity holding company)

(1) If a financial holding company, mixed financial holding company or mixed-activity holding company breaches its obligations determined in Section 9.3. of this Act, the Bank of Slovenia shall issue an order against that holding company or its management. The provisions of Chapter 8 of this Act governing measures imposed on a bank and on the members of a bank's management board shall apply *mutatis mutandis* to the measures referred to in the preceding sentence.

(2) If a financial holding company, mixed financial holding company or mixed-activity holding company is established in another Member State, the Bank of Slovenia shall notify the competent or supervisory authority of that Member State with regard to the breaches of obligations referred to in the preceding paragraph and the measures adopted.

(3) When imposing measures aimed at rectifying identified breaches or the causes of such breaches by a financial holding company, mixed financial holding company or mixed-activity holding company, the

Banka Slovenije sodelovati s pristojnimi ali nadzornimi organi drugih držav članic.

311. člen
(nadzor, če ima nadrejena oseba sedež v tretji državi)

(1) Če banka, ki je podrejena drugi banki ali finančnemu holdingu ali mešanemu finančnemu holdingu, ki ima sedež v tretji državi, ni subjekt nadzora na konsolidirani podlagi, za katerega je pristojna in odgovorna Banka Slovenije po 291. členu tega zakona ali pristojni organ druge države članice, mora Banka Slovenije bodisi na zahtevo nadrejene osebe ali druge nadzorovane osebe v bančni skupini bodisi na lastno pobudo preveriti, ali je ta banka predmet nadzora na konsolidirani podlagi, ki ga opravlja pristojni organ te tretje države in ki je enakovreden nadzoru na konsolidirani podlagi po tem zakonu in 2. poglavju II. naslova 1. dela Uredbe (EU) št. 575/2013.

(2) Pri preverjanju po prejšnjem odstavku mora Banka Slovenije upoštevati morebitne splošne usmeritve glede ureditve razmerij v zvezi z nadzorom na konsolidirani podlagi z nadzornimi organi tretje države, ki jih izda Evropski bančni odbor, in se o tem posvetovati z Evropskim bančnim organom in z drugimi pristojnimi organi držav članic, ki so vključeni v nadzor oseb v skupini.

(3) Če takega enakovrednega nadzora na konsolidirani podlagi v tretji državi ni, se za banko iz prvega odstavka tega člena smiselno uporabijo določbe tega zakona in Uredbe (EU) št. 575/2013 ali Banka Slovenije določi in uporabi druge ustrezne nadzorne postopke in ukrepe, ki lahko dosežejo namen nadzora banke na konsolidirani podlagi. Banka Slovenije lahko zlasti zahteva, da se ustanovi finančni holding ali mešani finančni holding s sedežem v Evropski uniji, in uporabi pravila o konsolidiranem nadzoru za konsolidirani položaj tega finančnega holdinga ali mešanega finančnega holdinga.

Bank of Slovenia shall cooperate with the competent or supervisory authorities of other Member States.

Article 311
(Supervision where a parent undertaking is established in a third country)

(1) If a bank that is a subsidiary of another bank or a financial holding company or mixed financial holding company established in a third country is not a subject of supervision on a consolidated basis for which the Bank of Slovenia is competent and responsible in accordance with Article 291 of this Act or for which the competent authority of another Member State is competent and responsible, the Bank of Slovenia shall, upon request of the parent undertaking or other regulated entity in the banking group or on its own initiative, verify whether that bank is subject to supervision on a consolidated basis by the competent authority of that third country that is equivalent to supervision on a consolidated basis under this Act and Chapter 2 of Title II of Part 1 of Regulation (EU) No 575/2013.

(2) During the verification referred to in the preceding paragraph, the Bank of Slovenia shall take into account any possible general guidances issued by the European Banking Committee regarding arrangement of relations in connection with supervision on a consolidated basis with the supervisory authorities of a third country and shall consult with the European Banking Authority and the other competent authorities of Member States included in the supervision of entities in a group regarding this.

(3) In the absence of such equivalent supervision on a consolidated basis in a third country, the provisions of this Act and Regulation (EU) No 575/2013 shall apply *mutatis mutandis* to the bank referred to in paragraph one of this Article, or the Bank of Slovenia shall determine and apply other appropriate supervisory procedures and measures that achieve the purpose of supervision of that bank on a consolidated basis. In particular, the Bank of Slovenia may require the establishment of a financial holding company or mixed financial holding company with registered office in the European Union and shall apply rules on consolidated supervision to the consolidated situation of that financial holding company or mixed financial holding company.

(4) O nadzornih postopkih in ukrepih iz prejšnjega odstavka se mora po predhodnem posvetovanju z drugimi pristojnimi organi držav članic, vključenimi v nadzor, strinjati pristojni organ države članice, ki bi bil odgovoren za nadzor na konsolidirani podlagi.

(5) O nadzornih postopkih in ukrepih iz tretjega odstavka tega člena Banka Slovenije obvesti druge sodelujoče pristojne organe držav članic, Evropski bančni organ in Komisijo.

312. člen

(izključitev odgovornosti za nadzor na posamični podlagi)

Nobena pristojnost Banke Slovenije, določena v oddelku 9.3. tega zakona, v razmerju do finančnega holdinga, mešanega finančnega holdinga, finančnih institucij, družb za pomožne storitve ali drugih družb, ki niso banke, ne pomeni, da je Banka Slovenije odgovorna za nadzor te družbe na posamični podlagi.

9.4. Nadzor nad drugimi osebami

313. člen

(odredba o prenehanju opravljanja dejavnosti sprejemanja depozitov od javnosti in drugih dejavnosti kot banka)

(1) Če oseba v nasprotju s prepovedjo, določeno v 96. členu tega zakona, sprejema depozite od javnosti, ji Banka Slovenije izda odredbo, s katero ji naloži, da preneha s tem (v nadaljnjem besedilu: odredba o prenehanju sprejemanja depozitov od javnosti).

(2) Banka Slovenije lahko še pred izdajo odredbe o prenehanju sprejemanja depozitov od javnosti opravi pregled poslovnih knjig in druge dokumentacije osebe, opravi pregled poslovanja in zbere druge dokaze o tem, ali oseba zbira depozite od javnosti. Za zbiranje informacij ter

(4) Following prior consultation with the other competent authorities of Member States included in supervision, the competent authority of the Member State that would be responsible for supervision on a consolidated basis shall agree with the supervisory procedures and measures referred to in the preceding paragraph.

(5) The Bank of Slovenia shall notify the other participating competent authorities of Member States, the European Banking Authority and the Commission about the supervisory procedures and measures referred to in paragraph three of this Article.

Article 312

(Exclusion of responsibility for supervision on an individual basis)

None of the Bank of Slovenia's powers laid down in Section 9.3. of this Act *vis-à-vis* financial holding companies, mixed financial holding companies, financial institutions, ancillary services undertakings or other undertakings that are not banks shall imply that the Bank of Slovenia is responsible for the supervision of such undertakings on an individual basis.

9.4. Supervision of other persons

Article 313

(Order on the cessation of the activity of accepting deposits from the public and other activities as a bank)

(1) If an entity accepts deposits from the public in contravention of the prohibition determined in Article 96 of this Act, the Bank of Slovenia shall issue an order requiring that entity to cease the aforementioned activity (hereinafter: order on the cessation of the activity of accepting deposits from the public).

(2) Before issuing an order on the cessation of the activity of accepting deposits from the public, the Bank of Slovenia may conduct a review of an entity's books of account and other documentation, conduct a review of operations, and collect other evidence to determine whether

pregled poslovanja pravne osebe se smiselno uporabljajo določbe 240. do 247. člena tega zakona.

(3) V odredbi o prenehanju sprejemanja depozitov od javnosti Banka Slovenije osebi naloži, da v roku, ki ne sme biti krajši od osmih in ne daljši od 15 dni, predloži poročilo, v katerem opiše ukrepe, ki jih je opravila v zvezi s prenehanjem zbiranja depozitov od javnosti, ter v katerem se oseba lahko izjavi o utemeljenosti razlogov za izdajo odredbe. Oseba mora poročilu priložiti dokaze, iz katerih izhaja, da je opravila ukrepe v zvezi s prenehanjem zbiranja depozitov od javnosti.

(4) Če se oseba, ki ni pridobila dovoljenja za opravljanje bančnih storitev, pri opravljanju dejavnosti predstavlja kot banka in ne gre za primer iz drugega odstavka 26. člena tega zakona, ji Banka Slovenije izda odredbo, s katero ji naloži, da preneha s tem ravnanjem (v nadaljnjem besedilu: odredba o prenehanju opravljanja dejavnosti kot banka).

(5) Za odredbo o prenehanju opravljanja dejavnosti kot banka se smiselno uporabljata drugi in tretji odstavek tega člena.

(6) Če Banka Slovenije v zvezi z osebo, ki ni pridobila dovoljenja za opravljanje bančnih storitev, ugotovi okoliščine iz prvega ali četrtega odstavka tega člena, vendar je ta oseba kršitve odpravila pred izdajo odredbe iz prvega ali četrtega odstavka tega člena, lahko Banka Slovenije pod pogoji iz osmega odstavka tega člena izda ugotovitveno odločbo, s katero ugotovi, da je kršila določbe tega zakona in da je ugotovljeno kršitev odpravila.

(7) Banka Slovenije izda ugotovitveno odločbo iz prejšnjega odstavka, če lahko glede na naravo in pomen kršitev iz prvega oziroma četrtega odstavka tega člena za zagotavljanje pravne varnosti in zaščite deponentov izdaja takšne odločbe in objava informacij na podlagi 277. člena tega zakona pomembno prispeva k izboljšanju praks upravljanja

that entity accepts deposits from the public. The provisions of Articles 240 to 247 of this Act shall apply *mutatis mutandis* to the collection of information and review of a legal person's operations.

(3) In its order on the cessation of the activity of accepting deposits from the public, the Bank of Slovenia shall require an entity to submit, by a time limit that shall not be shorter than eight days and longer than 15 days, a report in which that entity shall describe the measures it has implemented in connection with the cessation of the collection of deposits from the public and in which that entity may make a statement regarding the grounds for the issue of that order. The entity's report shall include evidence from which it is clear that it has implemented measures in connection with the cessation of the collection of deposits from the public.

(4) If an entity that has failed to obtain authorisation to provide banking services presents itself as a bank in the performance of activities and this is not a case referred to in paragraph two of Article 26 of this Act, the Bank of Slovenia shall issue an order requiring that entity to cease such conduct (hereinafter: order on the cessation of the performance of activities as a bank).

(5) Paragraphs two and three of this Article shall apply *mutatis mutandis* to an order on the cessation of the performance of activities as a bank.

(6) If, in connection with an entity that failed to obtain authorisation to provide banking services, the Bank of Slovenia establishes the circumstances referred to in paragraph one or four of this Article but the entity in question rectified the breaches prior to the issue of the order referred to in paragraph one or four of this Article, the Bank of Slovenia may issue a declaratory decision, under the conditions referred to in paragraph eight of this Article, finding that the aforementioned entity breached the provisions of this Act and that it rectified the identified breaches.

(7) The Bank of Slovenia shall issue the declaratory decision referred to in the preceding paragraph if, given the nature and significance of the breaches referred to in paragraph one or four of this Article for ensuring the legal certainty and protection of depositors, the issue of such a decision and the publication of the information based on

bank in k preprečevanju ravnanj, ki pomenijo kršitev dolžnosti članov upravljalnih organov bank.

(8) Banka Slovenije pred izdajo ugotovitvene odločbe iz šestega odstavka tega člena kršitelja pisno obvesti o ugotovitvah v zvezi s kršitvami iz prvega ali četrtega odstavka tega člena in o nameri, da bo izdala ugotovitveno odločbo o odpravljenih kršitvah, ter ga pozove, da se izjavi o dejstvih in okoliščinah, ki so pomembne za odločitev o izdaji ugotovitvene odločbe o odpravi kršitev.

314. člen

(odločba o ugotovitvi razlogov za prisilno likvidacijo pravne osebe)

(1) Če pravna oseba ne ravna po odredbi iz prvega ali četrtega odstavka prejšnjega člena, izda Banka Slovenije odločbo, s katero ugotovi, da obstaja razlog za prisilno likvidacijo te osebe (v nadaljnjem besedilu: odločba o ugotovitvi razloga za prisilno likvidacijo). Banka Slovenije lahko izda odločbo iz prejšnjega stavka tudi, če pravna oseba pooblaščen osebi Banke Slovenije ne omogoči pregleda ali če kako drugače ovira opravljanje nadzora iz drugega odstavka prejšnjega člena.

(2) Odločba o ugotovitvi razloga za prisilno likvidacijo mora biti obrazložena.

(3) Banka Slovenije na podlagi dokončne odločbe o ugotovitvi razloga za prisilno likvidacijo predlaga pristojnemu sodišču, da v skladu z zakonom, ki ureja prisilno prenehanje gospodarskih družb, zoper pravno osebo začne postopek prisilne likvidacije.

(4) Sodišče izda sklep o začetku postopka prisilne likvidacije pravne osebe na podlagi predloga Banke Slovenije iz prejšnjega odstavka brez ponovnega preizkusa pogojev za začetek tega postopka v treh

Article 277 of this Act contributes significantly to improving the governance practices of banks and to preventing conduct that would result in a breach of the duties of members of banks' governing bodies.

(8) Prior to issuing the declaratory decision referred to in paragraph six of this Article, the Bank of Slovenia shall notify the person which committed the breach in writing of its findings in connection with breaches referred to in paragraph one or four of this Article and of its intent to issue a declaratory decision on the rectification of breaches and shall call on that person to submit a statement regarding the facts and circumstances relevant for a decision to issue a declaratory decision on the rectification of breaches.

Article 314

(Decision establishing reasons to initiate compulsory liquidation proceedings against a legal person)

(1) If a legal person fails to comply with the order referred to in paragraph one or four of the preceding Article, the Bank of Slovenia shall issue a decision establishing that reasons to initiate compulsory liquidation proceedings against that entity exist (hereinafter: decision establishing the reason to initiate compulsory liquidation proceedings). The Bank of Slovenia may also issue the decision referred to in the preceding sentence if a legal person does not enable an authorised person of the Bank of Slovenia to conduct a review or if it impedes performing of supervision referred to in paragraph two of the preceding Article in any other way.

(2) A decision establishing the reason to initiate compulsory liquidation proceedings shall be justified.

(3) Based on a final decision establishing the reason to initiate compulsory liquidation proceedings, the Bank of Slovenia shall propose that the competent court initiate compulsory liquidation proceedings against a legal person in accordance with the Act governing the compulsory winding up of undertakings.

(4) The court shall issue a decision on the initiation of compulsory liquidation proceedings against a legal person based on the Bank of Slovenia's proposal referred to in the preceding paragraph,

delovnih dneh od vložitve predloga.

(5) Proti sklepu o začetku postopka prisilne likvidacije iz prejšnjega odstavka ni pritožbe.

(6) Banka Slovenije je oproščena plačila taks v postopku prisilne likvidacije, ki ga sodišče začne na njen predlog iz tretjega odstavka tega člena.

10. POGLAVJE:

HRANILNICE

315. člen (uporaba določb o bankah)

(1) Za hranilnice se uporabljajo določbe drugih poglavij tega zakona, ki se nanašajo na banke, če ni v 10. poglavju tega zakona drugače določeno.

(2) Hranilnica lahko opravljanje nalog notranjega revidiranja s pogodbo prenese na osebo, ki izpolnjuje pogoje za opravljanje teh nalog.

316. člen (dejavnosti hranilnice)

Hranilnica sme začeti z opravljanjem poslov v tujih valutah, če pridobi dovoljenje za opravljanje teh poslov v skladu s tem zakonom.

317. člen (ustanovni kapital)

Najnižji znesek ustanovnega kapitala hranilnice je 1.000.000

without re-examining the conditions for the initiation of those proceedings, within three working days of the filing of the aforementioned proposal.

(5) No appeal shall be filed against the decision on the initiation of compulsory liquidation proceedings referred to in the preceding paragraph.

(6) The Bank of Slovenia shall be exempt from the payment of fees in compulsory liquidation proceedings initiated by the court on its proposal referred to in paragraph three of this Article.

CHAPTER 10:

SAVINGS BANKS

Article 315 (Application of provisions governing banks)

(1) The provisions of the other chapters of this Act governing banks shall apply to savings banks, unless otherwise provided in Chapter 10 of this Act.

(2) A savings bank may transfer internal audit tasks by contract to another entity that meets the conditions for the performance of such tasks.

Article 316 (Activities of savings banks)

A savings bank may take up foreign exchange transactions after it has obtained the authorisation to perform such transactions in accordance with this Act.

Article 317 (Initial capital)

The minimum amount of a savings bank's initial capital shall be

eurov.

EUR 1,000,000.

11. POGLAVJE:

CHAPTER 11:

IZVENSODNO REŠEVANJE SPOROV

OUT-OF-COURT SETTLEMENT OF DISPUTES

318. člen

(reševanje sporov med ponudniki storitev in potrošniki)

Article 318

(Settlement of disputes between service providers and consumers)

(1) Banke morajo potrošnikom omogočiti izvensodno reševanje sporov v zvezi z bančnimi storitvam pred neodvisnim subjektom.

(1) Banks shall offer consumers the possibility of the out-of-court settlement of disputes in connection with banking services before an independent entity.

(2) Banka, ki pooblasti neodvisni subjekt za odločanje o sporih v skladu s prejšnjim odstavkom, na svojih spletnih straneh in v vseh prostorih, v katerih posluje s strankami, na vidnem mestu objavi informacijo o pooblaščenosti instituciji za reševanje sporov, o obliki in sestavi organa, ki v okviru pooblaščenega subjekta odloča v sporu, in o načinu ter postopku odločanja tega organa.

(2) A bank that authorises an independent entity to decide on disputes in accordance with the preceding paragraph shall publish, on its website and in a visible position in all premises in which it transacts with clients, information regarding the entity authorised to settle disputes, the form and composition of the body responsible for the decision-making in disputes at that authorised entity, and the decision-making manner and procedure of the aforementioned body.

12. POGLAVJE:

CHAPTER 12:

POSTOPEK ODLOČANJA BANKE SLOVENIJE V POSAMIČNIH ZADEVAH IN POSTOPEK SODNEGA VARSTVA

BANK OF SLOVENIA'S DECISION-MAKING PROCESS IN INDIVIDUAL MATTERS AND JUDICIAL PROTECTION PROCEEDINGS

12.1. Splošne določbe

12.1. General provisions

319. člen

(uporaba določb o postopku)

Article 319

(Application of provisions governing the procedure)

(1) Banka Slovenije odloča o posamičnih zadevah, za katere je pristojna po tem zakonu in Uredbi (EU) št. 1024/2013, ter opravlja procesna dejanja v postopkih, za katere je v skladu z Uredbo (EU) št. 1024/2013 pristojna Evropska centralna banka, po postopku, določenem

(1) The Bank of Slovenia shall make decisions regarding individual matters for which it is competent under this Act and Regulation (EU) No 1024/2013 and shall perform procedural acts in procedures for which the European Central Bank is competent in accordance with

v 12. poglavju tega zakona, če ta zakon, Uredba (EU) št. 1024/2013 ali predpis, izdan na njeni podlagi, za posamezno vrsto postopka ne določa drugače.

(2) Če ni v tem zakonu drugače določeno, se za postopek odločanja Banke Slovenije uporabljajo določbe ZUP.

320. člen **(vodenje postopka in pooblastila za odločanje)**

(1) O posamičnih zadevah po tem zakonu ali Uredbi (EU) št. 1024/2013, za katere je pristojna Banka Slovenije, odloča Svet Banke Slovenije kot kolegijski organ.

(2) Postopek do izdaje odločitve vodi strokovni delavec Banke Slovenije, ki izpolnjuje pogoje iz 31. člena ZUP in ki ga za to pooblasti guverner Banke Slovenije.

321. člen **(izjave strank)**

(1) Stranke dajejo svoje izjave pisno.

(2) V primeru iz drugega odstavka 324. člena tega zakona lahko stranke dajejo svoje izjave tudi ustno na obravnavi.

322. člen **(možnost izjave)**

(1) Banka Slovenije mora pred izdajo odločbe, ki jo izda po uradni dolžnosti, stranko pozvati, da se izjavi o dejstvih in okoliščinah, ki so pomembne za odločitev, če v posameznem primeru stranki ni bila zagotovljena drugačna možnost, da se izjavi o teh dejstvih ali okoliščinah.

(2) Poziv iz prejšnjega odstavka mora obsegati:

Regulation (EU) No 1024/2013, pursuant to the procedure determined in Chapter 12 of this Act, unless otherwise provided for a specific type of procedure by this Act, Regulation (EU) No 1024/2013 or a regulation issued on the basis thereof.

(2) Unless otherwise provided by this Act, the provisions of the ZUP shall apply to the Bank of Slovenia's decision-making process.

Article 320 **(Conducting the procedure and decision-making authorisations)**

(1) The Governing Board of the Bank of Slovenia shall make decisions as a collegiate body with regard to individual matters under this Act or Regulation (EU) No 1024/2013 for which the Bank of Slovenia is competent.

(2) Until a decision is issued, the procedure shall be conducted by an expert from the Bank of Slovenia who meets the conditions referred to in Article 31 of the ZUP and who is authorised for that purpose by the governor of the Bank of Slovenia.

Article 321 **(Statements by parties to procedures)**

(1) Parties shall make their statements in writing.

(2) In the case referred to in paragraph two of Article 324 of this Act, parties may also make an oral statement at a hearing.

Article 322 **(Opportunity to make a statement)**

(1) Before issuing a decision *ex officio*, the Bank of Slovenia shall call on the party in question to make a statement of the facts and circumstances material to that decision if in a particular case the party was not given any other opportunity to make a statement regarding those facts or circumstances.

(2) The call referred to in the preceding paragraph shall contain

1. določno navedbo dejstev in okoliščin, o katerih naj se stranka izjavi, in dokazov, iz katerih ta dejstva izhajajo;
2. rok za izjavo, ki ne sme biti krajši od osmih dni;
3. pouk stranki, da mora izjavi priložiti listinske dokaze, če se nanje sklicuje, in da po preteku roka za izjavo ne bo imela pravice navajati novih dejstev in predlagati novih dokazov.

(3) V izjavi lahko stranka navaja dejstva, iz katerih izhaja, da dejstva in okoliščine, navedene v pozivu iz prvega odstavka tega člena, niso podane, in predlaga dokaze, s katerimi dokazuje obstoj zatrjevanih dejstev. Če se stranka v izjavi sklicuje na listinske dokaze, mora te dokaze izjavi priložiti.

(4) Če stranka izjavi ne priloži listinskih dokazov, se ne uporabljajo določbe o nepopolnih vlogah, temveč Banka Slovenije pri odločanju upošteva zgolj tiste dokaze, ki so izjavi priloženi.

(5) Po izteku roka za izjavo stranka nima pravice navajati novih dejstev in predlagati novih dokazov.

323. člen (vročanje)

(1) V postopkih po tem zakonu se vročitve pravni osebi ali samostojnemu podjetniku posamezniku opravijo tako, da se dokumenti izročijo osebi, ki je pooblaščen za sprejem, ali če te osebe ni, drugemu zaposlenemu, ki se najde v pisarni oziroma poslovnem prostoru.

(2) Vročitve članom uprave in članom nadzornega sveta banke se opravljajo z vročanjem banki. Šteje se, da je z vročitvijo banki opravljena tudi vročitev članom uprave oziroma članom nadzornega sveta.

the following:

1. an explicit statement of the facts and circumstances regarding which the party should make a statement and evidence from which those facts result;
2. the time limit for making a statement, which shall not be shorter than eight days; and
3. instruction to the party in question that its statement shall be accompanied by documentary evidence, if referenced, and that it shall have no right to cite new facts and to produce new evidence after the time limit for making its statement has expired.

(3) In its statement, the party in question may provide facts from which it is clear that the facts and circumstances stated in the call referred to in paragraph one of this Article do not exist and may present evidence proving the existence of the asserted facts. If the party references documentary evidence in its statement, that statement shall be accompanied by the aforementioned evidence.

(4) If documentary evidence does not accompany a party's statement, the provisions governing incomplete applications shall not apply; instead the Bank of Slovenia shall only take into account that evidence accompanying that statement when making its decision.

(5) After the expiration of the time limit for making a statement, a party shall have no right to cite new facts and to produce new evidence.

Article 323 (Service)

(1) In procedures under this Act, the service on a legal person or individual sole trader shall be carried out such that documents shall be served on a person authorised to receive such documentation or, if no such person exists, another employee found in the office or business premises.

(2) The members of a bank's management board and supervisory board shall be served by serving the bank. The members of a bank's management board or supervisory board shall be deemed served when the bank is served.

(3) Kadar stranko v postopku zastopa odvetnik, se šteje, da je vročitev stranki opravljena, če je dokument vročen odvetniku oziroma zaposlenemu v odvetniški pisarni.

324. člen (obravnavo)

(1) Banka Slovenije obravnava zadeve brez naroka.

(2) Ne glede na prejšnji odstavek Banka Slovenije razpiše ustno obravnavo:

1. če je treba zaslišati priče ali izvedence,
2. če sta v postopku udeleženi dve ali več strank z nasprotujočimi si interesi,
3. če je treba opraviti ustni razgovor po 41. členu tega zakona ali
4. v drugih primerih, če presodi, da je to koristno za razjasnitev zadeve.

325. člen (odločanje)

(1) Banka Slovenije odloča v obliki odločb, sklepov in odredb (v nadaljnjem besedilu: akti).

(2) Z odločbo Banka Slovenije odloča o izdaji in odvzemu dovoljenj ter o drugih zadevah, razen o tistih, za katere zakon določa, da o njih odloča s sklepom ali z odredbo.

(3) S sklepom Banka Slovenije odloča o vprašanjih, ki se tičejo postopka ali se pojavijo v zvezi z izvedbo postopka.

(4) Akti Banke Slovenije morajo biti obrazloženi, če ta ali drug zakon ne določa drugače.

(5) Izrek akta iz prvega odstavka tega člena mora obsegati:

(3) When a party to a procedure is represented by an attorney, that party shall be deemed served if the document in question is served on that attorney or an employee in the law firm.

Article 324 (Hearing)

(1) The Bank of Slovenia shall handle matters without a hearing.

(2) Notwithstanding the preceding paragraph, the Bank of Slovenia shall call an oral hearing in the following cases:

1. if necessary to question witnesses or experts,
2. if the procedure involves two or more parties with conflicting interests,
3. if an oral interview is required in accordance with Article 41 of this Act; or
4. in other cases when it deems it useful to clarify a matter.

Article 325 (Types of decisions)

(1) The Bank of Slovenia shall adopt decisions in the form of decisions, procedural decisions and orders (hereinafter: acts).

(2) The Bank of Slovenia shall adopt decisions to issue and withdraw authorisations and regarding other matters, except those that are subject to procedural decisions or orders according to an Act.

(3) The Bank of Slovenia shall adopt procedural decisions on matters relating to the procedure or that arise in connection with conducting the procedure.

(4) Unless otherwise provided by this or another Act, acts issued by the Bank of Slovenia shall be justified.

(5) The operational part of an act referred to in paragraph one of this Article shall include:

1. osebne podatke subjekta nadzora, ki je fizična oseba (osebno ime, EMŠO, če je fizična oseba tujec, pa njene rojstne podatke, državljanstvo, stalno oziroma začasno prebivališče), za pravno osebo pa naziv in sedež ter matično številko, če teh podatkov ni, pa podatke o subjektu nadzora, ki so bili navedeni oziroma ugotovljeni v postopku;
2. kratek opis dejstev in okoliščin, ki pomenijo kršitev predpisov iz drugega odstavka 9. člena tega zakona (kraj in čas storitve, način storitve ter odločilne okoliščine), z navedbo predpisa, ki določa obveznost ali zahtevo, ki je bila kršena.

(6) V obrazložitvi odločbe ali sklepa, s katerim se konča postopek odločanja Banke Slovenije, je treba kratko navesti izjavo subjekta nadzora o dejanju, kadar je v skladu s tem zakonom subjekt pozvan, da poda izjavo, ter dejstva in dokaze, na katere je oprta odločitev.

(7) Pravni pouk obsega pouk o pravici do pravnega sredstva, roku in načinu vložitve ter navedbo organa, pri katerem se pravno sredstvo vložijo.

326. člen **(pravna sredstva v postopku Banke Slovenije)**

(1) Proti odredbam je dopusten ugovor v primerih in pod pogoji, določenimi v tem zakonu.

(2) Proti aktom, ki jih izda Banka Slovenije v skladu s tem zakonom, ni pritožbe.

(3) V postopku odločanja Banke Slovenije ni mogoče zahtevati vrnitve v prejšnje stanje.

(4) Sodno varstvo proti aktom, ki jih izda Banka Slovenije v skladu s tem zakonom, se zagotavlja v postopku, določenem s tem

1. personal data of the subject of supervision when the latter is a natural person (full name and personal identification number or, if the natural person is a foreigner, birth data, citizenship, and permanent or temporary residence) and in the case of a legal person, company name, registered office and registration number or, if that data is not available, data regarding the subject of supervision that were stated or established during the procedure and
2. a brief description of the facts and circumstances indicating a breach of the regulations referred to in paragraph two of Article 9 of this Act (place and time the regulations were breached, manner in which the regulations were breached and decisive circumstances regarding the breach), with an indication of the regulation that sets out the obligation or requirement that was breached.

(6) The justification of a decision or procedural decision that concludes the Bank of Slovenia's decision-making process shall include a brief statement from the subject of supervision regarding its actions whenever, in accordance with this Act, that subject is called on to make a statement. It shall also include the facts and evidence on which a decision was based.

(7) Information on available legal instruction shall include information on the right to legal remedy, the time limit and manner for the filing of legal remedy, and an indication of the authority with which the legal remedy is to be filed.

Article 326 **(Legal remedy in the Bank of Slovenia's procedures)**

(1) An objection against orders shall be admissible in cases and under conditions provided by this Act.

(2) No appeals shall be allowed against acts issued by the Bank of Slovenia in accordance with this Act.

(3) A request for *restitutio ad integrum* shall not be permitted in the Bank of Slovenia's decision-making process.

(4) Judicial protection against acts issued by the Bank of Slovenia in accordance with this Act shall be provided for in the

zakonom (v nadaljnjem besedilu: postopek sodnega varstva).

327. člen (izvršljivost)

(1) Odločbe Banke Slovenije postanejo izvršljive z njihovo dokončnostjo, odločbe, s katerimi se izreče globa ali določi denarna obveznost banke, pa postanejo izvršljive z njihovo pravnomočnostjo.

(2) Odredbe Banke Slovenije ni mogoče prisilno izvršiti.

328. člen (pregled dokumentov in dostop do zaupnih informacij)

(1) Subjekt nadzora ima pravico pregledovati dokumente zadeve v postopku odločanja Banke Slovenije in na svoje stroške prepisati ali preslikati dokumente v fizični ali elektronski obliki. Pregledovanje, prepisovanje in preslikovanje dokumentov nadzoruje določena uradna oseba.

(2) Pravico iz prejšnjega odstavka ima tudi vsakdo drug, ki verjetno izkaže, da ima od tega pravno korist.

(3) Pregled in prepis dokumentov na podlagi prvega in drugega odstavka tega člena se zahteva pisno. Od osebe iz prejšnjega odstavka lahko Banka Slovenije v primeru dvoma zahteva, naj pisno obrazloži svojo pravno korist ter predloži ustrezna dokazila.

(4) Če so bili v postopku uporabljeni dokumenti, ki vsebujejo podatke, ki se štejejo kot poslovna skrivnost osebe, ki ni subjekt nadzora v predmetnem postopku, Banka Slovenije pozove osebo, na katero se nanašajo podatki, da v določenem roku v dokumentu označi podatke, ki jih šteje kot zaupne, in poda utemeljitev v zvezi z zaupnostjo teh podatkov. Pred razkritjem dokumentov Banka Slovenije prekrije osebne podatke ter druge zaupne podatke iz prvega stavka tega člena.

proceedings provided by this Act (hereinafter: judicial protection proceedings).

Article 327 (Enforceability)

(1) The Bank of Slovenia's decisions shall become enforceable when they become final, while decisions that impose fines or financial obligations on a bank shall become enforceable when they become final.

(2) The Bank of Slovenia's orders cannot be forcibly executed.

Article 328 (Review of documents and access to confidential information)

(1) The subject of supervision shall have the right to review documents regarding the matter concerned in the Bank of Slovenia's decision-making process and shall transcribe or copy documents in physical or electronic form at its own expense. The review, transcription and copying of documents shall be overseen by an appointed official.

(2) The right referred to in the preceding paragraph shall also be exercised by anyone who likely proves they enjoy a legal benefit from that right.

(3) The review and transcription of documents based on paragraphs one and two of this Article shall be requested in writing. If the Bank of Slovenia has doubts about the aforementioned request, it may require the person referred to in the preceding paragraph to justify its legal benefit in writing and submit the appropriate evidence.

(4) If, during the procedure, documents were used that contain data deemed to be a business secret relating to a person who is not the subject of supervision in the procedure in question, the Bank of Slovenia shall call on the person to whom that data relate to mark, by a specified time limit, the data in the documents in question that it deems to be confidential and provide justification for the treatment of that data as such. Prior to disclosing such documents, the Bank of Slovenia shall black out personal data and other confidential data referred to in the first sentence

(5) Dokument se razkrije osebi iz prvega in drugega odstavka tega člena brez osebnih in drugih zaupnih podatkov iz prejšnjega odstavka v obsegu, ki upošteva zakoniti interes oseb, ki niso subjekti nadzora v postopku Banke Slovenije. Pravica iz prvega in drugega odstavka tega člena ne vključuje pravice dostopa do zaupnih informacij, razen če so glede razkritja in uporabe zaupnih informacij osebi iz prvega in drugega odstavka tega člena izpolnjeni pogoji iz pododdelka 2.2.1. tega zakona.

(6) Če v zvezi z zahtevo subjekta nadzora ali druge osebe za pregled dokumentov zadeve niso izpolnjeni pogoji iz prvega do petega odstavka tega člena, Banka Slovenije z odločbo zavrne zahtevo. Zoper odločbo o zavrnitvi zahteve lahko subjekt nadzora ali druga oseba, ki je zahtevala pregled dokumentov v zadevi, začne postopek sodnega varstva po tem zakonu.

(7) Banka Slovenije v tarifi določi nadomestila, ki se zaračunajo osebi iz prvega in drugega odstavka tega člena za pregledovanje, prepisovanje in preslikovanje dokumentov in ki odražajo dejanske stroške, ki nastanejo v zvezi s temi dejanji.

12.2. Postopek odločanja o izdaji dovoljenj in soglasij

329. člen (uporaba določb)

(1) Določbe oddelka 12.2. tega zakona se uporabljajo v postopku odločanja o izdaji dovoljenj ali soglasij (v nadaljnjem besedilu: dovoljenja), o katerih na podlagi tega zakona in Uredbe (EU) št. 1024/2013 odloča Banka Slovenije, če ta zakon za posamezni postopek izdaje dovoljenja ne določa drugače.

of this Article.

(5) A document shall be disclosed to the person referred to in paragraphs one and two of this Article, without the personal and other confidential data referred to in the preceding paragraph, to the extent that takes into account the legal interests of persons who are not the subject of supervision during the Bank of Slovenia's procedure. The right referred to in paragraphs one and two of this Article shall not include the right to access confidential information, unless the conditions referred to in Subsection 2.2.1 of this Act regarding the disclosure to and use of confidential information by the person referred to in paragraphs one and two of this Article are met.

(6) If, in connection with the request of a subject of supervision or other person to review documents in a specific matter, the conditions referred to in paragraphs one to five of this Article are not met, the Bank of Slovenia shall issue a decision rejecting that request. The subject of supervision or other person who requested to review documents pertaining to a specific matter may initiate judicial protection proceedings in accordance with this Act against a decision rejecting a request.

(7) In its tariff, the Bank of Slovenia shall set compensations that it shall charge to the person referred to in paragraphs one and two of this Article for the review, transcription and copying of documents. These compensations shall reflect the actual costs incurred in connection therewith.

12.2. Decision-making process regarding the issue of authorisations and consents

Article 329 (Application of provisions)

(1) The provisions of Section 12.2. of this Act shall apply to the decision-making process regarding the issue of authorisations or consents (hereinafter: authorisations) made by the Bank of Slovenia based on this Act and Regulation (EU) No 575/2013, unless otherwise provided by this Act for an individual procedure to issue authorisation.

(2) V postopku odločanja o izdaji dovoljenj se uporabljajo določbe oddelka 12.1. tega zakona, če ni v oddelku 12.2. tega zakona določeno drugače.

330. člen **(taksa za odločanje)**

(1) Za odločanje o zahtevah za izdajo dovoljenj, ki se izdajo na podlagi tega zakona ali Uredbe (EU) št. 575/2013 in se vložijo pri Banki Slovenije, ter za odločanje o izdaji dovoljenj, ki jih Banka Slovenije izdaja po uradni dolžnosti, morajo vložniki oziroma prejemniki dovoljenj plačati takso, določeno s tarifo Banke Slovenije.

(2) Kadar je Banka Slovenije pristojna za posamezna dejanja v postopku odločanja o zadevah, za katere je na podlagi Uredbe (EU) št. 1024/2013 pristojna Evropska centralna banka, Banka Slovenije s tarifo določi takso, ki jo za opravljena dejanja Banke Slovenije v tem postopku opravi Banka Slovenije.

331. člen **(udeleženci v postopku odločanja o zahtevi za izdajo dovoljenja)**

(1) Stranka v postopku je vložnik zahteve za izdajo dovoljenja (v nadaljnjem besedilu: vložnik).

(2) V postopku z zahtevo za izdajo dovoljenja banki lahko sodelujejo tudi člani nadzornega sveta banke ter imetniki kvalificiranih deležev, če tako odloči Banka Slovenije, ker je sodelovanje nujno ali ustrezno za doseganje ciljev nadzora nad banko v skladu s tem zakonom in Uredbo (EU) št. 1024/2013, in če na podlagi poziva Banke Slovenije ta oseba v določenem roku pisno potrdi svoje sodelovanje v postopku. Član nadzornega sveta ali kvalificirani imetnik, ki je v skladu s tem zakonom upravičen sodelovati v postopku, lahko prisostvuje ali je seznanjen z dejanji v postopku, ni pa upravičen samostojno opravljati dejanj v postopku.

(2) The provisions of Section 12.1. of this Act shall apply to the decision-making process regarding the issue of authorisations, unless otherwise provided by Section 12.2 of this Act.

Article 330 **(Decision-making fee)**

(1) Applicants or recipients of authorisations shall pay a fee set by the Bank of Slovenia's tariff for decision-making regarding applications filed with the Bank of Slovenia for authorisations issued on the basis of this Act or Regulation (EU) No 575/2013 and for decision-making regarding authorisations issued *ex officio* by the Bank of Slovenia.

(2) When the Bank of Slovenia is competent for specific activities in the decision-making process regarding matters for which the European Central Bank is competent on the basis of Regulation (EU) No 1024/2013, the Bank of Slovenia shall set a fee in its tariff for the actions performed by the Bank of Slovenia in that procedure.

Article 331 **(Parties to the decision-making process regarding an application for authorisation)**

(1) The applicant of an application for authorisation shall be a party to the procedure (hereinafter: applicant).

(2) Members of a bank's supervisory board and the holders of qualifying holdings may also be parties to the procedure to issue authorisation to a bank, if so decided by the Bank of Slovenia because such participation is crucial or appropriate to achieve the objectives of supervision of that bank in accordance with this Act and Regulation (EU) No 1024/2013 and, if based on the Bank of Slovenia's call, that person confirms their participation in that procedure in writing by the specified time limit. A member of the supervisory board or a qualifying holder who is entitled to participate in the procedure in accordance with this Act may be present or briefed on activities in the procedure but shall not be entitled to carry out activities in the procedure independently.

(3) V postopku z zahtevo za izdajo dovoljenja članu uprave, članu nadzornega sveta ali imetniku kvalificiranega deleža lahko sodeluje tudi banka, (drug) član uprave, (drug) član nadzornega sveta in (drug) kvalificirani imetnik, če tako odloči Banka Slovenije, ker je sodelovanje nujno ali ustrezno za doseganje ciljev nadzora nad banko v skladu s tem zakonom in Uredbo (EU) št. 1024/2013, in če na podlagi poziva Banke Slovenije ta oseba v določenem roku pisno potrdi svoje sodelovanje v postopku. Oseba, ki je v skladu s tem zakonom upravičena sodelovati v postopku, lahko prisostvuje ali je seznanjena z dejanji v postopku, ni pa upravičena samostojno opravljati dejanj v postopku.

(4) Udeleženec v postopku izdaje dovoljenja je lahko poleg subjekta nadzora in oseb iz drugega in tretjega odstavka tega člena tudi oseba, ki jo Banka Slovenije na podlagi predloga subjekta nadzora povabi k sodelovanju v postopku, če ugotovi, da utegne biti pravni interes te osebe z izdajo dovoljenja prizadet. Oseba, ki je v skladu s tem odstavkom upravičena sodelovati v postopku izdaje dovoljenja, lahko v postopku podaja pisne izjave, ni pa upravičena samostojno opravljati drugih procesnih dejanj v postopku do izdaje odločbe o zahtevi za izdajo dovoljenja.

(5) V postopku nadzora in postopku izdaje ukrepa nadzora se glede udeležencev ne uporabljajo določbe 43., 44., 45., 142. in 143. člena ZUP.

(6) Za osebe iz drugega do četrtega odstavka tega člena se glede pregleda dokumentov v zadevi in dostopa do zaupnih informacij ter zaupnih podatkov uporablja 328. člen tega zakona. Odločba ali sklep, s katerim se konča postopek odločanja Banke Slovenije, se tem osebam vroči na način, da se podatki in informacije, ki jih ta oseba ni upravičena pridobiti, prekrijejo.

(7) Vsak stranka in udeleženec v postopku nosi svoje stroške postopka.

(3) A bank, (another) member of the management board, (another) member of the supervisory board and (another) qualifying holder may also be party to the procedure to issue authorisation to a member of the management board, member of the supervisory board or qualifying holder if so decided by the Bank of Slovenia because such participation is crucial or appropriate to achieve the objectives of supervision of that bank in accordance with this Act and Regulation (EU) No 1024/2013 and, if based on the Bank of Slovenia's call, that person confirms their participation in that procedure in writing by a specified time limit. A person who is entitled to participate in the procedure in accordance with this Act may be present or briefed on activities in the procedure but shall not be entitled to carry out activities in the procedure independently.

(4) In addition to the subject of supervision and persons referred to in paragraphs two and three of this Article, a party to the procedure of issuing authorisation may also be a person whom the Bank of Slovenia invites to participate in the procedure based on the proposal of the subject of supervision if it establishes that their legal interest could be affected by the issue of that authorisation. A person who is entitled to participate in the procedure of issuing authorisation in accordance with this paragraph may make a written statement in the procedure but shall not be entitled to perform other procedural acts independently in the procedure until the issue of a decision on the application for authorisation.

(5) The provisions of Articles 43, 44, 45, 142 and 143 of the ZUP shall not apply in the supervisory procedure and the procedure of issuing supervisory measures with respect to participants.

(6) Article 328 of this Act shall apply to the persons referred to in paragraphs two to four of this Article as regards the review of documents in the matter concerned and access to confidential information and data. A decision or procedural decision that concludes the Bank of Slovenia's decision-making process shall be served on those persons in such a manner that data and information which those persons are not entitled to obtain shall be blacked out.

(7) Each client and party to the procedure shall bear their own costs of the procedure.

332. člen
(začetek postopka)

(1) Postopek odločanja Banke Slovenije se začne z vložitvijo zahteve za izdajo dovoljenja pri Banki Slovenije (v nadaljnjem besedilu: zahteva).

(2) Po uradni dolžnosti ali na predlog drugega pristojnega organa začne Banka Slovenije postopek za izdajo dovoljenja samo, kadar tako določa zakon, Uredba (EU) št. 575/2013, Uredba (EU) št. 1024/2013 ali drugi predpisi Evropske unije.

333. člen
(vsebina zahteve)

(1) Zahteva za izdajo dovoljenja, ki se vloži pri Banki Slovenije, mora obsegati:

1. osebne podatke vložnika;
2. določen zahtevek za izdajo dovoljenja oziroma soglasja;
3. druge podatke, določene z zakonom, Uredbo (EU) št. 575/2013 ali Uredbo (EU) št. 1024/2013 in predpisi, izdanimi na njihovi podlagi.

(2) Zahtevi je treba priložiti listine, določene z zakonom ali uredbo, in druge listine, iz katerih izhaja utemeljenost zahtevka za izdajo dovoljenja, ter dokaz o plačilu takse za odločitev o zahtevi.

334. člen
(procesne predpostavke za odločanje)

(1) V postopku predhodnega preizkusa zahteve Banka Slovenije preizkusi, ali so izpolnjene naslednje procesne predpostavke za odločanje o zahtevi:

1. ali je zahtevo vložila upravičena oseba;
2. ali zahteva obsega podatke, ki jih mora obsegati;

Article 332
(Initiation of procedure)

(1) The Bank of Slovenia's decision-making process shall be initiated with the filing of an application for authorisation with the Bank of Slovenia (hereinafter: application).

(2) The Bank of Slovenia shall initiate the procedure to issue authorisation *ex officio* or upon the proposal of another competent authority only when so provided by an Act, Regulation (EU) No 575/2013, Regulation (EU) No 1024/2013 or other regulations of the European Union.

Article 333
(Content of an application)

(1) An application for authorisation filed with the Bank of Slovenia shall include:

1. personal data regarding the applicant;
2. a specific request to issue authorisation or consent; and
3. other data laid down by an Act, Regulation (EU) No 575/2013 or Regulation (EU) No 1024/2013 and regulations issued on the basis thereof.

(2) An application shall be accompanied by documents laid down by an Act or a decree and other documents justifying the application for authorisation, along with proof of payment of the decision-making fee.

Article 334
(Procedural assumptions for decision-making)

(1) During the preliminary examination of an application, the Bank of Slovenia shall examine whether the following procedural assumptions for decision-making regarding an application have been fulfilled:

1. whether the application was filed by an eligible person;
2. whether the application contains all the required data;

3. ali so zahtevi priložene predpisane listine;
4. ali je zahtevi priložen dokaz o plačilu takse oziroma nadomestila za delo Banke Slovenije;
5. ali so izpolnjene druge procesne predpostavke, ki morajo biti izpolnjene za odločanje o vsaki vlogi.

(2) Če Banka Slovenije ugotovi, da procesne predpostavke za odločanje o zahtevi niso izpolnjene in pomanjkljivosti ni mogoče odpraviti, s sklepom zavrže zahtevo.

(3) Če Banka Slovenije ugotovi, da procesne predpostavke za odločanje o zahtevi niso izpolnjene in je pomanjkljivosti mogoče odpraviti, pozove vložnika, da pomanjkljivosti odpravi v roku, ki ne sme biti krajši od osmih in ne daljši kot 15 dni.

(4) Če vložnik pomanjkljivosti v roku, določenem s sklepom o odpravi pomanjkljivosti, ne odpravi, Banka Slovenije s sklepom zavrže zahtevo.

(5) Proti sklepu o odpravi pomanjkljivosti ni posebnega postopka sodnega varstva.

(6) Če se zahteva nanaša na izdajo dovoljenja za opravljanje bančnih storitev ali za združitev oziroma delitev, mora Banka Slovenije izdati sklep o odpravi pomanjkljivosti v dveh mesecih od prejema zahteve, v drugih primerih pa v enem mesecu od prejema zahteve.

335. člen **(izvajanje dokazov in odločanje)**

(1) V postopku odločanja o zahtevi lahko Banka Slovenije izvede tudi dokaze, ki jih vložnik ni predlagal, če so ti potrebni za ugotovitev dejstev, ki so pomembna za odločitev o zahtevi. Pri tem lahko Banka Slovenije od vložnika zahteva, da ji:

3. whether the application was accompanied by the prescribed documents;
4. whether the application was accompanied by proof of payment of the fee or compensation for the Bank of Slovenia's work; and
5. whether other procedural assumptions required for decision-making regarding all applications have been fulfilled.

(2) If the Bank of Slovenia establishes that the procedural assumptions for decision-making regarding an application have not been fulfilled and the deficiencies cannot be eliminated, it shall issue a procedural decision rejecting the application.

(3) If the Bank of Slovenia establishes that the procedural assumptions for decision-making regarding an application have not been fulfilled, and the deficiencies can be eliminated, it shall call on the applicant to eliminate those deficiencies by a time limit that shall not be shorter than eight days and longer than 15 days.

(4) If the applicant fails to eliminate the deficiencies by the time limit set in the procedural decision on the elimination of deficiencies, the Bank of Slovenia shall issue a procedural decision rejecting the application.

(5) No special judicial protection proceedings shall be initiated against a procedural decision on the elimination of deficiencies.

(6) If an application relates to the issue of authorisation to provide banking services or to a merger or division, the Bank of Slovenia shall issue a procedural decision on the elimination of deficiencies within two months from the receipt of the application; in other cases it shall do so within one month from the receipt of the application.

Article 335 **(Taking evidence and decision-making)**

(1) In the decision-making process regarding an application, the Bank of Slovenia may also take evidence that was not provided by an applicant if such evidence is required to establish the facts relevant to the decision on the application. To that end, the Bank of Slovenia may require that the applicant:

1. v roku, ki ne sme biti krajši od osmih dni, predloži dodatne podatke oziroma listine;
2. omogoči, da opravi pregled njegovega poslovanja.

(2) Za pregled poslovanja iz 2. točke prejšnjega odstavka se smiselno uporabljajo 242. do 247. člen tega zakona.

(3) Banka Slovenije zavrne zahtevo, če vložnik:

1. v roku, določenem v zahtevi iz 1. točke prvega odstavka tega člena, Banki Slovenije ne predloži zahtevanih podatkov oziroma listin ali
2. odkloni zahtevo Banke Slovenije iz 2. točke prvega odstavka tega člena oziroma kako drugače ovira izvedbo pregleda poslovanja.

336. člen

(možnost izjave o zavrnitvi zahteve za izdajo dovoljenja)

(1) Če namerava Banka Slovenije zavrniti zahtevo za izdajo dovoljenja na podlagi dejstev ali dokazov, ki jih ni predlagal vložnik, mora pred izdajo odločbe o zavrnitvi zahteve vložniku dati možnost, da se izjavi o dejstvih in okoliščinah, ki so pomembni za to odločitev.

(2) Za možnost izjave iz prejšnjega odstavka se smiselno uporabljajo prvi do peti odstavek 322. člena tega zakona, le da rok za izjavo stranke ne more biti krajši od 15 dni.

337. člen

(rok za odločitev)

(1) Banka Slovenije mora o zahtevi za izdajo teh dovoljenj odločiti v šestih mesecih od prejema zahteve za izdajo dovoljenja:

1. za opravljanje bančnih, finančnih in dodatnih finančnih storitev,
2. za združitev oziroma delitev.

1. submit additional data or documents by a time limit that shall not be shorter than eight days and
2. facilitate a review of the applicant's operations.

(2) Articles 242 to 247 of this Act shall apply *mutatis mutandis* to the review of operations referred to in point 2 of the preceding paragraph.

(3) The Bank of Slovenia shall reject an application if the applicant:

1. fails to submit the required data or documents by the time limit set in the application referred to in point 1 of paragraph one of this Article or
2. refuses the Bank of Slovenia's request referred to in point 2 of paragraph one of this Article or in any other way impedes the review of operations.

Article 336

(Opportunity to provide a statement regarding the rejection of an application for authorisation)

(1) If the Bank of Slovenia intends to reject an application for authorisation based on facts or evidence not having been provided by an applicant, it shall give the applicant the opportunity to provide a statement regarding the facts and circumstances relevant to that decision prior to the issue of that decision on rejection of the application.

(2) Paragraphs one to five of Article 322 of this Act shall apply *mutatis mutandis* to the opportunity to provide a statement referred to in the preceding paragraph, except that the time limit for providing a statement shall not be shorter than 15 days.

Article 337

(Time limit for decisions)

(1) The Bank of Slovenia shall make a decision on applications for the following authorisations within six months from the receipt of an application for authorisation:

1. to provide banking, financial and additional financial services and
2. for mergers or divisions.

(2) O zahtevi za izdajo drugih dovoljenj in soglasij mora Banka Slovenije odločiti v treh mesecih od prejema zahteve, razen če za odločanje o posameznem dovoljenju ali soglasju ta zakon, Uredba (EU) št. 575/2013 ali drug predpis izrecno določa drugačen rok.

(3) Če je Banka Slovenije pozvala stranko, naj odpravi pomanjkljivosti v skladu s šestim odstavkom 334. člena tega zakona, rok iz prvega oziroma drugega odstavka tega člena teče od trenutka, ko so bile pomanjkljivosti odpravljene.

(4) Če je Banka Slovenije pred iztekom roka iz prvega odstavka tega člena v skladu s 336. členom tega zakona vložnika pozvala, da se izjasni o razlogih za zavrnitev zahteve, rok iz prvega oziroma drugega odstavka tega člena ne teče od vročitve poziva do izteka roka za izjavo oziroma do prejema izjave, če je bila ta posredovana v roku, določenem s pozivom.

12.3. Postopek nadzora

12.3.1. Splošne določbe

338. člen **(uporaba določb)**

(1) Določbe oddelka 12.3. tega zakona o postopku nadzora se uporabljajo v vseh postopkih nadzora, ki ga opravlja Banka Slovenije po tem ali drugem zakonu, če zakon za posamezen postopek nadzora ne določa drugače.

(2) V postopku nadzora se uporabljajo določbe oddelka 12.1. tega zakona, če ni v oddelku 12.3. tega zakona določeno drugače.

(3) V postopku nadzora se smiselno uporabljajo tretji odstavek

(2) The Bank of Slovenia shall make a decision regarding an application for other authorisations and consents within three months from the receipt of such an application, unless this Act, Regulation (EU) No 575/2013 or another regulation explicitly provides for a different time limit for decision-making regarding an individual authorisation or consent.

(3) If the Bank of Slovenia has called on a party to eliminate deficiencies in accordance with paragraph six of Article 334 of this Act, the time limit referred to in paragraph one or two of this Article shall run from the moment when those deficiencies were eliminated.

(4) If, prior to the expiry of the time limit referred to in paragraph one of this Article, the Bank of Slovenia called on an applicant to make a statement regarding reasons for the rejection of its application, in accordance with Article 336 of this Act, the time limit referred to in paragraph one or two of this Article shall not run from the service of the Bank of Slovenia's call until the expiry of the time limit for the submission of the aforementioned statement, or until the receipt of that statement if it was submitted by the time limit set by the call.

12.3. Supervisory procedure

12.3.1. General provisions

Article 338 **(Application of provisions)**

(1) The provisions of Section 12.3. of this Act governing the supervisory procedure shall apply to all supervisory procedures carried out by the Bank of Slovenia in accordance with this Act or another Act, unless otherwise provided by an Act for a specific supervisory procedure.

(2) The provisions of Section 12.1. of this Act shall apply to the supervisory procedure, unless otherwise provided by Section 12.3. of this Act.

(3) Paragraph three of Article 20 and paragraphs two and three

20. člena ter drugi in tretji odstavek 23. člena ZIN.

339. člen

(udeleženci postopka nadzora in postopka izdaje ukrepa nadzora)

(1) Stranka v postopku nadzora in v postopku izdaje ukrepa nadzora je subjekt nadzora, nad katerim Banka Slovenije opravlja nadzor v skladu s tem zakonom in Uredbo (EU) št. 1024/2013.

(2) V postopku nadzora nad banko lahko poleg stranke sodelujejo tudi član nadzornega sveta banke, če tako odloči Banka Slovenije, ker je sodelovanje nujno ali ustrezno za doseganje ciljev nadzora nad banko v skladu s tem zakonom in Uredbo (EU) št. 1024/2013, in če na podlagi poziva Banke Slovenije ta oseba v določenem roku pisno potrdi svoje sodelovanje v postopku. Član nadzornega sveta, ki je v skladu s tem zakonom upravičen sodelovati v postopku nadzora, lahko prisostvuje ali je seznanjen z dejanji v postopku nadzora, podaja pisne izjave in predlaga dokaze, ni pa upravičen samostojno opravljati dejanj v postopku nadzora.

(3) Udeleženec v postopku izdaje ukrepa nadzora Banke Slovenije je lahko poleg subjekta nadzora in oseb iz prejšnjega odstavka tudi oseba, ki jo Banka Slovenije na podlagi zahteve subjekta nadzora povabi k sodelovanju v postopku, če ugotovi, da utegne biti pravni interes te osebe z ukrepom nadzora prizadet. Oseba, ki je v skladu s tem odstavkom upravičena sodelovati v postopku izdaje ukrepa nadzora, lahko podaja pisne izjave in predlaga dokaze, ni pa upravičena samostojno opravljati drugih procesnih dejanj do izdaje akta Banke Slovenije, s katerim se izreče ukrep nadzora.

(4) V postopku nadzora in postopku izdaje ukrepa nadzora se glede udeležencev ne uporabljajo določbe 43., 44., 45., 142. in 143. člena ZUP.

of Article 23 of the ZIN shall apply *mutatis mutandis* to the supervisory procedure.

Article 339

(Parties to the supervisory procedure and the procedure of issuing supervisory measures)

(1) A party to the supervisory procedure and the procedure of issuing supervisory measures shall be a subject of supervision by the Bank of Slovenia in accordance with this Act and Regulation (EU) No 1024/2013.

(2) In addition to a client, a member of a bank's supervisory board may also participate in the supervisory procedure of a bank if so decided by the Bank of Slovenia because such participation is crucial or appropriate to achieve the objectives of supervision of that bank in accordance with this Act and Regulation (EU) No 1024/2013 and, if based on the Bank of Slovenia's call, that person confirms their participation in the procedure in writing by a specific time limit. A member of the supervisory board who is entitled to participate in the supervisory procedure in accordance with this Act may be present or briefed on activities in the supervisory procedure, make a statement and provide evidence but shall not be entitled to carry out activities in the supervisory procedure independently.

(3) In addition to the subject of supervision and persons referred to in the preceding paragraph, a party to the procedure of issuing supervisory measures of the Bank of Slovenia may also be a person whom the Bank of Slovenia invites to participate in the procedure based on the application of the subject of supervision if it establishes that that person's legal interests could be affected by a supervisory measure. A person who is entitled to participate in the procedure of issuing supervisory measures in accordance with this paragraph may make a written statement and provide evidence but shall not be entitled to perform other procedural acts independently until the issuing of an act by the Bank of Slovenia imposing such supervisory measures.

(4) The provisions of Articles 43, 44, 45, 142 and 143 of the ZUP shall not apply in the supervisory procedure and the procedure of issuing supervisory measures with respect to participants.

(5) Za osebe iz drugega, tretjega in četrtega odstavka tega člena se glede pregleda dokumentov v zadevi in dostopa do zaupnih informacij in zaupnih podatkov uporablja 328. člen tega zakona. Akti, izdani v postopku izdaje ukrepa nadzora, se tem osebam vročijo na način, da se podatki in informacije, ki jih ta oseba ni upravičena pridobiti, prekrijejo.

340. člen **(vodenje postopka in izrekanje ukrepov nadzora)**

(1) Banka Slovenije vodi postopek nadzora in izreka ukrepe nadzora po uradni dolžnosti.

(2) Banka Slovenije začne postopek nadzora nad drugo osebo iz 12. člena tega zakona na podlagi prijave tržnega inšpektorja oziroma drugega pristojnega državnega organa, po uradni dolžnosti pa takrat, kadar iz informacij, ki jih pridobi pri opravljanju nadzora nad bankami ali v zvezi z izvrševanjem drugih svojih pristojnosti, izhaja, da obstajajo razlogi za tak nadzor.

12.3.2. Odredba

341. člen **(uporaba določb o odredbi)**

Določbe pododdelka 12.3.2. tega zakona se uporabljajo, kadar ta zakon določa, da Banka Slovenije odloča z odredbo.

342. člen **(vsebina odredbe)**

Izrek odredbe mora obsegati:

1. določen opis kršitev, katerih odprava je z odredbo naložena;

(5) Article 328 of this Act shall apply to the persons referred to in paragraphs two, three and four of this Article as regards the review of documents in a specific matter and access to confidential information and data. Acts issued in the procedure of issuing supervisory measures shall be served on those persons in such a manner that the data and information which those persons are not entitled to obtain shall be blacked out.

Article 340 **(Conducting the procedure and imposing supervisory measures)**

(1) The Bank of Slovenia shall conduct the supervisory procedure and impose supervisory measures *ex officio*.

(2) The Bank of Slovenia shall initiate the supervisory procedure with respect to another person referred to in Article 12 of this Act based on a report by a market inspector or other competent government authority, while it shall initiate such a procedure *ex officio* whenever the information it obtains while conducting supervision of banks or in connection with the exercising of its other powers indicates that reasons for such supervision exist.

12.3.2. Order

Article 341 **(Application of provisions regarding an order)**

The provisions of Subsection 12.3.2. of this Act shall apply whenever this Act determines that the Bank of Slovenia shall make a decision in the form of an order.

Article 342 **(Content of an order)**

The operational part of an order shall include:

1. an explicit description of the breaches whose rectification is imposed by the order;

2. rok, v katerem mora subjekt nadzora odpraviti kršitve in predložiti poročilo o odpravi kršitev;
3. način odprave kršitve, kadar Banka Slovenije subjektu nadzora naloži dodatne ukrepe, s katerimi se kršitve odpravijo na določen način;
4. listine oziroma dokaze o odpravi kršitev, kadar Banka Slovenije subjektu nadzora naloži, da o odpravi kršitev predloži določene listine oziroma druge dokaze.

343. člen **(ugovor proti odredbi)**

(1) Proti odredbi ima subjekt nadzora in druga oseba, ki je v skladu s tem zakonom sodelovala v postopku izdaje ukrepa nadzora, pravico vložiti ugovor v osmih dneh od vročitve.

(2) Če je upravičena oseba pravočasno vložila ugovor, se rok za odpravo kršitev, določen z odredbo, podaljša za čas od vložitve ugovora do vročitve odločbe o ugovoru.

(3) Ne glede na prejšnji odstavek lahko Banka Slovenije z odredbo odloči, da ugovor ne zadrži izvršitve, če zaradi narave kršitve z izvršitvijo odredbe ni mogoče odlašati.

344. člen **(razlogi za ugovor)**

- (1) Ugovor je dopusten, če:
1. kršitev, katere odprava je z odredbo naložena, ni podana;
 2. dejanje oziroma opustitev, ki je bilo razlog za izdajo odredbe, nima znakov kršitve;
 3. odredbe ni mogoče izvršiti ali je ni mogoče izvršiti v roku ali na način, določen z odredbo;
 4. bi izvršitev odredbe povzročila kakšno dejanje, ki je v nasprotju s prisilnimi predpisi;

2. the time limit by which the subject of supervision shall rectify the breaches and submit a report on rectification of breaches;
3. the manner used to rectify breaches whenever the Bank of Slovenia imposes additional measures on the subject of supervision to rectify the breaches in a specific manner; and
4. documents or evidence regarding the rectification of breaches whenever the Bank of Slovenia orders the subject of supervision to submit specific documents or other evidence regarding the rectification of breaches.

Article 343 **(Objection against order)**

(1) The subject of supervision and other persons that were party to the procedure of issuing supervisory measures in accordance with this Act shall have the right to file an objection against an order within eight days of the service thereof.

(2) If a person entitled to do so files an objection in a timely manner, the time limit for the rectification of the breaches set by the order in question shall be extended by the period from the filing of that objection until the service of a decision regarding it.

(3) Notwithstanding the preceding paragraph, the Bank of Slovenia may decide by an order that an objection shall not stay its enforcement if the enforcement of the order cannot be delayed due to the nature of the breach.

Article 344 **(Grounds for objection)**

- (1) An objection shall be allowed if:
1. there is no breach whose rectification is imposed by the order;
 2. the act or omission representing the grounds for the issuing of the order does not have the characteristics of a breach;
 3. the order cannot be enforced or cannot be enforced by the time limit or in the manner determined by the order;
 4. the enforcement of the order would cause an act that is in contravention of forcible regulations;

5. je bila z odredbo naložena odprava kršitev osebi, nad katero Banka Slovenije ni pristojna opravljati nadzora;
6. je v odredbi zmotno ali nepopolno ugotovljeno dejansko stanje; ali
7. je podana kršitev pravil postopka.

(2) Za bistveno kršitev pravil postopka se po tem zakonu šteje, če:

1. je odredbo izdala oseba ali organ Banke Slovenije, ki ni pristojen za izdajo odredbe;
2. je kot stranka nastopal nekdo, ki ni subjekt nadzora;
3. je pri odločanju ali vodenju postopka sodelovala oseba, ki bi po zakonu morala biti izločena; ali
4. se odredbe ne da preizkusiti.

(3) Oseba, ki je v skladu s tem zakonom sodelovala v postopku izdaje ukrepa, ter upravičena oseba na podlagi drugega odstavka 343. člena tega zakona, lahko vloži ugovor zoper odredbo le, če je zaradi razlogov iz prvega odstavka tega člena prizadet njen pravni interes.

345. člen (vsebina ugovora)

(1) Ugovor mora obsegati:

1. navedbo odredbe, proti kateri se vlaga;
2. izjavo, da se odredba izpodbija v celoti ali v določenem delu;
3. razloge za ugovor;
4. druge podatke, ki jih mora obsegati vsaka vloga.

(2) Za odločanje o ugovoru mora vložnik plačati takso, določeno s tarifo Banke Slovenije.

(3) V ugovoru lahko subjekt nadzora navaja dejstva, iz katerih izhaja, da kršitve, katerih odprava mu je bila z odredbo naložena, niso podane, in predlaga dokaze, s katerimi dokazuje obstoj zatrjevanjih dejstev. Če se subjekt nadzora v izjavi sklicuje na listinske dokaze, mora te dokaze priložiti ugovoru.

5. the order imposed the rectification of breaches on a person over whom the Bank of Slovenia is not competent to carry out supervision;
6. the actual situation has been identified erroneously or incompletely in the order; and
7. the rules of procedure in question have been breached.

(2) The following shall be deemed a material breach of rules of procedure in accordance with this Act:

1. the order was issued by a person or body at the Bank of Slovenia that is not competent for issuing orders;
2. a person who is not the subject of supervision has acted as a party to the procedure;
3. a person who should have been excluded under the Act was involved in decision-making or the conducting of the procedure; or
4. the order cannot be tested.

(3) A person who participated in the procedure of issuing a measure in accordance with this Act and a person entitled on the basis of paragraph two of Article 343 of this Act may only file an objection against an order if their legal interests are affected for the reasons referred to in paragraph one of this Article.

Article 345 (Content of an objection)

(1) An objection shall include:

1. an indication of the order against which the objection is being filed;
2. a statement as to whether the order is being challenged in its entirety or with regard to a specific part;
3. grounds for the objection; and
4. other data that shall be included in every application.

(2) The applicant shall pay the fee set by the Bank of Slovenia's tariff for decision-making regarding the objection.

(3) In its objection, the subject of supervision may provide facts from which it is clear that the breaches whose rectification was imposed by order do not exist and present evidence proving the existence of the asserted facts. If the subject of supervision references documentary evidence in its statement, that objection shall be accompanied by the

(4) Če subjekt nadzora ugovoru ne priloži listinskih dokazov, se ne uporabljajo določbe o nepopolnih vlogah, temveč Banka Slovenije pri odločanju upošteva zgolj tiste dokaze, ki so priloženi ugovoru.

(5) Po izteku roka za ugovor subjekt nadzora nima pravice navajati novih dejstev in predlagati novih dokazov.

346. člen (meje preizkusa odredbe)

Banka Slovenije preizkusi odredbo v tistem delu, v katerem se izpodbija z ugovorom in v mejah razlogov, navedenih in obrazloženih v ugovoru.

347. člen (odločanje o ugovoru)

(1) O ugovoru odloča Svet Banke Slovenije z odločbo.

(2) Pri odločanju o ugovoru lahko Svet Banke Slovenije ugovor zavrže ali zavrne ali pa spremeni odredbo ali jo odpravi.

(3) Svet Banke Slovenije ugovor zavrže, če ugovor ni dovoljen, če je prepozen ali če ga je vložila neupravičena oseba.

(4) Če Svet Banke Slovenije ugotovi, da je podan razlog iz 1., 2. ali 5. točke prvega odstavka 344. člena tega zakona, odpravi odredbo.

(5) Če Svet Banke Slovenije ugotovi, da je podan razlog iz 3., 4., 6. ali 7. točke prvega odstavka 344. člena tega zakona, glede na naravo kršitve odpravi odredbo ali jo spremeni.

aforementioned evidence.

(4) If the subject of supervision fails to provide documentary evidence, the provisions governing incomplete applications shall not apply; instead the Bank of Slovenia shall only take into account that evidence accompanying the objection when making its decision.

(5) After the expiry of the time limit for an objection, the subject of supervision shall have no right to cite new facts and to produce new evidence.

Article 346 (Limits of testing an order)

The Bank of Slovenia shall test an order in the part in which it is challenged by objection and within the limits of the grounds stated and explained in the objection.

Article 347 (Decision-making regarding an objection)

(1) The Governing Board of the Bank of Slovenia shall decide on an objection in the form of a decision.

(2) In its decision-making regarding an objection, the Governing Board of the Bank of Slovenia may dismiss or reject the objection or modify the order or annul it.

(3) The Governing Board of the Bank of Slovenia shall reject an objection if no objection is allowed, if the objection was not submitted on time or if the objection was filed by an ineligible person.

(4) If the Governing Board of the Bank of Slovenia establishes that the grounds referred to in point 1, 2 or 5 of paragraph one of Article 344 of this Act exist, it shall annul the order.

(5) If the Governing Board of the Bank of Slovenia establishes that the grounds referred to in point 3, 4, 6 or 7 of paragraph one of Article 344 of this Act exist, it shall annul or modify the order, depending on the

12.3.3. Odvzem dovoljenja

348. člen **(začetek postopka za odvzem dovoljenja)**

(1) Banka Slovenije začne postopek za odvzem dovoljenja, če iz podatkov, s katerimi razpolaga, izhaja utemeljen sum, da je podan kateri od razlogov za odvzem dovoljenja, določen s tem zakonom, razen če je za odločanje o odvzemu posameznega dovoljenja pri opravljanju nadzora nad banko v skladu z Uredbo (EU) št. 1024/2013 pristojna Evropska centralna banka.

(2) O začetku postopka za odvzem dovoljenja odloči Banka Slovenije z odločbo (v nadaljnjem besedilu: odločba o začetku postopka za odvzem dovoljenja).

(3) Odločba o začetku postopka za odvzem dovoljenja mora obsegati:

1. določen opis dejanja, ravnanj ali okoliščin, ki so razlog za začetek postopka;
2. navedbo listin in drugih dokazov, na podlagi katerih je Banka Slovenije zaključila, da obstaja utemeljen sum iz prvega odstavka tega člena;
3. obrazložitev odločitve o začetku postopka.

(4) V odločbi o začetku postopka za odvzem dovoljenja Banka Slovenije določi tudi rok, ki ne sme biti krajši od 15 dni in ne daljši od 30 dni, šteto od dneva vročitve odločbe subjektu nadzora, v katerem se subjekt nadzora lahko izjavi o razlogih za začetek postopka (v nadaljnjem besedilu: izjava o razlogih za odvzem dovoljenja).

349. člen **(izjava o razlogih za odvzem dovoljenja)**

nature of the breach.

12.3.3. *Withdrawal of authorisation*

Article 348 **(Initiation of procedure to withdraw authorisation)**

(1) The Bank of Slovenia shall initiate the procedure to withdraw authorisation if, from the data at its disposal, it is reasonable to suspect that any of the grounds for the withdrawal of authorisation laid down in this Act exist, unless the European Central Bank is responsible for decision-making on the withdrawal of a specific authorisation during the supervision of a bank in accordance with Regulation (EU) No 1024/2013.

(2) The Bank of Slovenia shall decide on initiation of the procedure to withdraw authorisation by way of a decision (hereinafter: decision on initiation of the procedure to withdraw authorisation).

(3) A decision on initiation of the procedure to withdraw authorisation shall include:

1. a specified description of the actions, conduct or circumstances that are the grounds for initiating the procedure;
2. an indication of the documents and other evidence on the basis of which the Bank of Slovenia has concluded that there is a reasonable suspicion referred to in paragraph one of this Article; and
3. a substantiation of the decision on initiation of the procedure.

(4) In its decision on initiation of the procedure to withdraw authorisation, the Bank of Slovenia shall also set a time limit of no less than 15 days and no more than 30 days from the date of service of the decision on the subject of supervision, within which period the subject of supervision may make a statement regarding the grounds for the initiation of the procedure (hereinafter: statement of grounds for the withdrawal of authorisation).

Article 349 **(Statement of grounds for the withdrawal of authorisation)**

(1) V izjavi o razlogih za odvzem dovoljenja lahko subjekt nadzora navaja dejstva, iz katerih izhaja, da odvzem dovoljenja ni utemeljen, in predlaga dokaze, s katerimi dokazuje obstoj zatrjevanih dejstev. Če se subjekt nadzora v izjavi sklicuje na listinske dokaze, mora te dokaze priložiti izjavi.

(2) Če subjekt nadzora izjavi o razlogih za odvzem dovoljenja ne priloži listinskih dokazov, se ne uporabljajo določbe tega zakona o nepopolnih vlogah, temveč Banka Slovenije pri odločanju upošteva zgolj tiste dokaze, ki so izjavi priloženi.

(3) Po izteku roka za izjavo o razlogih za odvzem dovoljenja subjekt nadzora nima pravice navajati novih dejstev in predlagati novih dokazov.

350. člen **(odločanje o odvzemu dovoljenja)**

(1) Banka Slovenije mora odločiti o odvzemu dovoljenja v 30 dneh od prejema izjave o razlogih za odvzem dovoljenja oziroma od izteka roka za tako izjavo.

(2) Banka Slovenije sme odločati o odvzemu dovoljenja samo zaradi tistih dejanj, ravnanj ali okoliščin, zaradi katerih je izdala odločbo o začetku postopka za odvzem dovoljenja, in samo na podlagi tistih listin in drugih dokazov, ki so bili navedeni v odločbi o začetku postopka in ki jih je izjavi o razlogih za odvzem dovoljenja priložil subjekt nadzora.

351. člen **(ustavitev postopka)**

Banka Slovenije ustavi postopek za odvzem dovoljenja, če na podlagi dokazov iz drugega odstavka prejšnjega člena ugotovi, da

(1) In its statement of grounds for the withdrawal of authorisation, the subject of supervision may provide facts from which it is clear that the withdrawal is not well founded and may present evidence proving the existence of the asserted facts. If the subject of supervision references documentary evidence in its statement, that statement shall be accompanied by the aforementioned evidence.

(2) If the subject of supervision fails to include documentary evidence in its statement of grounds for the withdrawal of authorisation, the provisions of this Act governing incomplete applications shall not apply; instead the Bank of Slovenia shall only take into account that evidence accompanying the statement when making its decision.

(3) After the expiry of the time limit for making a statement of grounds for the withdrawal of authorisation, the subject of supervision shall have no right to cite new facts and to produce new evidence.

Article 350 **(Decision-making on withdrawal of authorisation)**

(1) The Bank of Slovenia shall decide on withdrawal of authorisation within 30 days after the receipt of a statement of grounds for the withdrawal of authorisation or following the expiry of the time limit for such a statement.

(2) The Bank of Slovenia may decide on withdrawal of authorisation only due to the actions, conduct or circumstances for which it issued a decision on initiation of the procedure to withdraw authorisation and only on the basis of those documents and other evidence stated in the decision on initiation of the procedure and that the subject of supervision submitted with its statement of grounds for the withdrawal of authorisation.

Article 351 **(Suspension of procedure)**

The Bank of Slovenia shall suspend the procedure to withdraw authorisation if, based on the evidence referred to in paragraph two of the

dejanje, ravnanje oziroma okoliščine, zaradi katerih je izdala odločbo o začetku postopka za odvzem dovoljenja, nimajo znakov razloga za odvzem dovoljenja.

352. člen
(odločba o odvzemu dovoljenja)

(1) Izrek odločbe o odvzemu dovoljenja mora obsegati:

1. odločitev o odvzemu dovoljenja z navedbo številke in datuma izdaje dovoljenja;
2. firmo in sedež oziroma ime in priimek ter datum rojstva subjekta nadzora, ki mu je dovoljenje odvzeto;
3. določen opis dejanja, ravnanj ali okoliščin, ki so razlog za odvzem dovoljenja.

(2) Odločba o odvzemu dovoljenja mora biti obrazložena.

353. člen
(uporaba določb o postopku za odvzem dovoljenja)

Določbe pododdelka 12.3.3. tega zakona se smiselno uporabljajo tudi za:

1. postopek preklica pogojnega odvzema dovoljenja in
2. preklic soglasja, ki ga je izdala Banka Slovenije.

12.4. Postopek sodnega varstva

354. člen
(postopek sodnega varstva)

(1) Za postopek sodnega varstva proti odločbam, ki jih izda Banka Slovenije, se uporabljajo določbe ZUS-1, če ni s tem zakonom

preceding Article, it establishes that the actions, conduct or circumstances due to which it issued a decision on initiation of the procedure to withdraw authorisation do not have the elements giving grounds for authorisation to be withdrawn.

Article 352
(Decision to withdraw authorisation)

(1) The operational part of a decision to withdraw authorisation shall include:

1. the decision to withdraw authorisation, indicating the number and date of issue of the authorisation in question;
2. the name and registered office of an undertaking or the full name and date of birth of the subject of supervision whose authorisation is being withdrawn; and
3. a specific description of the actions, conduct or circumstances that are the grounds to withdraw authorisation.

(2) A decision to withdraw authorisation shall be justified.

Article 353
(Application of provisions governing the procedure to withdraw authorisation)

The provisions of Subsection 12.3.3. of this Act shall also apply *mutatis mutandis* to:

1. the procedure to revoke the conditional withdrawal of authorisation and
2. the revocation of consent issued by the Bank of Slovenia.

12.4. Judicial protection proceedings

Article 354
(Judicial protection proceedings)

(1) The provisions of the ZUS-1 shall apply to judicial protection proceedings against decisions issued by the Bank of Slovenia, unless

določeno drugače.

(2) V postopku sodnega varstva zoper odločbo Banke Slovenije odloča Upravno sodišče Republike Slovenije v senatu treh sodnikov.

355. člen **(pravica do sodnega varstva)**

(1) Tožbo zoper akte, ki jih v postopku nadzora izda Banka Slovenije, lahko pod pogoji, določenimi v tem zakonu, vloži le subjekt nadzora.

(2) V postopku sodnega varstva po tem zakonu lahko stranka, ki nima opravljenega pravnškega državnega izpita, opravlja dejanja v postopku samo po pooblaščenцу, ki ima opravljen pravniški državni izpit.

356. člen **(izpodbijanje aktov Banke Slovenije)**

(1) Postopek sodnega varstva je mogoče začeti z vložitvijo tožbe proti odločbi Banke Slovenije, če ta zakon ne določa drugače.

(2) Ne glede na prejšnji odstavek proti naslednjim odločbam ni posebnega postopka sodnega varstva:

1. proti odločbi, s katero Banka Slovenije začne postopek za odvzem dovoljenja;
2. proti odločbi, s katero Banka Slovenije odloči o ugovoru proti odredbi in ga zavrže, zavrne ali spremeni odredbo.

(3) Odločba iz 1. točke prejšnjega odstavka se lahko izpodbija s tožbo v postopku sodnega varstva proti odločbi o odvzemu dovoljenja.

(4) Odločba iz 2. točke drugega odstavka se lahko izpodbija s

otherwise provided by this Act.

(2) The Administrative Court of the Republic of Slovenia shall rule, in a panel of three judges, on judicial protection proceedings against a decision issued by the Bank of Slovenia.

Article 355 **(Right to judicial protection)**

(1) Only the subject of supervision may file a lawsuit against acts issued by the Bank of Slovenia in the supervisory procedure, this under the conditions provided by this Act.

(2) A party who has not passed the state bar examination may only perform acts during judicial protection proceedings in accordance with this Act through an authorised person who has passed the state bar examination.

Article 356 **(Challenging of Bank of Slovenia's acts)**

(1) Judicial protection proceedings may be initiated by filing a lawsuit against a decision issued by the Bank of Slovenia, unless otherwise provided by this Act.

(2) Notwithstanding the preceding paragraph, no special judicial protection proceedings shall be initiated against the following decisions:

1. a decision by which the Bank of Slovenia initiates the procedure to withdraw authorisation;
2. a decision by which the Bank of Slovenia rules on an objection against an order and dismisses or rejects that objection or modifies the order.

(3) A decision referred to in point 1 of the preceding paragraph may be challenged by a lawsuit in judicial protection proceedings against a decision to withdraw authorisation.

(4) A decision referred to in point 2 of paragraph two may be

tožbo v postopku sodnega varstva zoper odločbo, s katero je Banka Slovenije zavrnila ugovor zoper odredbo.

(5) Postopek sodnega varstva je mogoče začeti zoper sklep, s katerim se konča postopek odločanja, začet na zahtevo stranke in v drugih primerih, ko ta zakon izrecno določa, da je zoper sklep dopusten poseben postopek sodnega varstva.

(6) Zoper odredbo, ki jo izda Banka Slovenije, ni posebnega postopka sodnega varstva.

357. člen (prednostno odločanje)

Zadeve v postopku sodnega varstva po tem zakonu so nujne in o njih sodišče odloča prednostno.

358. člen (tožba in odgovor na tožbo)

(1) Tožbo v postopku sodnega varstva je treba vložiti v 15 dneh.

(2) Rok iz prejšnjega odstavka teče od vročitve odločbe. Če tožniku odločba ni bila vročena, teče rok iz prejšnjega odstavka od objave odločbe v skladu z 276. in 277. členom tega zakona.

(3) Tožba v postopku sodnega varstva zoper odločbo Banke Slovenije ne zadrži izvršitve odločbe.

(4) Ne glede na prejšnji odstavek lahko Banka Slovenije po uradni dolžnosti s sklepom odloči, da se izvršitev odločbe, zoper katero se vložena tožba v postopku sodnega varstva, odloži. Zoper ta sklep ni

challenged by a lawsuit in judicial protection proceedings against a decision by which the Bank of Slovenia dismissed an objection against an order.

(5) Judicial protection proceedings may be initiated against a procedural decision that concludes a decision-making process initiated at the request of a party involved, and in other cases when this Act expressly determines that special judicial protection proceedings are admissible against a procedural decision.

(6) No special judicial protection proceedings shall be initiated against an order issued by the Bank of Slovenian.

Article 357 (Priority ruling)

Matters in judicial protection proceedings pursuant to this Act shall be deemed urgent and shall be decided by the court on a priority basis.

Article 358 (Lawsuit and defence)

(1) A lawsuit in judicial protection proceedings shall be filled within 15 days.

(2) The time limit referred to in the preceding paragraph shall run from the date a decision was served. If the decision was not served on the plaintiff, the time limit referred to in the preceding paragraph shall run from the date of the decision's publication in accordance with Articles 276 and 277 of this Act.

(3) A lawsuit brought in judicial protection proceedings against a decision issued by the Bank of Slovenia shall not stay the enforcement of that decision.

(4) Notwithstanding the preceding paragraph, the Bank of Slovenia may decide *ex officio*, via a procedural decision, on staying the enforcement of a decision against which a lawsuit was brought in judicial

sodnega varstva.

(5) Rok za odgovor na tožbo je 15 dni.

359. člen
(nova dejstva in dokazi)

Tožnik v postopku sodnega varstva ne more navajati novih dejstev in predlagati novih dokazov.

360. člen
(meje preizkusa)

(1) Sodišče preizkusi odločbo Banke Slovenije v mejah tožbenega zahtevka in v mejah razlogov, ki so navedeni v tožbi, pri tem pa pazi po uradni dolžnosti na bistvene kršitve določb postopka.

(2) Za bistveno kršitev pravil postopka izdaje odločbe Banke Slovenije se šteje, če:

1. je odločbo izdala oseba ali organ Banke Slovenije, ki ni pristojen za izdajo odločbe;
2. subjektu nadzora ni bila dana možnost, da se izjavi o dejstvih in okoliščinah, pomembnih za izdajo odločbe, razen če zakon tako določa;
3. je kot stranka nastopal nekdo, ki ni subjekt nadzora;
4. subjekta nadzora ni zastopal zakoniti zastopnik oziroma, če pooblaščenec ni imel ustreznega pooblastila;
5. je pri odločanju ali vodenju postopka sodelovala oseba, ki bi po zakonu morala biti izločena; ali
6. se odločbe ne da preizkusiti.

361. člen
(seja)

protection proceedings. There shall be no judicial protection against such a procedural decision.

(5) The time limit for the defence shall be 15 days.

Article 359
(New facts and evidence)

A plaintiff in judicial protection proceedings may not cite new facts and produce new evidence.

Article 360
(Limits of testing)

(1) The court shall test the Bank of Slovenia's decision within the limits of the claim and within the limits of the grounds stated in the relevant lawsuit, whereby special attention shall be paid *ex officio* to any material breaches of the procedural provisions.

(2) A breach of the rules of procedure of issuing a decision by the Bank of Slovenia shall be deemed material if:

1. the decision was issued by a person or body at the Bank of Slovenia that is not competent for issuing a decision;
2. the subject of supervision was not afforded the opportunity to make a statement regarding the facts and circumstances relevant for the issuing of a decision, unless such is provided by an Act;
3. a person who is not the subject of supervision has acted as a party to the procedure;
4. the subject of supervision was not represented by a legal representative or an authorised person failed to have the appropriate authorisation;
5. a person who should have been excluded under the Act was involved in decision-making or the conducting of procedure; or
6. the decision cannot be tested.

Article 361
(Session)

(1) Sodišče lahko odloči brez glavne obravnave, če dejansko stanje, ki je bilo podlaga za izdajo odločbe, med tožnikom in Banko Slovenije ni sporno.

(2) Ne glede na določbo prejšnjega odstavka lahko sodišče odloči brez glavne obravnave tudi v naslednjih primerih:

1. če je že na podlagi tožbe, izpodbijanega akta ter upravnih spisov očitno, da je treba tožbi ugoditi in upravni akt odpraviti na podlagi prvega odstavka 64. člena ZUS-1, pa v upravnem sporu ni sodeloval tudi stranski udeleženec z nasprotnim interesom;
2. če je dejansko stanje med tožnikom in Banko Slovenije sporno, vendar stranke navajajo zgolj tista nova dejstva in dokaze, ki jih v skladu s tem zakonom sodišče ne more upoštevati (359. člen tega zakona);
3. če gre za spor med istima strankama, pa gre za podobno dejansko in pravno podlago ter je o tem vprašanju sodišče že pravnomočno odločilo.

(3) Stranke se lahko glavni obravnavi tudi odpovedo. V tem primeru sodišče odloči na seji in pri tem upošteva dejansko stanje, ki je bilo ugotovljeno v postopku izdaje upravnega akta ter morebitna nova dejstva in dokaze, ki jih predložijo stranke in jih sodišče v skladu s tem zakonom lahko upošteva (359. člen tega zakona).

362. člen (odločitev sodišča)

Če je subjekt nadzora pretežno ali v celoti izvršil odločbo, ki jo je izdala Banka Slovenije, sodišče v primeru, ko v postopku sodnega varstva ugotovi razloge, zaradi katerih se izpodbijani akt lahko odpravi ali izreče za ničnega, izpodbijanega akta ne odpravi, ampak zgolj ugotovi njegovo nezakonitost.

13. POGLAVJE:

(1) The court may issue a ruling without a main hearing if the actual situation that was the basis for the issuing of a decision is not disputed between the plaintiff and the Bank of Slovenia.

(2) Notwithstanding the provision of the preceding paragraph, the court may issue a ruling without a main hearing also in the following cases:

1. if it is evident from the lawsuit, contested act and administrative files that a ruling must be made in favour of the lawsuit and an administrative act reversed on the basis of paragraph one of Article 64 of the ZUS-1, but there were no accessory parties with conflicting interests involved in the administrative dispute;
2. if the actual situation between the plaintiff and the Bank of Slovenia is in dispute, but the parties present only those new facts and evidence that the court cannot take into consideration in accordance with this Act (Article 359 of this Act); and
3. if it is a dispute involving the same parties, but the actual and legal bases are similar and the court has already issued a final ruling in this matter.

(3) The parties may also waive a main hearing. In this case, the court shall rule at a session, taking into account the actual situation that was established during the procedure of issuing an administrative act and any possible new facts and evidence that are provided by the parties and that may be taken into account by the court in accordance with this Act (Article 359 of this Act).

Article 362 (Decisions of the court)

If the subject of supervision has implemented a decision issued by the Bank of Slovenia for the most part or in full, the court may, when establishing the reasons for the reversal or nullification of a contested act in judicial protection proceedings, decide not to reverse that contested act but merely establish its illegality.

CHAPTER 13:

IZVAJANJE IZREDNIH UKREPOV BANKE SLOVENIJE

363. člen **(uporaba predpisov glede izvajanja izrednih ukrepov)**

Za izvajanje izrednih ukrepov za zagotovitev stabilnosti finančnega sistema se uporabljajo določbe 7.7. poglavja Zakona o bančništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 9/11 – ZPlaSS-B, 35/11, 59/11, 85/11, 48/12, 105/12, 56/13, 63/13 – ZS-K in 96/13; v nadaljnjem besedilu: ZBan-1), zakona, ki ureja organ in sklad za reševanje bank, in tega zakona.

364. člen **([prenehal veljati](#))**

365. člen **([prenehal veljati](#))**

14. POGLAVJE:

SISTEM IZMENJAVE INFORMACIJ O BONITETI STRANK

([prenehalo veljati](#))

366. člen **([prenehal veljati](#))**

367. člen **([prenehal veljati](#))**

IMPLEMENTATION OF EXTRAORDINARY MEASURES BY THE BANK OF SLOVENIA

Article 363 **(Application of regulations regarding the implementation of extraordinary measures)**

The provisions of Section 7.7. of the Banking Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 99/10 – official consolidated text, 9/11 – ZPlaSS-B, 35/11, 59/11, 85/11, 48/12, 105/12, 56/13, 63/13 – ZS-K and 96/13; hereinafter: the ZBan-1), the Act governing the bank resolution authority and fund, and this Act shall apply to the implementation of extraordinary measures to ensure the stability of the financial system.

Article 364 **(Ceased to be in force)**

Article 365 **(Ceased to be in force)**

CHAPTER 14:

SYSTEM FOR THE EXCHANGE OF INFORMATION REGARDING CLIENT CREDIT RATINGS **(Ceased to be in force)**

Article 366 **(Ceased to be in force)**

Article 367 **(Ceased to be in force)**

368. člen
([prenehal veljati](#))

Article 368
(Ceased to be in force)

369. člen
([prenehal veljati](#))

Article 369
(Ceased to be in force)

370. člen
([prenehal veljati](#))

Article 370
(Ceased to be in force)

371. člen
([prenehal veljati](#))

Article 371
(Ceased to be in force)

372. člen
([prenehal veljati](#))

Article 372
(Ceased to be in force)

15. POGLAVJE:

CHAPTER 15:

KAZENSKÉ DOLOČBE

PENALTY PROVISIONS

373. člen
(globa za kršitev banke)

Article 373
(Fine for breaches by bank)

(1) Z globo od 25.000 do 250.000 eurov se za prekršek kaznuje banka, ki:

1. je pridobila dovoljenje ali soglasje, ki je določeno s tem zakonom ali Uredbo (EU) št. 575/2013 z navajanjem neresničnih podatkov ali na podlagi drugih zavajajočih ravnanj;
2. če v nasprotju s petim odstavkom 30. člena tega zakona opravlja storitve, ki jih ne sme opravljati;
3. ne obvesti Banke Slovenije o spremembi deleža posameznega delničarja v skladu s 74. členom tega zakona;
4. ni vzpostavila ureditve notranjega upravljanja v skladu s 128. členom tega zakona ali ne zagotavlja ustreznega notranjega kapitala v skladu

(1) A bank shall be fined from EUR 25,000 to EUR 250,000 for the offences of:

1. obtaining an authorisation or a consent provided by this Act or Regulation (EU) No 575/2013 by stating false data or on the basis of other misleading conduct;
2. providing services in contravention of paragraph five of Article 30 of this Act that it is not allowed to provide;
3. failing to notify the Bank of Slovenia of any change in the holding of an individual shareholder in accordance with Article 74 of this Act;
4. failing to put in place the internal governance arrangements in accordance with Article 128 of this Act or failing to ensure adequate

- s 131. členom tega zakona;
5. ne sporoča informacij glede izpolnjevanja kapitalskih zahtev, določenih v skladu z 92. členom Uredbe (EU) št. 575/2013, v skladu z prvim odstavkom 99. člena Uredbe (EU) št. 575/2013, oziroma zagotavlja nepopolne ali nepravilne informacije oziroma ne sporoča finančnih informacij v skladu z drugim odstavkom 99. člena Uredbe (EU) št. 575/2013;
 6. ne sporoča informacij v skladu s 101. členom Uredbe (EU) št. 575/2013 oziroma zagotavlja nepopolne ali nepravilne informacije;
 7. ne sporoča informacij o veliki izpostavljenosti v skladu s prvim odstavkom 394. člena Uredbe (EU) št. 575/2013 oziroma zagotavlja nepopolne ali nepravilne informacije;
 8. ne sporoča informacij o likvidnosti ter o stabilnem financiranju v skladu s prvim in drugim odstavkom 415. člena Uredbe (EU) št. 575/2013 oziroma zagotavlja nepopolne ali nepravilne informacije;
 9. ne sporoča informacij o količniku finančnega vzvoda v skladu s prvim odstavkom 430. člena Uredbe (EU) št. 575/2013 oziroma zagotavlja nepopolne ali nepravilne informacije;
 10. ne razpolaga z likvidnimi sredstvi v skladu s 412. členom Uredbe (EU) št. 575/2013;
 11. doseže izpostavljenost, ki presega omejitve iz 395. člena Uredbe (EU) št. 575/2013;
 12. (črtana);
 13. ne razkrije informacij v skladu s prvim, drugim in tretjim odstavkom 431. člena ali prvim odstavkom 451. člena Uredbe (EU) št. 575/2013 oziroma zagotavlja nepopolne ali nepravilne informacije;
 14. izvede izplačila imetnikom instrumentov, ki se upoštevajo pri izračunu kapitala, v nasprotju z 229. členom tega zakona ali je izplačilo v nasprotju 28., 51. ali 63. členom Uredbe (EU) št. 575/2013;
 15. je omogočila, da ena ali več oseb, ki ne izpolnjujejo pogojev, določenih s tem zakonom, opravlja funkcijo člana upravljalnega organa, tudi v njegovi nadzorni funkciji, ali višjega vodstva banke;
 16. kreditira oziroma daje jamstva za nakup delnic v nasprotju s prvim odstavkom 31. člena tega zakona;
 17. po prenehanju dovoljenja za opravljanje storitev sklepa nove posle v nasprotju s prepovedjo iz petega odstavka 106. člena tega zakona;
 18. ne ravna v skladu z odredbo iz 203. člena tega zakona;

- internal capital in accordance with Article 131 of this Act;
5. failing to report information with regard to the fulfilment of capital requirements determined in accordance with Article 92 of Regulation (EU) No 575/2013, in accordance with paragraph one of Article 99 of Regulation (EU) No 575/2013, or providing incomplete or incorrect information or failing to report financial information in accordance with paragraph two of Article 99 of Regulation (EU) No 575/2013;
 6. failing to report information in accordance with Article 101 of Regulation (EU) No 575/2013 or providing incomplete or incorrect information;
 7. failing to report information on large exposures in accordance with paragraph one of Article 394 of Regulation (EU) No 575/2013 or providing incomplete or incorrect information;
 8. failing to report information on liquidity and on stable funding in accordance with paragraphs one and two of Article 415 of Regulation (EU) No 575/2013 or providing incomplete or incorrect information;
 9. failing to report information on the leverage ratio in accordance with paragraph one of Article 430 of Regulation (EU) No 575/2013 or providing incomplete or incorrect information;
 10. failing to hold liquid assets in accordance with Article 412 of Regulation (EU) No 575/2013;
 11. incurring an exposure that exceeds the limits referred to in Article 395 of Regulation (EU) No 575/2013;
 12. (Deleted);
 13. failing to disclose information in accordance with paragraphs one, two and three of Article 431 or paragraph one of Article 451 of Regulation (EU) No 575/2013 or providing incomplete or incorrect information;
 14. making distributions to holders of instruments taken into account in the calculation of capital in contravention of Article 229 of this Act or distributions in contravention of Article 28, 51 or 63 of Regulation (EU) No 575/2013;
 15. allowing one person or several persons that fail to meet the conditions determined by this Act to perform the function of a member of a governing body, including its supervisory function, or of its senior management;
 16. providing loans or issuing guarantees for the purchase of shares in contravention of paragraph one of Article 31 of this Act;
 17. concluding new transactions after the cessation of the authorisation to provide services in contravention of the prohibition referred to in paragraph five of Article 106 of this Act;
 18. failing to act in accordance with the order referred to in Article 203 of

19. ustanovi podružnico v državi članici, ne da bi o tej nameri predhodno obvestila Banko Slovenije v skladu s prvim odstavkom 110. člena tega zakona, ali začne opravljati posle prek podružnice v drugi državi članici v nasprotju s 112. členom tega zakona;
20. začne neposredno opravljati vzajemno priznane finančne storitve v državi članici, ne da bi o tem obvestila Banko Slovenije v skladu s prvim odstavkom 114. člena tega zakona;
21. ustanovi podružnico v tretji državi, ne da bi za ustanovitev podružnice pridobila dovoljenje v skladu s 115. členom tega zakona;
22. pridobi kvalificirano naložbo v nasprotju z drugim odstavkom 200. člena tega zakona;
23. ne vzpostavi ali ne izvaja ustrezne politike izbora kandidatov za člane upravljalnega organa v skladu z drugim odstavkom 34. člena tega zakona;
24. ni zagotovila, da nadzorni svet banke imenuje komisiji v skladu s 49. členom tega zakona ali delovanje teh komisij ni v skladu z 50., 51. ali 52. členom tega zakona;
25. vodi poslovne knjige, sestavlja knjigovodske listine, vrednoti knjigovodske postavke ali sestavlja poročila v nasprotju z drugim odstavkom 86. členom člena tega zakona;
26. ne poroča finančnih informacij v zvezi z računovodskim izkazi v skladu s tretjim odstavkom 87. člena tega zakona;
27. ne predloži letnega poročila, konsolidiranega letnega poročila, revizorjevega poročila ali dodatnega revizorjevega poročila v skladu z 89. členom tega zakona;
28. glede razkritja dodatnih informacij ne ravna v skladu z 88. členom tega zakona;
29. v rokih iz prvega oziroma tretjega odstavka 92. člena tega zakona na svojih javnih spletnih straneh ne objavi letnega poročila oziroma konsolidiranega letnega poročila ali revizorjevega poročila o revidiranju letnega poročila iz drugega odstavka 57. člena ZGD-1;
30. ne zagotovi, da ostaneta letno poročilo in revizorjevo poročilo iz drugega odstavka 57. člena ZGD-1 dostopna na njenih javnih spletnih straneh najmanj pet let po njuni objavi (četrti odstavek 92. člena tega zakona);

this Act;

19. establishing a branch in a Member State without notifying the Bank of Slovenia in advance of this intention in accordance with paragraph one of Article 110 of this Act or beginning to execute transactions via a branch in another Member State in contravention of Article 112 of this Act;
20. beginning the direct provision of mutually recognised financial services in a Member State without notifying the Bank of Slovenia in accordance with paragraph one of Article 114 of this Act;
21. establishing a branch in a third country without obtaining an authorisation to establish a branch in accordance with Article 115 of this Act;
22. acquiring a qualifying holding in contravention of paragraph two of Article 200 of this Act;
23. failing to draw up or implement an appropriate policy on the selection of suitable candidates for members of the governing body in accordance with paragraph two of Article 34 of this Act;
24. failing to ensure that the bank's supervisory board appoints committees in accordance with Article 49 of this Act or failing to ensure the functioning of these committees in accordance with Article 50, 51 or 52 of this Act;
25. keeping books of account, drawing up bookkeeping documents, valuing bookkeeping items or preparing reports in contravention of paragraph two of Article 86 of this Act;
26. failing to report financial information in connection with the financial statements in accordance with paragraph three of Article 87 of this Act;
27. failing to submit an annual report, a consolidated annual report, an auditor's report or an additional auditor's report in accordance with Article 89 of this Act;
28. failing to act in accordance with Article 88 of this Act with regard to the disclosure of additional information;
29. failing to publish on its website an annual report or a consolidated annual report or an auditor's report on the auditing of the annual report referred to in paragraph two of Article 57 of the ZGD-1 by the time limits referred to in paragraph one or three of Article 92 of this Act;
30. failing to ensure that the annual report and the auditor's report referred to in paragraph two of Article 57 of the ZGD-1 are available on its website for at least five years following their publication (paragraph four of Article 92 of this Act);

31. pooblašteni osebi Banke Slovenije ne omogoči pregleda ali ovira izvajanje njegovih nalog in pooblastil na način, določen v 242., 245., 246., 247. in 248. členu tega zakona;
32. ne vzpostavi ustreznih postopkov upravljanja tveganj oziroma notranjih kontrolnih mehanizmov, vključno z ustreznim poročanjem in računovodskimi postopki, z namenom ugotavljanja, merjenja, spremljanja in nadzora poslov s svojim nadrejenim mešanim poslovnim holdingom in njegovimi podrejenimi družbami v skladu z drugim odstavkom 304. člena tega zakona;
33. krši dolžnost varovanja zaupnih podatkov v skladu s 126. členom tega zakona;
34. ne ravna v skladu z odredbo iz 253. in 258. člena tega zakona;
35. posebnemu pooblaščenцу iz 259. člena tega zakona ne omogoči ali ga ovira pri izvajanju njegovih nalog in pooblastil v skladu z določbami 259. in 261. člena tega zakona.

(2) Banka, ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo, se za prekršek iz prejšnjega odstavka kaznuje z globo od 80.000 do 500.000 eurov.

(3) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se banka kaznuje z globo v višini do:

1. 10 odstotkov skupnega letnega neto prometa, vključno z bruto dohodkom v predhodnem poslovnem letu v obliki prihodkov iz obresti in podobnih prihodkov, prihodkov iz delnic in drugih vrednostnih papirjev s spremenljivim ali fiksnim donosom ter prejetih provizij in nadomestil v skladu s 316. členom Uredbe (EU) št. 575/2013, ali
2. dvakratnega zneska dobička, pridobljenega s kršitvijo, ali izgube, preprečene s kršitvijo, kadar ju je mogoče opredeliti, če ta znesek presega znesek iz prejšnje točke.

(4) Član uprave, ki krši dolžnosti člana uprave iz prvega ali drugega odstavka 45. člena tega zakona in je zato podana kršitev iz prvega odstavka tega člena, se za prekršek kaznuje z globo v višini od 2.500 eurov do 10.000 eurov.

31. failing to enable an authorised person of the Bank of Slovenia to conduct a review or impeding the execution of their tasks and authorisations in the manner laid down in Articles 242, 245, 246, 247 and 248 of this Act;
32. failing to establish appropriate risk management procedures or internal control mechanisms, including sound reporting and accounting procedures, for the purpose of identifying, measuring, monitoring and controlling transactions with its parent mixed-activity holding company and the latter's subsidiaries in accordance with paragraph two of Article 304 of this Act;
33. breaching the duty to protect confidential data in accordance with Article 126 of this Act;
34. failing to act in accordance with the order referred to in Articles 253 and 258 of this Act;
35. failing to enable the special representative referred to in Article 259 of this Act to perform their tasks and exercise their powers in accordance with provisions of Articles 259 and 261 of this Act or impeding them in so doing.

(2) A bank deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 80,000 to EUR 500,000 for the offences referred to in the preceding paragraph.

(3) When the nature of the committed offence referred to in paragraph one of this Article is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, the bank shall be fined up to the following amounts:

1. 10% of the total annual net turnover, including gross income in the previous business year in the form of interest receivable and similar income, income from shares and other variable-yield or fixed-yield securities, and fees and commissions receivable in accordance with Article 316 of Regulation (EU) No 575/2013 or
2. double the amount of the profit gained or the loss avoided by means of the breach, insofar as these can be defined, if this amount exceeds the amount referred to in the preceding point.

(4) A member of the management board who breaches the duties of a member of the management board referred to in paragraph one or two of Article 45 of this Act constituting thereby the breach referred to in paragraph one of this Article shall be fined from EUR 2,500 to EUR

(5) Član nadzornega sveta banke, ki krši dolžnosti člana nadzornega sveta banke iz prvega odstavka 55. člena tega zakona in je zato v banki podana kršitev iz prvega odstavka tega člena, se za prekršek kaznuje z globo v višini od 2.500 eurov do 10.000 eurov.

(6) Če je narava storjenega prekrška iz četrtega ali petega odstavka tega člena posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se član uprave ali nadzornega sveta kaznuje z globo do višine 5.000.000 eurov.

(7) Odgovorna oseba banke, ki ni član uprave ali nadzornega sveta, se za prekršek iz prvega odstavka tega člena kaznuje z globo od 800 do 10.000 eurov. Če je narava storjenega prekrška iz prejšnjega stavka posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se odgovorna oseba banke kaznuje z globo od 2.500 do 30.000 eurov.

374. člen

(globa za kršitev kvalificiranega imetnika)

(1) Pravna oseba, ki kot neupravičeni imetnik ne odsvoji delnic v skladu z odredbo o odsvojitvi delnic iz 267. člena tega zakona, se kaznuje za prekršek z globo v višini od 25.000 do 250.000 eurov. Pravna oseba, ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo, se za prekršek iz prejšnjega stavka kaznuje z globo od 80.000 do 500.000 eurov.

(2) Če je narava storjenega prekrška iz prejšnjega odstavka posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se pravna oseba kaznuje z globo v višini do:

10,000 for the offence.

(5) A member of the supervisory board of a bank who breaches the duties of a member of the supervisory board of a bank referred to in paragraph one of Article 55 of this Act constituting thereby the breach by the bank referred to in paragraph one of this Article shall be fined from EUR 2,500 to EUR 10,000 for the offence.

(6) The member of the management board or supervisory board shall be fined up to EUR 5,000,000 when the nature of the committed offence referred to in paragraph four or five of this Article is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest.

(7) The responsible person of the bank other than a member of the management board or supervisory board shall be fined from EUR 800 to EUR 10,000 for an offence referred to in paragraph one of this Article. When the nature of the committed offence referred to in the preceding sentence is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, the responsible person of a bank shall be fined from EUR 2,500 to EUR 30,000.

Article 374

(Fine for breaches by qualifying holder)

(1) A legal person that, as an ineligible holder, fails to dispose of shares in accordance with the order to dispose of shares referred to in Article 267 of this Act shall be fined from EUR 25,000 to EUR 250,000 for the offence. A legal person deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 80,000 to EUR 500,000 for the offence referred to in the preceding sentence.

(2) When the nature of the committed offence referred to in the preceding paragraph is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, the legal person shall be fined up to the following amounts:

1. 10 odstotkov skupnega letnega neto prometa, vključno z bruto dohodkom v predhodnem poslovnem letu v obliki prihodkov iz obresti in podobnih prihodkov, prihodkov iz delnic in drugih vrednostnih papirjev s spremenljivim ali fiksnim donosom ter prejetih provizij in nadomestil v skladu s 316. členom Uredbe (EU) št. 575/2013, ali
2. dvakratnega zneska dobička, pridobljenega s kršitvijo, ali izgube, preprečene s kršitvijo, kadar ju je mogoče opredeliti, če ta znesek presega znesek iz prejšnje točke.

(3) Fizična oseba, ki kot neupravičeni imetnik, ne odsvoji delnic v skladu z odredbo o odsvojitvi delnic iz 267. člena tega zakona, se kaznuje za prekršek z globbo v višini od 2.500 eurov do 10.000 eurov.

(4) Če je narava storjenega prekrška iz prejšnjega odstavka posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se fizična oseba kaznuje z globbo v višini do:

1. 5.000.000 eurov, ali
2. dvakratnega zneska dobička, pridobljenega s kršitvijo, ali izgube, preprečene s kršitvijo, če ju je mogoče opredeliti, in če dvakratni znesek ugotovljenega dobička ali izgube presega znesek iz prejšnje točke.

(5) Z globbo od 800 do 10.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje odgovorna oseba pravne osebe, ki kot neupravičeni imetnik stori prekršek iz prvega odstavka tega člena. Če je narava storjenega prekrška iz prejšnjega stavka posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se odgovorna oseba pravne osebe kaznuje z globbo od 2.500 do 30.000 eurov.

375. člen (kršitve drugih oseb)

(1) Z globbo od 80.000 do 250.000 eurov se za prekršek kaznuje pravna oseba:

1. 10% of the total annual net turnover, including gross income in the previous year in the form of interest receivable and similar income, income from shares and other variable-yield or fixed-yield securities, and fees and commissions receivable in accordance with Article 316 of Regulation (EU) No 575/2013 or
2. double the amount of the profits gained or the loss avoided by means of the breach, insofar as these can be defined, if this amount exceeds the amount referred to in the preceding point.

(3) A natural person who, as an ineligible holder, fails to dispose of shares in accordance with the order to dispose of shares referred to in Article 267 of this Act shall be fined from EUR 2,500 to EUR 10,000 for the offence.

(4) When the nature of the committed offence referred to in the preceding paragraph is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, the natural person shall be fined up to the following amounts:

1. EUR 5,000,000 or
2. double the amount of the profit gained or the loss avoided by means of the breach, insofar as these can be defined and if this amount exceeds the amount referred to in the preceding point.

(5) The responsible person of a legal person that as an ineligible holder commits an offence referred to in paragraph one of this Article shall be fined from EUR 800 to EUR 10,000 for the offence referred to in paragraph one of this Article. When the nature of the committed offence referred to in the preceding sentence is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, the responsible person of the legal person shall be fined from EUR 2,500 to EUR 30,000.

Article 375 (Breaches by other persons)

(1) A legal person shall be fined from EUR 80,000 to EUR 250,000 for the offences of:

1. ki sprejema depozite od javnosti v nasprotju s prepovedjo iz 96. člena tega zakona; ali
2. če pooblaščen osebi Banke Slovenije ne predloži informacij ali omogoči pregleda poslovanja na način, določen v 242., 245., 246., 247. in 248. členu tega zakona, ali kako drugače ovira nadzor iz drugega odstavka 313. člena tega zakona.

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba pravne osebe, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 400 do 150.000 eurov se za prekršek kaznuje samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost:

1. ki sprejema depozite od javnosti v nasprotju s prepovedjo iz 96. člena tega zakona;
2. če pooblaščen osebi Banke Slovenije ne predloži informacij ali omogoči pregleda poslovanja na način, določen v 242., 245., 246., 247. in 248. členu tega zakona, ali kako drugače ovira nadzor iz drugega odstavka 314. člena tega zakona.

(4) Z globo od 400 do 5.000 eurov se za prekršek kaznuje posameznik:

1. ki sprejema depozite od javnosti v nasprotju s prepovedjo iz 96. člena tega zakona;
2. če pooblaščen osebi Banke Slovenije ne predloži informacij ali omogoči pregleda poslovanja na način, določen v 242., 245., 246., 247. in 248. členu tega zakona, ali kako drugače ovira nadzor iz drugega odstavka 314. člena tega zakona.

(5) Z globo od 80.000 do 250.000 eurov se za prekršek kaznuje pravna oseba, ki je delničar banke in ki:

1. pridobi delnice banke, ne da bi pred tem pridobil dovoljenje iz prvega odstavka 70. člena tega zakona;
2. ki ne obvesti Banke Slovenije o sklenitvi delničarskega sporazuma iz 59. člena tega zakona.

(6) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje

1. accepting deposits from the public in contravention of the prohibition referred to in Article 96 of this Act or
2. failing to submit information to the authorised person of the Bank of Slovenia or failing to enable them to conduct a review of operations in the manner determined in Articles 242, 245, 246, 247 and 248 of this Act or impeding the supervision referred to in paragraph two of Article 313 of this Act in any other way.

(2) The responsible person of a legal person shall be fined from EUR 2,500 to EUR 10,000 for an offence referred to in the preceding paragraph.

(3) An individual sole trader or an individual who performs independent activities shall be fined from EUR 400 to EUR 150,000 for the offences of:

1. accepting deposits from the public in contravention of the prohibition referred to in Article 96 of this Act or
2. failing to submit information to the authorised person of the Bank of Slovenia or failing to enable them to conduct a review of operations in the manner determined in Articles 242, 245, 246, 247 and 248 of this Act or impeding the supervision referred to in paragraph two of Article 314 of this Act in any other way.

(4) An individual shall be fined from EUR 400 to EUR 5,000 for the offences of:

1. accepting deposits from the public in contravention of the prohibition referred to in Article 96 of this Act or
2. failing to submit information to the authorised person of the Bank of Slovenia or failing to enable them to conduct a review of operations in the manner determined in Articles 242, 245, 246, 247 and 248 of this Act or impeding the supervision referred to in paragraph two of Article 314 of this Act in any other.

(5) A legal person that is a shareholder of a bank shall be fined from EUR 80,000 to EUR 250,000 for the offences of:

1. acquiring bank shares without first obtaining the authorisation referred to in paragraph one of Article 70 of this Act or
2. failing to notify the Bank of Slovenia of the conclusion of a shareholders' agreement referred to in Article 59 of this Act.

(6) The responsible person of a legal person shall be fined from

odgovorna oseba pravne osebe, ki stori prekršek iz prejšnjega odstavka.

(7) Z globo od 400 do 3.500 eurov se za prekršek kaznuje posameznik, ki je delničar banke oziroma hranilnice, ki stori prekršek iz petega odstavka tega člena.

(8) Z globo od 80.000 do 250.000 eurov se za prekršek kaznuje pravna oseba, ki sklene podjetniško pogodbo korporacijskega prava ali drug pravni posel, na podlagi katerega pridobi položaj nadrejene osebe banke oziroma hranilnice, ne da bi pred sklenitvijo pridobila dovoljenje Banke Slovenije iz 70. člena tega zakona.

(9) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba pravne osebe, ki stori prekršek iz prejšnjega odstavka.

(10) Z globo od 1000 do 150.000 eurov se za prekršek kaznuje samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost, ki stori prekršek iz osmega odstavka tega člena.

(11) Z globo od 400 do 3.500 eurov se za prekršek kaznuje posameznik, ki stori prekršek iz osmega odstavka tega člena.

(12) Z globo od 12.000 do 120.000 eurov se za prekršek kaznuje pravna oseba, v kateri je banka pridobila kvalificirano naložbo, če ne poroča Banki Slovenije v skladu s prvim odstavkom 204. člena tega zakona.

(13) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba pravne osebe, ki stori prekršek iz prejšnjega odstavka.

(14) Pravna oseba, ki stori prekršek iz prvega, petega, osmega ali dvanajstega odstavka tega člena, in ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo, se za prekršek iz prvega, petega, osmega ali dvanajstega odstavka tega člena kaznuje z globo od 25.000 do 500.000 eurov.

(15) Če je narava storjenega prekrška iz prejšnjih odstavkov

EUR 2,500 to EUR 10,000 for an offence referred to in the preceding paragraph.

(7) An individual who is a shareholder of a bank or savings bank shall be fined from EUR 400 to EUR 3,500 for an offence referred to in paragraph five of this Article.

(8) A legal person shall be fined from EUR 80,000 to EUR 250,000 for the offence of concluding a business agreement based on corporate law or another legal transaction on the basis of which it obtains the position of parent entity of a bank or savings bank without first obtaining an authorisation from the Bank of Slovenia referred to in Article 70 of this Act.

(9) The responsible person of a legal person shall be fined from EUR 2,500 to EUR 10,000 for the offence referred to in the preceding paragraph.

(10) An individual sole trader or an individual who performs independent activities shall be fined from EUR 1,000 to EUR 150,000 for the offence referred to in paragraph eight of this Article.

(11) An individual shall be fined from EUR 400 to EUR 3,500 for the offence referred to in paragraph eight of this Article.

(12) A legal person in which a bank has acquired a qualifying holding shall be fined from EUR 12,000 to EUR 120,000 for the offence of failing to report to the Bank of Slovenia in accordance with paragraph one of Article 204 of this Act.

(13) The responsible person of a legal person shall be fined from EUR 2,500 to EUR 10,000 for the offence referred to in the preceding paragraph.

(14) A legal person deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 25,000 to EUR 500,000 for an offence referred to in paragraphs one, five, eight or twelve of this Article.

(15) When the nature of the committed offence referred to in

posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se pravna oseba kaznuje z globo od 41.000 do 750.000 eurov, pravna oseba, ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo z globo od 41.000 do 1.500.000 eurov, odgovorna oseba pravne osebe z globo od 2.500 do 30.000 eurov, samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost, z globo od 41.000 do 450.000 eurov, posameznik pa z globo od 400 do 15.000 eurov.

376. člen

(kršitve v zvezi z obveščanjem Agencije za trg vrednostnih papirjev)

(1) Z globo od 15.000 do 250.000 eurov se za prekršek kaznuje banka, če v treh delovnih dneh od pridobitve oziroma odsvojitve vrednostnih papirjev ciljne družbe na podlagi prvega odstavka 78. člena tega zakona, o tem dejstvu ne obvesti Agencije za trg vrednostnih papirjev (drugi odstavek 78. člena tega zakona).

(2) Banka, ki stori prekršek iz prejšnjega odstavka in ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo, se za prekršek iz prejšnjega odstavka kaznuje z globo od 25.000 do 500.000 eurov.

(3) Z globo od 1.000 do 10.000 eurov se za prekršek kaznuje odgovorna oseba banke, ki je storila prekršek iz prvega odstavka tega člena.

(4) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se banka kaznuje z globo od 41.000 do 750.000 eurov, banka, ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo z globo od 41.000 do 1.500.000 eurov, odgovorna oseba banke pa z globo od 2.500 do 30.000 eurov.

(5) Glede izreka globe, postopka in zastaranja se uporabljajo

the preceding paragraphs is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, a legal person shall be fined from EUR 41,000 to EUR 750,000, a legal person deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 41,000 to EUR 1,500,000, a responsible person of a legal person shall be fined from EUR 2,500 to EUR 30,000, an individual sole trader or an individual who performs independent activities shall be fined from EUR 41,000 to EUR 450,000, and an individual shall be fined from EUR 400 to EUR 15,000.

Article 376

(Breaches in connection with notification of the Securities Market Agency)

(1) A bank shall be fined from EUR 15,000 to EUR 250,000 for the offence of failing, within three working days of acquiring or disposing of the securities of a target company pursuant to paragraph one of Article 78 of this Act, to notify the Securities Market Agency (paragraph two of Article 78 of this Act).

(2) A bank deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 25,000 to EUR 500,000 for the offence referred to in the preceding paragraph.

(3) The responsible person of a bank shall be fined from EUR 1,000 to EUR 10,000 for the offence referred to in paragraph one of this Article.

(4) When the nature of the committed offence referred to in paragraph one of this Article is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, a bank shall be fined from EUR 41,000 to EUR 750,000, a bank deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 41,000 to EUR 1,500,000, and a responsible person of a bank shall be fined from EUR 2,500 to EUR 30,000.

(5) The provisions of the ZPre-1 shall apply to the imposition of

377. člen
(kršitve oseb v bančni skupini)

(1) Z globo od 80.000 do 250.000 eurov se za prekršek kaznuje:

1. podrejena družba, ki nadrejeni banki v bančni skupini oziroma banki, ki jo obvladuje nadrejeni finančni holding ali nadrejeni mešani finančni holding, ne posreduje vseh informacij, ki jih ta potrebuje za izpolnitev obveznosti na konsolidirani podlagi (prvi odstavek 301. člena tega zakona);
2. nadrejeni finančni holding ali nadrejeni mešani finančni holding, ki svoji podrejeni banki ne posreduje vseh informacij, ki jih ta potrebuje za izpolnitev obveznosti na konsolidirani podlagi (drugi odstavek 301. člena tega zakona);
3. podrejena družba, nadrejeni finančni holding ali nadrejeni mešani finančni holding, ki Banki Slovenije oziroma drugemu pristojnemu organu, ki je odgovoren za nadzor na konsolidirani podlagi, ne omogoči, da opravi pregled poslovanja v skladu z 248. členom tega zakona (četrti odstavek 301. člena tega zakona);
4. mešani poslovni holding oziroma njegova podrejena družba, ki podrejenim bankam, Banki Slovenije oziroma drugim organom, pristojnim in odgovornim za nadzor teh bank, ne posreduje vseh informacij, ki so pomembne za nadzor teh podrejenih bank (prvi odstavek 303. člena tega zakona);
5. podrejena družba oziroma nadrejeni mešani poslovni holding, ki Banki Slovenije oziroma drugemu organu, ki je pristojen in odgovoren za nadzor podrejenih bank, ne omogoči, da opravi pregled poslovanja v skladu z 248. členom tega zakona (drugi odstavek 303. člena tega zakona).

(2) Oseba iz prejšnjega odstavka, ki stori prekršek iz prejšnjega odstavka in ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo, se za prekršek iz prejšnjega odstavka kaznuje z globo od 25.000 do 500.000 eurov.

(3) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba pravne osebe, ki stori prekršek iz prejšnjega odstavka.

Article 377
(Breaches by persons in a banking group)

(1) A fine from EUR 80,000 to EUR 250,000 shall be imposed on:

1. a subsidiary failing to forward all the information the parent bank in the banking group or a bank that is controlled by a parent financial holding company or parent mixed financial holding company requires in order to fulfil the obligations on a consolidated basis (paragraph one of Article 301 of this Act);
2. a parent financial holding company or parent mixed financial holding company failing to forward all the information to its subsidiary bank that the latter requires in order to fulfil the obligations on a consolidated basis (paragraph two of Article 301 of this Act);
3. a subsidiary, parent financial holding company or parent mixed financial holding company failing to enable the Bank of Slovenia or another competent authority responsible for supervision on a consolidated basis to conduct a review of operations in accordance with Article 248 of this Act (paragraph four of Article 301 of this Act);
4. a mixed-activity holding company or its subsidiary failing to forward to subsidiary banks, the Bank of Slovenia or other authorities competent and responsible for the supervision of such banks all the information material for supervision of those subsidiary banks (paragraph one of Article 303 of this Act);
5. a subsidiary or parent mixed-activity holding company failing to enable the Bank of Slovenia or another authority competent and responsible for the supervision of subsidiary banks to conduct a review of operations in accordance with Article 248 of this Act (paragraph two of Article 303 of this Act).

(2) A person referred to in the preceding paragraph deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 25,000 to EUR 500,000 for an offence referred to in the preceding paragraph.

(3) The responsible person of a legal person shall be fined from EUR 2,500 to EUR 10,000 for an offence referred to in the preceding paragraph.

(4) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se oseba iz prvega odstavka tega člena kaznuje z globo od 41.000 do 750.000 eurov, oseba iz drugega odstavka tega člena z globo od 41.000 do 1.500.000 eurov, odgovorna oseba iz prejšnjega odstavka pa z globo od 2.500 do 30.000 eurov.

378. člen

(kršitve revizijske družbe in pooblaščenega revizorja)

(1) Z globo od 25.000 do 250.000 eurov se za prekršek kaznuje revizijska družba:

1. če ne opravi revizijskega pregleda oziroma ne izdela poročil v skladu s prvim odstavkom 90. člena tega zakona oziroma s predpisom iz 93. člena tega zakona;
2. če Banki Slovenije na njeno zahtevo ne da dodatnih pojasnil v skladu s tretjim odstavkom 91. člena tega zakona;
3. če ne popravi oziroma dopolni svojih poročil v skladu z zahtevo Banke Slovenije iz četrtega odstavka 90. člena tega zakona;
4. če ne obvesti nemudoma Banke Slovenije o dejstvih oziroma okoliščinah iz prvega odstavka 91. člena tega zakona.

(2) Revizijska družba, ki se po zakonu, ki ureja gospodarske družbe šteje za srednjo ali veliko gospodarsko družbo, se za prekršek iz prejšnjega odstavka kaznuje z globo od 25.000 do 500.000 eurov.

(3) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje pooblaščen revizor, ki stori prekršek iz prvega odstavka tega člena.

(4) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode oziroma višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, se revizijska družba

(4) When the nature of the committed offence referred to in paragraph one of this Article is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-serving interest, a person referred to in paragraph one of this Article shall be fined from EUR 41,000 to EUR 750,000, a person referred to in paragraph two of this Article shall be fined from EUR 41,000 to EUR 1,500,000, and a responsible person referred to in the preceding paragraph shall be fined from EUR 2,500 to EUR 30,000.

Article 378

(Breaches by auditing company and certified auditor)

(1) An auditing company shall be fined from EUR 25,000 to EUR 250,000 for the offences of:

1. failing to conduct an audit or failing to prepare reports in accordance with paragraph one of Article 90 of this Act or the regulations referred to in Article 93 of this Act;
2. failing to provide additional explanations to the Bank of Slovenia upon its request in accordance with paragraph three of Article 91 of this Act;
3. failing to amend or correct its reports in accordance with a request from the Bank of Slovenia's referred to in paragraph four of Article 90 of this Act;
4. failing to notify the Bank of Slovenia without delay of facts or circumstances referred to in paragraph one of Article 91 of this Act.

(2) An auditing company deemed to be a medium-sized or large company pursuant to the Act governing companies shall be fined from EUR 25,000 to EUR 500,000 for an offence referred to in the preceding paragraph.

(3) A certified auditor shall be fined from EUR 2,500 to EUR 10,000 for an offence referred to in paragraph one of this Article.

(4) When the nature of the committed offence referred to in paragraph one of this Article is particularly severe on account of the amount of damage caused or the amount of unlawful material benefit gained or the intent of the perpetrator or this person's intended self-

kaznuje z globo od 41.000 do 750.000 eurov, revizijska družba, ki se po ZGD-1 šteje za srednjo ali veliko gospodarsko družbo z globo od 41.000 do 1.500.000 eurov, odgovorna oseba revizijske družbe pa z globo od 2.500 do 30.000 eurov.

379. člen

(kršitve poglavja o sistemu izmenjave informacij o boniteti strank)

(1) Z globo od 10.000 do 250.000 eurov se za prekršek kaznuje banka ali druga pravna oseba, ki je članica sistema iz prvega odstavka 366. člena tega zakona:

1. če uporabi podatek iz prvega ali drugega odstavka 368. člena tega zakona v nasprotju z drugim ali petim odstavkom 366. člena tega zakona ali ne zagotovi, da do podatkov iz prvega ali drugega odstavka 368. člena tega zakona lahko dostopajo le osebe iz 369. člena tega zakona;
2. če napačnega podatka ne izbriše v sedmih delovnih dneh po prejemu ugovora svoje stranke ali po dnevu, ko sama ugotovi, da je v sistemu zajet napačen podatek (370. člen tega zakona).

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba banke ali druge pravne osebe, ki stori prekršek iz prejšnjega odstavka.

380. člen

(prekrškovni organ)

(1) Prekrškovni organ, ki odloča o prekrških, storjenih po tem zakonu, in izreka globe po tem zakonu, je v skladu z zakonom, ki ureja prekrške, Banka Slovenije.

(2) Ne glede na prejšnji odstavek je za prekrške iz 376. člena tega zakona prekrškovni organ Agencija za trg vrednostnih papirjev, za kršitve iz 379. člena tega zakona pa Informacijski pooblaščenec Republike Slovenije.

serving interest, an auditing company shall be fined from EUR 41,000 to EUR 750,000, an auditing company deemed to be a medium-sized or large company pursuant to the ZGD-1 shall be fined from EUR 41,000 to EUR 1,500,000, and a responsible person of an auditing company shall be fined from EUR 2,500 to EUR 30,000.

Article 379

(Breaches of the Chapter on the system for the exchange of information regarding client credit ratings)

(1) A bank or another legal person that is a member of the system referred to in paragraph one of Article 366 of this Act shall be fined from EUR 10,000 to EUR 250,000 for the offences of:

1. using data referred to in paragraph one or two of Article 368 of this Act in contravention of paragraph two or five of Article 366 of this Act or failing to ensure that only persons referred to in Article 369 of this Act may access the data referred to in paragraph one or two of Article 368 of this Act;
2. failing to delete erroneous data within seven working days of receiving its client's objection or after the day when it establishes itself that erroneous data has been captured by the system (Article 370 of this Act).

(2) The responsible person of a bank or another legal person shall be fined from 2,500 to EUR 10,000 for an offence referred to in the preceding paragraph.

Article 380

(Minor offence authority)

(1) In accordance with the Act governing minor offences, the minor offence authority that decides on offences committed pursuant to this Act and imposes fines pursuant to this Act shall be the Bank of Slovenia.

(2) Notwithstanding the preceding paragraph, the minor offence authority for offences referred to in Article 376 of this Act shall be the Securities Market Agency, and the minor offence authority for breaches referred to in Article 379 of this Act shall be the Information Commissioner

of the Republic of Slovenia.

381. člen
(postopek o prekršku)

(1) Postopek o prekršku vodi in v njem odloča pooblaščen uradna oseba Banke Slovenije, ki izpolnjuje pogoje po zakonu, ki ureja prekrške, in na njegovi podlagi sprejetih predpisih.

(2) Banka Slovenije z notranjim aktom, ki ureja organizacijo in sistemizacijo delovnih mest, podrobneje določi pogoje in način za podelitev in prenehanje pooblastila osebi, ki se šteje za pooblaščen uradno osebo Banke Slovenije iz prejšnjega odstavka.

(3) Ne glede na 319. člen tega zakona, se za postopek o prekršku uporablja zakon, ki ureja prekrške.

382. člen
(izrek globe v hitrem postopku)

Za prekrške iz tega zakona se sme v hitrem postopku izreči globa tudi v znesku, ki je višji od najnižje predpisane globe, določene s tem zakonom.

16. POGLAVJE:

PREHODNE DOLOČBE

16.1. Prehodne določbe glede likvidnostnih zahtev

383. člen
(prehodno obdobje glede likvidnostnih zahtev)

Določbe pododdelka 16.1. tega zakona se glede določanja

Article 381
(Minor offence proceedings)

(1) Minor offence proceedings shall be conducted and ruled on by an authorised official of the Bank of Slovenia who meets the conditions pursuant to the Act governing minor offences and regulations adopted on its basis.

(2) The Bank of Slovenia shall, by virtue of an internal act regulating organisation and the job classification system, specify the conditions and manner for conferring the authorisation on the person deemed to be the authorised official of the Bank of Slovenia referred to in the preceding paragraph and for its cessation.

(3) Notwithstanding Article 319 of this Act, the Act governing minor offences shall apply to the minor offence proceedings.

Article 382
(Fine imposed in expedited proceedings)

For offences referred to in this Act, a fine may also be imposed in expedited proceedings that is higher than the minimum fine provided by this Act.

CHAPTER 16:

TRANSITIONAL PROVISIONS

16.1. Transitional provisions with regard to liquidity requirements

Article 383
(Transition period with regard to liquidity requirements)

With regard to the determination of the liquidity requirements

likvidnostnih zahtev, ki jih morajo izpolnjevati banke in podružnice bank držav članic, uporabljajo do 1. januarja 2018.

384. člen **(izpolnjevanje likvidnostnih zahtev)**

(1) Banka mora do 1. januarja 2018 poleg zahtev iz 130. člena tega zakona izpolnjevati tudi dodatne likvidnostne zahteve, ki jih v skladu s tretjim odstavkom tega člena določi Banka Slovenije ali Evropska centralna banka, kadar izvaja pristojnosti in naloge glede nadzora v skladu z Uredbo (EU) št. 1024/2013.

(2) Podružnica banke države članice mora do 1. januarja 2018 izpolnjevati likvidnostne zahteve, ki jih v skladu s tretjim odstavkom tega člena določi Banka Slovenije.

(3) Banka Slovenije opredeli likvidnostne zahteve iz prvega in drugega odstavka tega člena glede na:

1. razmerje med dejanskimi in potencialnimi viri likvidnosti ter dejansko in potencialno porabo likvidnih sredstev v istem obdobju;
2. razmerje med krediti in vlogami nebančnega sektorja.

(4) Banka Slovenije določi zahteve glede poročanja v zvezi z izpolnjevanjem zahtev iz prejšnjega odstavka in glede spremljanja tokov likvidnosti.

16.2. Prehodne določbe v zvezi z nadzorom pri čezmejnem opravljanju storitev

385. člen **(prehodno obdobje glede izvajanja nadzora pri čezmejnem opravljanju storitev)**

(1) Določbe pododdelka 16.2. tega zakona se uporabljajo do 1. januarja 2018 glede izvajanja pristojnosti nadzora Banke Slovenije nad banko glede opravljanja vzajemno priznanih finančnih storitev v drugi

that must be met by banks and branches of Member State banks, the provisions of Subsection 16.1. of this Act shall apply until 1 January 2018.

Article 384 **(Fulfilment of liquidity requirements)**

(1) In addition to the requirements referred to in Article 130 of this Act, banks shall also meet the additional liquidity requirements determined in accordance with paragraph three of this Article by the Bank of Slovenia, or the European Central Bank when it exercises powers and performs tasks with regard to supervision in accordance with Regulation (EU) No 1024/2013, by 1 January 2018.

(2) A branch of a Member State bank shall meet the liquidity requirements determined in accordance with paragraph three of this Article by the Bank of Slovenia by 1 January 2018.

(3) The Bank of Slovenia shall define the liquidity requirements referred to in paragraphs one and two of this Article with regard to:

1. the ratios of actual to potential sources of liquidity and of actual to potential use of liquid assets in the same period;
2. the loan-to-deposit ratio for the non-banking sector.

(4) The Bank of Slovenia shall determine requirements with regard to reporting in connection with the fulfilment of the requirements referred to in the preceding paragraph and with regard to the monitoring of liquidity flows.

16.2. Transitional provisions in connection with supervision of the cross-border provision of services

Article 385 **(Transition period with regard to supervision of the cross-border provision of services)**

(1) With regard to the exercising of the Bank of Slovenia's supervisory powers over a bank with regard to the provision of mutually recognised financial services in another Member State and the exercising

državi članici ter izvajanja nadzora nad banko države članice, ki opravlja vzajemno priznane finančne storitve na območju Republike Slovenije.

(2) Ne glede na tretji odstavek 117. člena tega zakona je do 1. januarja 2018 Banka Slovenije pristojna za nadzor nad podružnico banke države članice, brez poseganja v pristojnosti pristojnega organa matične države članice, v obsegu in pod pogoji, določenimi v 9. poglavju tega zakona, če ni v pododdelku 16.2. tega zakona določeno drugače.

386. člen

(nadzor Banke Slovenije nad podružnico banke države članice)

(1) Banka Slovenije izvaja nadzor nad podružnico banke države članice v Republiki Sloveniji glede izvajanja predpisov iz 118. člena tega zakona ter glede izpolnjevanja zahtev Banke Slovenije v zvezi z likvidnostjo in poročanjem podružnice banke države članice, določenih na podlagi pododdelka 16.1. tega zakona.

(2) Banka Slovenije lahko za namene izvajanja nadzora iz prejšnjega odstavka od podružnice banke države članice zahteva poročanje tistih podatkov in informacij, ki jih potrebuje za namene izvajanja nadzora nad podružnico glede zahtev iz 384. člena tega zakona ali za statistične namene, če te informacije zahteva tudi od bank v Republiki Sloveniji.

(3) Banka Slovenije je izključno pristojna za ukrepe proti podružnici banke države članice v Republiki Sloveniji, ki pomenijo uresničevanje monetarne politike.

387. člen

(sodelovanje v zvezi z opravljanjem nadzora nad podružnico banke države članice)

(1) Ne glede na 285. člen tega zakona Banka Slovenije do 1. januarja 2018 sodeluje s pristojnim organom države članice z namenom

of supervision of a Member State bank providing mutually recognised financial services in the territory of the Republic of Slovenia, the provisions of Subsection 16.2. of this Act shall apply until 1 January 2018.

(2) Notwithstanding paragraph three of Article 117 of this Act, until 1 January 2018 the Bank of Slovenia shall be competent for the supervision of a branch of a Member State bank, without prejudice to the powers of the competent authority of the home Member State, to the extent and under the conditions determined by Chapter 9 of this Act, unless otherwise provided by Subsection 16.2. of this Act.

Article 386

(Bank of Slovenia's supervision of branch of Member State bank)

(1) The Bank of Slovenia shall conduct supervision of a branch of a Member State bank in the Republic of Slovenia with regard to the implementation of the regulations referred to in Article 118 of this Act and with regard to the fulfilment of the Bank of Slovenia's requirements in connection with the liquidity and reporting of the branch of a Member State bank determined pursuant to Subsection 16.1. of this Act.

(2) For the purposes of conducting the supervision referred to in the preceding paragraph, the Bank of Slovenia may request from the branch of a Member State bank the reporting of those data and information that it requires for the purposes of conducting supervision of the branch with regard to the requirements referred to in Article 384 of this Act or for statistical purposes when it requires such information also from banks in the Republic of Slovenia.

(3) The Bank of Slovenia shall be exclusively competent for measures taken against a branch of a Member State bank in the Republic of Slovenia that constitute the implementation of monetary policy.

Article 387

(Cooperation in connection with supervision of branch of Member State bank)

(1) Notwithstanding Article 285 of this Act, until 1 January 2018 the Bank of Slovenia shall cooperate with the competent authority of a

izvajanja nadzora nad poslovanjem banke države članice, ki opravlja storitve neposredno ali preko podružnice v Republiki Sloveniji, zlasti z izmenjavo informacij, ki so ključne ali pomembne za izvajanje nadzora nad banko države članice, vključno z informacijami glede likvidnosti, kapitalske ustreznosti, jamstva za vloge, omejitev velikih izpostavljenosti ter mehanizma notranjih kontrol.

(2) Glede obveščanja in posvetovanja s pristojnim organom države članice o ugotovitvah Banke Slovenije pri izvajanju nadzora nad podružnico banke države članice, se v prehodnem obdobju do 1. januarja 2018 ne uporabljajo določbe četrtega odstavka 279. člena tega zakona ter določbe prvega in drugega odstavka 281. člena tega zakona.

(3) Glede pregleda poslovanja podružnice banke države članice v Republiki Sloveniji, ki ga opravi pristojni organ matične države članice, se do 1. januarja 2018 ne uporablja peti odstavek 287. člena tega zakona.

388. člen **(ukrepi nadzora zoper banko države članice)**

(1) Ne glede na drugi do sedmi odstavek 289. člena tega zakona, se do 1. januarja 2018 za izrekanje ukrepov nadzora Banke Slovenije, če banka države članice pri poslovanju v Republiki Sloveniji krši predpise iz 118. člena tega zakona ali zahteve Banke Slovenije v zvezi z likvidnostjo in poročanjem podružnice banke države članice, določene na podlagi 384. člena tega zakona, uporabljajo določbe drugega do petega odstavka tega člena.

(2) Če Banka Slovenije pri nadzoru nad podružnico banke države članice v Republiki Sloveniji ugotovi kršitve predpisov iz 118. člena tega zakona ali zahtev Republike Slovenije v zvezi z likvidnostjo in poročanjem podružnice banke države članice, določenih na podlagi 384. člena tega zakona, podružnici banke države članice z odredbo naloži odpravo kršitev ali ji izreče druge ukrepe po tem zakonu.

Member State for the purpose of conducting supervision of the operations of a Member State bank that provides services directly or via a branch in the Republic of Slovenia, in particular through the exchange of information deemed crucial or material for conducting supervision of the Member State bank, including information on liquidity, capital adequacy, deposit guarantees, restrictions on large exposures and internal control mechanisms.

(2) With regard to notification of and consultation with the competent authority of a Member State about the findings of the Bank of Slovenia in conducting supervision of a branch of a Member State bank, the provisions of paragraph four of Article 279 of this Act and the provisions of paragraphs one and two of Article 281 of this Act shall not apply during the transitional period until 1 January 2018.

(3) With regard to a review of operations of a branch of a Member State bank in the Republic of Slovenia conducted by the competent authority of the home Member State, paragraph five of Article 287 of this Act shall not apply until 1 January 2018.

Article 388 **(Supervisory measures against a Member State bank)**

(1) Notwithstanding paragraphs two to seven of Article 289 of this Act, the provisions of paragraphs two to five of this Article shall apply until 1 January 2018 to the imposition of Bank of Slovenia's supervisory measures if, in its operations in the Republic of Slovenia, a Member State bank breaches the regulations referred to in Article 118 of this Act or the Bank of Slovenia's requirements in connection with the liquidity and reporting of a branch of a Member State bank determined pursuant to Article 384 of this Act.

(2) Should the Bank of Slovenia, in its supervision of a branch of a Member State bank in the Republic of Slovenia, establish breaches of the regulations referred to in Article 118 of this Act or the Bank of Slovenia's requirements in connection with the liquidity and reporting of a branch of a Member State bank determined pursuant to Article 384 of this Act, it shall order the branch of the Member State bank to eliminate the breaches or shall impose on it other measures pursuant to this Act.

(3) Če podružnica banke države članice ne ravna v skladu z odredbo, Banka Slovenije o tem obvesti pristojni organ države članice sedeža banke. Če pristojni organ države gostiteljice na podlagi obvestila iz prejšnjega odstavka ne sprejme ustreznih ukrepov, da se odpravijo kršitve pri poslovanju banke države članice v Republiki Sloveniji, ali če ti ukrepi niso učinkoviti, Banka Slovenije banki države članice prepove opravljati vzajemno priznane finančne storitve na območju Republike Slovenije.

(4) Banka Slovenije lahko, še pred ukrepanjem iz prejšnjega odstavka v nujnih primerih sprejme začasne ukrepe in od podružnice banke države članice zahteva ali ji prepove določene aktivnosti, če je to treba zaradi zaščite stabilnosti finančnega sistema, ali da se prepreči ogroženost skupnih interesov vlagateljev, investorjev in drugih oseb v Republiki Sloveniji.

(5) Banka Slovenije o sprejemu in odpravi ukrepov iz prejšnjega odstavka brez odlašanja obvesti Komisijo in pristojni organ druge države članice. Če Komisija na podlagi obvestila in po posvetovanju s pristojnimi organi odloči, da se ukrepi iz prejšnjega odstavka odpravijo ali spremenijo, Banka Slovenije z upoštevanjem te odločitve odloči o prenehanju ali spremembi ukrepov.

389. člen

(sodelovanje v zvezi z opravljanjem nadzora nad podružnico banke v drugi državi članici)

(1) Banka Slovenije do 1. januarja 2018 pri izvajanju nadzora nad banko, ki opravlja storitve v drugi državi članici, upošteva ukrepe, ki jih je zoper banko v zvezi z zahtevami glede likvidnosti, ki veljajo za podružnico banke v tej državi članici, uvedel pristojni organ države gostiteljice.

(2) Če pristojni organ države članice obvesti Banko Slovenije, da banka v zvezi s poslovanjem v državi članici ni odpravila kršitev v

(3) Should the branch of the Member State bank fail to act in accordance with the order, the Bank of Slovenia shall notify the competent authority of the bank's home Member State accordingly. Should the competent authority of the host country fail to take appropriate measures on the basis of the notification referred to in the preceding paragraph to eliminate the breaches in the operations of the Member State bank in the Republic of Slovenia, or should such measures be ineffective, the Bank of Slovenia shall prohibit the Member State bank from providing mutually recognised financial services in the territory of the Republic of Slovenia.

(4) In urgent cases, prior to taking the measures referred to in the preceding paragraph, the Bank of Slovenia may adopt temporary measures and require or prohibit certain activities by the branch of a Member State bank when so required to protect the stability of the financial system or to prevent threats to the collective interests of depositors, investors and other persons in the Republic of Slovenia.

(5) The Bank of Slovenia shall notify the Commission and the competent authority of the other Member State without delay of the adoption and termination of the measures referred to in the preceding paragraph. Should the Commission decide, on the basis of the notification and after consultation with the competent authorities, that the measures referred to in the preceding paragraph should be eliminated or modified, the Bank of Slovenia shall rule on the cessation or modification of the measures, having regard for this decision.

Article 389

(Cooperation in connection with supervision of bank branch in another Member State)

(1) In conducting supervision of a bank that provides services in another Member State, until 1 January 2018 the Bank of Slovenia shall take account of measures imposed upon the bank by the competent authority of the host country in connection with liquidity requirements applying to the branch of the bank in that Member State.

(2) Should the competent authority of the Member State notify the Bank of Slovenia that the bank has failed to eliminate breaches in

skladu z ukrepom pristojnega organa države gostiteljice iz prejšnjega odstavka, Banka Slovenije banki izreče ukrepe nadzora v skladu s tem zakonom, da se odpravijo kršitve v zvezi s poslovanjem banke v državi članici, in o tem obvesti pristojni organ države gostiteljice.

(3) Ne glede na 279. člen tega zakona Banka Slovenije do 1. januarja 2018 sodeluje s pristojnim organom države članice z namenom izvajanja nadzora nad poslovanjem banke v drugi državi članici, zlasti z izmenjavo informacij, ki so ključne ali pomembne za izvajanje nadzora nad banko države članice, vključno z informacijami glede likvidnosti, kapitalske ustreznosti, jamstva za vloge, omejitev velikih izpostavljenosti ter mehanizma notranjih kontrol.

(4) Glede sodelovanja pri nadzoru pomembne podružnice banke v drugi državi članici se do 1. januarja 2018 ne uporabljajo določbe prvega in drugega odstavka 281. člena tega zakona.

16.3. Prehodne določbe za kapitalske blažilnike

390. člen

(prehodno obdobje pri določanju varovalnega kapitalskega blažilnika in posamezni banki lastnega proticikličnega kapitalskega blažilnika)

Ne glede na 208. in 209. člen tega zakona morajo banke v obdobju od 1. januarja 2016 do 31. decembra 2018 vzdrževati varovalni kapitalski blažilnik in posamezni banki lastni proticiklični kapitalski blažilnik v skladu z 391. členom tega zakona.

391. člen

(prehodne določbe za varovalni kapitalski blažilnik in posamezni banki lasten proticiklični kapitalski blažilnik)

(1) V obdobju od 1. januarja 2016 do 31. decembra 2016 mora banka vzdrževati:

connection with operations in the Member State in accordance with a measure by the competent authority of the host country referred to in the preceding paragraph, the Bank of Slovenia shall impose supervisory measures upon the bank in accordance with this Act to eliminate the breaches in connection with the bank's operations in the Member State and notify the competent authority of the host country accordingly.

(3) Notwithstanding Article 279 of this Act, until 1 January 2018 the Bank of Slovenia shall cooperate with the competent authority of a Member State for the purpose of conducting supervision of the operations of a bank in another Member State, in particular through the exchange of information deemed crucial or material for conducting supervision of a Member State bank, including information on liquidity, capital adequacy, deposit guarantees, restrictions on large exposures and internal control mechanisms.

(4) With regard to cooperation in the supervision of a significant branch of a bank in another Member State, the provisions of paragraphs one and two of Article 281 of this Act shall not apply until 1 January 2018.

16.3. Transitional provisions for capital buffers

Article 390

(Transitional period in determining the capital conservation buffer and the institution-specific countercyclical capital buffer)

Notwithstanding Articles 208 and 209 of this Act, banks shall maintain a capital conservation buffer and an institution-specific countercyclical capital buffer in accordance with Article 391 of this Act in the period between 1 January 2016 and 31 December 2018.

Article 391

(Transitional provisions for the capital conservation buffer and the institution-specific countercyclical capital buffer)

(1) During the period between 1 January 2016 and 31 December 2016, a bank shall maintain:

1. varovalni kapitalski blažilnik v višini 0,625 odstotka zneska skupne izpostavljenosti tveganjem;
2. posamezni instituciji lasten proticiklični kapitalski blažilnik, ki ni višji od 0,625 odstotka zneska skupne izpostavljenosti tveganjem.

(2) V obdobju od 1. januarja 2017 do 31. decembra 2017 mora banka vzdrževati:

1. varovalni kapitalski blažilnik v višini 1,25 odstotka zneska skupne izpostavljenosti tveganjem;
2. posamezni instituciji lasten proticiklični kapitalski blažilnik, ki ni višji od 1,25 odstotka zneska skupne izpostavljenosti tveganjem.

(3) V obdobju od 1. januarja 2018 do 31. decembra 2018 mora banka vzdrževati:

1. varovalni kapitalski blažilnik v višini 1,875 odstotka zneska skupne izpostavljenosti tveganjem;
2. posamezni instituciji lasten proticiklični kapitalski blažilnik, ki ni višji od 1,875 odstotka zneska skupne izpostavljenosti tveganjem.

(4) Kadar banka v obdobju od 1. januarja 2016 do 31. decembra 2018 ne izpolnjuje zahteve po skupnem blažilniku, ob upoštevanju zahtev iz tega člena, zanjo veljajo zahteve glede omejitve razdelitev iz 229. člena tega zakona in glede načrta za ohranitev kapitala iz 232. člena tega zakona.

392. člen

(prehodne določbe za določitev GSPB in DSPB ter uporabo blažilnika za GSPB)

Banka vzdržuje blažilnik za GSPB od 1. januarja 2016 dalje na naslednji način:

1. 25 odstotkov blažilnika za GSPB, določenega v skladu z 220. členom tega zakona, v obdobju od 1. januarja 2016 do 31. decembra 2016;
2. 50 odstotkov blažilnika za GSPB, določenega v skladu z 220. členom tega zakona, v obdobju od 1. januarja 2017 do 31. decembra 2017;
3. 75 odstotkov blažilnika za GSPB, določenega v skladu z 220. členom tega zakona, v obdobju od 1. januarja 2018 do 31. decembra 2018;

1. a capital conservation buffer in the amount of 0.625% of the total risk exposure amount;
2. an institution-specific countercyclical capital buffer of no more than 0.625% of the total risk exposure amount.

(2) During the period between 1 January 2017 and 31 December 2017, a bank shall maintain:

1. a capital conservation buffer in the amount of 1.25% of the total risk exposure amount;
2. an institution-specific countercyclical capital buffer of no more than 1.25% of the total risk exposure amount.

(3) During the period between 1 January 2018 and 31 December 2018, a bank shall maintain:

1. a capital conservation buffer in the amount of 1.875% of the total risk exposure amount;
2. an institution-specific countercyclical capital buffer of no more than 1.875% of the total risk exposure amount.

(4) Should a bank fail to meet the combined buffer requirements in the period between 1 January 2016 and 31 December 2018, having regard for the requirements referred to in this Article, it shall be subject to the requirements with regard to the restrictions on distributions referred to in Article 229 of this Act and the capital conservation plan referred to in Article 232 of this Act.

Article 392

(Transitional provisions for designating G-SIBs and O-SIBs and applying the G-SIB buffer)

As of 1 January 2016, a bank shall maintain the G-SIB buffer as follows:

1. during the period from 1 January 2016 to 31 December 2016, in the amount of 25% of the G-SIB buffer determined in accordance with Article 220 of this Act;
2. during the period from 1 January 2017 to 31 December 2017, in the amount of 50% of the G-SIB buffer determined in accordance with Article 220 of this Act;
3. during the period from 1 January 2018 to 31 December 2018, in the amount of 75% of the G-SIB buffer determined in accordance with

4. 100 odstotkov blažilnika za GSPB, določenega v skladu z 220. členom tega zakona, v obdobju od 1. januarja 2019 dalje.

16.4. Prehodne določbe za uskladitev z drugimi zahtevami zakona

393. člen
(ohranitev veljavnosti dovoljenj)

(1) Dovoljenja za opravljanje bančnih ali drugih storitev bank za opravljanje funkcije člana uprave banke, za pridobitev kvalificiranega deleža, za pridobitev kvalificirane naložbe ter druga dovoljenja in soglasja, ki na podlagi ZBan-1 veljajo ob uveljavitvi tega zakona, se z dnem uveljavitve tega zakona štejejo za dovoljenja in soglasja izdana po tem zakonu ali Uredbi (EU) št. 575/2013. Če niso izpolnjeni pogoji za ohranitev dovoljenja ali soglasja, kot jih določa ta zakon ali Uredba (EU) št. 575/2013, se dovoljenje ali soglasje odvzame oziroma prekliče.

(2) Za banko, ki ima ob uveljavitvi tega zakona kvalificirano naložbo, za katero se v skladu z ZBan-1 ni zahtevala pridobitev dovoljenja Banke Slovenije, se z dnem uveljavitve tega zakona šteje, da ima dovoljenje Banke Slovenije za pridobitev kvalificirane naložbe iz 200. člena tega zakona.

(3) Za banko, ki ob uveljavitvi tega zakona opravlja finančne storitve iz 13. ali 14. točke 10. člena ZBan-1 na podlagi 1. točke prvega odstavka 89. člena ZBan-1, se z dnem uveljavitve tega zakona šteje, da ima dovoljenje Banke Slovenije za opravljanje teh finančnih storitev iz 103. člena tega zakona.

394. člen
(uskladitev s pravili o delovanju upravljalnih organov)

- (1) Nadzorni svet banke mora v dveh mesecih po uveljavitvi

Article 220 of this Act;

4. from 1 January 2019 onwards, in the amount of 100% of the G-SIB buffer determined in accordance with Article 220 of this Act.

16.4. Transitional provisions for harmonising with other requirements of the Act

Article 393
(Maintenance of validity of authorisations)

(1) Banks' authorisations to provide banking or other services, to perform the function of a member of a bank's management board, to acquire a qualifying holding and other authorisations and consents that pursuant to the ZBan-1 are valid upon the entry into force of this Act shall, as of the day of entry into force of this Act, be deemed authorisations and consents issued pursuant to this Act or Regulation (EU) No 575/2013. Should the conditions for maintaining an authorisation or consent provided by this Act or Regulation (EU) No 575/2013 not be met, the authorisation or consent shall be withdrawn or terminated.

(2) A bank that, upon the entry into force of this Act, holds a qualifying holding for which the Bank of Slovenia's authorisation was not required in accordance with the ZBan-1 shall, as of the day of the entry into force of this Act, be deemed to hold an authorisation of the Bank of Slovenia to acquire a qualifying holding referred to in Article 200 of this Act.

(3) A bank that, upon the entry into force of this Act, provides financial services referred to in point 13 or 14 of Article 10 of the ZBan-1 pursuant to point 1 of paragraph one of Article 89 of the ZBan-1 shall, as of the day of the entry into force of this Act, be deemed to hold an authorisation of the Bank of Slovenia to provide those financial services referred to in Article 103 of this Act.

Article 394
(Compliance with rules on the functioning of governing bodies)

- (1) Banks' supervisory boards shall appoint a risk committee in

tega zakona imenovati komisijo za tveganja, v skladu z določbo 49. in 51. člena tega zakona.

(2) Nadzorni svet pomembne banke mora v dveh mesecih po uveljavitvi tega zakona imenovati komisijo za imenovanja, v skladu z določbo 49. in 50. člena tega zakona in uskladiti delovanje komisije za prejemke z določbami 52. člena tega zakona.

(3) Člani upravljalnih organov se morajo v treh mesecih po uveljavitvi tega zakona uskladiti z zahtevami iz 36. člena tega zakona.

395. člen

(uskladitev s pravili glede revizijskega pregleda in službe upravljanja tveganj)

(1) Drugi in tretji odstavek 90. člena tega zakona se uporabljata za imenovanje revizijske družbe, ki se opravi po uveljavitvi tega zakona. Za namene iz drugega odstavka 90. člena tega zakona se pri imenovanju revizijske družbe upoštevajo tudi revizijski pregledi letnih poročil, ki jih je revizijska družba opravila v banki pred uveljavitvijo tega zakona.

(2) Banke morajo v dveh mesecih po uveljavitvi tega zakona organizirati funkcijo upravljanja tveganj v skladu s 138. členom tega zakona.

396. člen

(določitev načrtov za sanacijo)

Banke in EU nadrejene družbe iz 184. in 189. člena tega zakona morajo sprejeti in predložiti načrte za sanacijo v skladu s tem zakonom v šestih mesecih od uveljavitve tega zakona.

397. člen

(uskladitev politik prejemkov)

accordance with a provision of Articles 49 and 51 of this Act within two months of the entry into force of this Act.

(2) The supervisory board of a significant bank shall appoint a nomination committee in accordance with a provision of Articles 49 and 50 of this Act and shall harmonise the functioning of the remuneration committee with provisions of Article 52 of this Act within two months of the entry into force of this Act.

(3) Members of governing bodies shall comply with the requirements referred to in Article 36 of this Act within three months of the entry into force of this Act.

Article 395

(Compliance with rules on audit and the risk management function)

(1) Paragraphs two and three of Article 90 of this Act shall apply to the appointment of an auditing company that is carried out after the entry into force of this Act. For the purposes referred to in paragraph two of Article 90 of this Act, audits of annual reports that the auditing company conducted at the bank before the entry into force of this Act shall also be taken into account in the appointment of an auditing company.

(2) Banks shall organise the risk management function in accordance with Article 138 of this Act within two months of the entry into force of this Act.

Article 396

(Determination of recovery plans)

Banks and EU parent undertakings referred to in Articles 184 and 189 of this Act shall adopt and submit recovery plans in accordance with this Act within six months of the entry into force of this Act.

Article 397

(Compliance of remuneration policy)

(1) Za pogodbe, ki jih je banka sklenila s posamezniki iz drugega odstavka 169. člena tega zakona v obdobju po 1. januarju 2014 in pred uskladitvijo s politiko prejemkov iz prvega odstavka 169. člena tega zakona, mora banka v šestih mesecih po uveljavitvi tega zakona zagotoviti uskladitev določb v zvezi s prejemki s politiko prejemkov, oblikovano v skladu z zahtevami iz oddelka 6.5. tega zakona.

(2) Zahteva, določena v 6. točki prvega odstavka 170. člena tega zakona, se uporablja za prejemke, ki se izplačajo v zvezi s storitvami ali poslovnimi rezultati od 1. januarja 2014 dalje.

398. člen **(postopki v teku)**

(1) Postopki za izdajo dovoljenja in drugi postopki, ki so se začeli na zahtevo stranke in v katerih Banka Slovenije do uveljavitve tega zakona še ni odločila, se končajo po določbah ZBan-1, ki so veljale do uveljavitve tega zakona.

(2) Drugi postopki Banke Slovenije, ki so se začeli pred uveljavitvijo tega zakona in v katerih Banka Slovenije do uveljavitve tega zakona še ni odločila, se končajo po določbah tega zakona.

(3) Postopki sodnega varstva zoper odločbe Banke Slovenije, ki so bile izdane pred uveljavitvijo tega zakona, se končajo po določbah tega zakona, če ni v 405. členu tega zakona za posamezne postopke določeno drugače.

399. člen **(objava razkritij v zvezi z nadzorom)**

(1) Banka Slovenije v treh mesecih od uveljavitve tega zakona objavi razkritja iz 274. člena in prvega odstavka 275. člena tega zakona.

(1) For contracts that the bank concluded with individuals referred to in paragraph two of Article 169 of this Act in the period after 1 January 2014 and before harmonisation with the remuneration policy referred to in paragraph one of Article 169 of this Act, banks shall ensure the compliance of provisions in connection with remuneration with the remuneration policy drawn up in accordance with the requirements referred to in Subsection 6.5. of this Act within six months of the entry into force of this Act.

(2) The requirement determined in point 6 of paragraph one of Article 170 of this Act shall apply to remuneration paid in connection with services or performance as of 1 January 2014.

Article 398 **(Procedures in progress)**

(1) Procedures for the issue of an authorisation and other procedures initiated upon request of a party and in which the Bank of Slovenia has yet to rule upon the entry into force of this Act shall be completed pursuant to the provisions of the ZBan-1 in force until the entry into force of this Act.

(2) Other procedures of the Bank of Slovenia initiated before the entry into force of this Act and in which the Bank of Slovenia has yet to rule upon the entry into force of this Act shall be completed pursuant to the provisions of this Act.

(3) Judicial protection proceedings against the Bank of Slovenia's rulings issued before the entry into force of this Act shall be completed pursuant to the provisions of this Act, unless otherwise provided for particular procedures by Article 405 of this Act.

Article 399 **(Publication of disclosures in connection with supervision)**

(1) The Bank of Slovenia shall publish the disclosures referred to in Article 274 and paragraph one of Article 275 of this Act within three months of the entry into force of this Act.

(2) Določbe 277. člena tega zakona se ne uporabljajo v zvezi z ukrepi nadzora in sankcijami zaradi prekrška, ki jih je Banka Slovenije izrekla pred uveljavitvijo tega zakona.

400. člen
(vzpostavitev in upravljanje sistema izmenjave informacij o boniteti strank)

(1) Banka Slovenije vzpostavi sistem izmenjave informacij o boniteti strank iz 366. člena tega zakona v enem letu po uveljavitvi tega zakona. Do vzpostavitve sistema izmenjave informacij o boniteti strank iz 366. člena tega zakona, se za izmenjavo informacij o boniteti strank uporablja sistem izmenjave informacij o boniteti strank, ki so ga na podlagi določb ZBan-1 organizirale banke v skladu z 390.a členom ZBan-1.

(2) Sistem izmenjave informacij o boniteti strank, ki so ga na podlagi 390.a člena ZBan-1 organizirale banke, preneha delovati z dnem vzpostavitve sistema iz 366. člena tega zakona oziroma najkasneje po poteku enega leta od dneva uveljavitve tega zakona. Od tega dne dalje upravljaavec sistema, ki so ga na podlagi 390.a člena ZBan-1 organizirale banke:

- ne sme več zbirati ali obdelovati osebnih podatkov;
- mora trajno in nepovratno uničiti vse zbrane podatke.

(3) Ne glede na določbe prvega odstavka tega člena lahko Banka Slovenije prevzame upravljanje sistema izmenjave informacij o boniteti strank, ki so ga organizirale banke, tako, da z upravljavcem tega sistema sklene pogodbo o prevzemu informacijske in tehnične podpore za upravljanje sistema, vključno z informacijami, ki se na dan prenosa obdelujejo v tem sistemu. Za sklenitev pogodbe iz prejšnjega stavka se ne uporablja zakon, ki ureja javno naročanje.

(4) V zvezi s prenosom informacijske in tehnične podpore za upravljanje sistema izmenjave informacij o boniteti strank se glede

(2) The provisions of Article 277 of this Act shall not apply in connection with supervisory measures and sanctions for offences that the Bank of Slovenia imposed before the entry into force of this Act.

Article 400
(Establishment and operation of the system for the exchange of information regarding client credit ratings)

(1) The Bank of Slovenia shall establish the system for the exchange of information regarding client credit ratings referred to in Article 366 of this Act within one year of the entry into force of this Act. Until the establishment of the system for the exchange of information regarding client credit ratings referred to in Article 366 of this Act, the system for the exchange of information regarding client credit ratings organised by banks pursuant to the provisions of the ZBan-1 in accordance with Article 390a of the ZBan-1 shall be used for the exchange of information regarding client credit ratings.

(2) The system for the exchange of information regarding client credit ratings organised by banks pursuant to Article 390a of the ZBan-1 shall cease to function as of the day of the establishment of the system referred to in Article 366 of this Act or at the latest after the expiry of one year of the entry into force of this Act. From that day onwards the operator of the system organised by banks pursuant to Article 390a of the ZBan-1:

- may no longer collect or process personal data;
- shall permanently and irrevocably destroy all data collected.

(3) Notwithstanding provisions of paragraph one of this Article, the Bank of Slovenia may take over the operation of the system for the exchange of information regarding client credit ratings organised by banks in such a manner that it concludes a contract with the operator of the system for the takeover of information and technical support for the operation of the system, including information being processed in the system as at the day of the transfer. The Act governing public procurement shall not apply to the conclusion of the contract referred to in the preceding sentence.

(4) In connection with the transfer of information and technical support for the operation of the system for the exchange of information

položaja zaposlenih pri upravljavcu sistema uporabljajo določbe zakona, ki ureja delovna razmerja, glede prenosa pogodbenih in drugih pravic ter obveznosti iz delovnih razmerij, ki so jih imeli delavci na dan prenosa pri delodajalcu prenosniku, na delodajalca prevzemnika.

(5) Pravne osebe iz prvega odstavka 367. člena tega zakona, ki na dan uveljavitve tega zakona niso člani sistema izmenjave informacij o boniteti strank, se morajo v ta sistem vključiti v šestih mesecih od uveljavitve tega zakona.

401. člen **(sistem obveščanja o kršitvah)**

(1) Banka v šestih mesecih od uveljavitve tega zakona vzpostavi sistem obveščanja o kršitvah iz 140. člena tega zakona.

(2) Banka Slovenije v šestih mesecih od uveljavitve tega zakona vzpostavi sistem obveščanja o kršitvah iz 239. člena tega zakona.

402. člen **(izdaja predpisov)**

(1) Banka Slovenije v treh mesecih od uveljavitve tega zakona izda predpise na njegovi podlagi.

(2) Minister, pristojen za finance, izda akt iz petega odstavka 21. člena tega zakona v treh mesecih od uveljavitve tega zakona.

403. člen **(uporaba določb o prekrških)**

Do sprememb določb o višinah in razponih glob, ki jih določa

regarding client credit ratings, the provisions of the Act governing employment relationships with regard to the transfer of contractual and other rights and obligations deriving from employment relationships held by employees on the day of the transfer at the transferring employer to the acquiring employer shall apply to the position of employees at the operator of the system.

(5) Legal persons referred to in paragraph one of Article 367 of this Act that are not members of the system for the exchange of information regarding client credit ratings as at the day of the entry into force of this Act shall join this system within six months of the entry into force of this Act.

Article 401 **(System for reporting breaches)**

(1) Banks shall establish the system for reporting breaches referred to in Article 140 of this Act within six months of the entry into force of this Act.

(2) The Bank of Slovenia shall establish the system for reporting breaches referred to in Article 239 of this Act within six months of the entry into force of this Act.

Article 402 **(Issue of regulations)**

(1) The Bank of Slovenia shall, within three months of the entry into force of this Act, issue regulations on the basis thereof.

(2) The minister responsible for finance shall issue the act referred to in paragraph five of Article 21 of this Act within three months of the entry into force of this Act.

Article 403 **(Application of minor offence provisions)**

Until the amendment to the provisions on the amounts and

zakon, ki ureja prekrške, se višine in razponi glob, ki so določeni v 373. in 374. členu tega zakona, uporabljajo ne glede na določbe zakona, ki ureja prekrške.

404. člen
(zavrnitev dostopa do informacije javnega značaja)

Do ureditve vsebine iz tega člena v zakonu, ki ureja dostop do informacij javnega značaja, se dostop do informacije zavrne, če se zahteva za dostop nanaša na podatek, ki je pridobljen ali sestavljen zaradi nadzornega postopka Banke Slovenije, ki še teče, po zaključku le tega pa le, če bi razkritje podatka lahko povzročilo škodo banki ali drugi osebi ali če bi to ogrozilo izvajanja nalog Banke Slovenije.

17. POGLAVJE:

KONČNE DOLOČBE

405. člen
(razveljavitev in uporaba predpisov)

(1) Z dnem uveljavitve tega zakona preneha veljati Zakon o bančništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 52/11 – popr., 9/11 – ZPlaSS-B, 35/11, 59/11, 85/11, 48/12, 105/12, 56/13, 63/13 – ZS-K in 96/13; v nadaljnjem besedilu: ZBan-1), razen:

1. določbe 7.7. poglavja, 7.8. poglavja, 8. poglavja ter določbe 9. poglavja;
2. določbe 10. poglavja glede postopka odločanja Banke Slovenije ter glede postopkov sodnega varstva v zvezi z odločitvami Banke Slovenije na podlagi določb, navedenih v 1. točki tega odstavka;
3. določbe 14. poglavja glede postopka o prekršku, pristojnosti Banke Slovenije kot prekrškovnega organa ter glede opredelitve kršitev

ranges of fines provided by the Act governing minor offences, the amounts and ranges of fines determined by Articles 373 and 374 of this Act shall apply notwithstanding the provisions of the Act governing minor offences.

Article 404
(Refusal of public information access)

Until the regulation of the content referred to in this Article in the Act governing public information access, access to information shall be refused if the request for access relates to information obtained or compiled for a supervisory procedure of the Bank of Slovenia that is still in progress, but shall only be refused after the completion thereof if the disclosure of the information could cause damage to the bank or another person or could endanger the implementation of the Bank of Slovenia's tasks.

CHAPTER 17:

FINAL PROVISIONS

Article 405
(Abrogation and application of regulations)

(1) On the day this Act enters into force, the Banking Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 99/10 – official consolidated text, 52/11 – corr., 9/11 – ZPlaSS-B, 35/11, 59/11, 85/11, 48/12, 105/12, 56/13, 63/13 – ZS-K and 96/13; hereinafter: the ZBan-1) shall cease to be in force, except:

1. the provisions of Section 7.7., Section 7.8., Chapter 8 and provisions of Chapter 9;
2. the provisions of Chapter 10 with regard to the Bank of Slovenia's decision-making process and with regard to judicial protection proceedings in connection with decisions of the Bank of Slovenia pursuant to the provisions referred to in point 1 of this paragraph;
3. the provisions of Chapter 14 with regard to minor offence proceedings, the Bank of Slovenia's powers as the minor offence

določb iz 1. točke tega odstavka kot prekrškov.

(2) Z dnem uveljavitve tega zakona prenehajo veljati naslednji podzakonski predpisi, izdani na podlagi ZBan-1:

1. Sklep o primernem premoženju in dokumentaciji za izdajo dovoljenja za povečanje osnovnega kapitala bank in hranilnic s stvarnim vložkom (Uradni list RS, št. 72/14);
2. Sklep o višini zneskov letnih plačil za opravljanje nadzora in taksah za odločanje o zahtevah za izdajo dovoljenj (Uradni list RS, št. 12/14);
3. Sklep o dokumentaciji za izdajo dovoljenja za kvalificirano naložbo banke in hranilnice (Uradni list RS, št. 80/13);
4. Sklep o dokumentaciji za dokazovanje izpolnjevanja pogojev za opravljanje funkcije člana uprave banke in hranilnice (Uradni list RS, št. 74/13 in 5/14);
5. Sklep o poročanju podružnic bank držav članic (Uradni list RS, št. 32/12);
6. Sklep o poslovnih knjigah in letnih poročilih bank in hranilnic (Uradni list RS, št. 17/12, 104/13 in 89/14);
7. Sklep o skrbnosti članov uprave in nadzornega sveta bank in hranilnic (Uradni list RS, št. 62/11 in 74/13);
8. Sklep o izračunu kapitalske zahteve za kreditno tveganje pri listinjenju in pravilih glede izpostavljenosti bank in hranilnic prenesenemu kreditnemu tveganju (Uradni list RS, št. 85/10, 100/11 in 60/13);
9. Sklep o veliki izpostavljenosti bank in hranilnic (Uradni list RS, št. 85/10 in 34/11);
10. Sklep o izračunu kapitala bank in hranilnic (Uradni list RS, št. 85/10, 97/10, 100/11 in 100/12);
11. Sklep o poročanju monetarnih finančnih institucij (Uradni list RS, št. 46/09 in 79/11);

authority, and the definition of breaches of the provisions referred to in point 1 of this paragraph as minor offences.

(2) On the day this Act enters into force, the following implementing regulations issued pursuant to the ZBan-1 shall cease to be in force:

1. Decision on eligible assets and documentation for the granting of an authorisation to increase the share capital of banks and savings banks via a non-cash contribution (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/14);
2. Decision on the amounts of annual payments for supervision and fees for deciding on applications for the granting of authorisations (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 12/14);
3. Decision on the documentation for the granting of authorisation for a qualifying holding of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 80/13);
4. Decision on the documentation for demonstrating fulfilment of the conditions for performing the function of a member of the management board of a bank or savings bank (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 74/13 and 5/14);
5. Decision on reporting by branches of Member State banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 32/12);
6. Decision on the books of account and annual reports of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 17/12, 104/13 and 89/14);
7. Decision on the diligence of members of the management and supervisory boards of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 62/11 and 74/13);
8. Decision on the calculation of capital requirement calculation for credit risk in securitisation and rules on the exposure of banks and savings banks to transferred credit risk (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 85/10, 100/11 and 60/13);
9. Decision on large exposures of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 85/10 and 34/11);
10. Decision on the calculation of capital of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 85/10, 97/10, 100/11 and 100/12);
11. Decision on reporting by monetary financial institutions (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 46/09 and

12. Sklep o poročanju posameznih dejstev in okoliščin bank in hranilnic (Uradni list RS, št. 42/09, 85/10, 62/11, 105/11, 17/12, 71/12, 38/13, 74/13 in 80/13);
 13. Sklep o najmanjšem obsegu in vsebini dodatnega revizijskega pregleda glede izpolnjevanja pravil o upravljanju s tveganji v bankah in hranilnicah (Uradni list RS, št. 42/09);
 14. Sklep o imetnikih kvalificiranih deležev bank in hranilnic (Uradni list RS, št. 21/09 in 60/13);
 15. Sklep o poročanju efektivnih obrestnih mer bank in hranilnic v skladu z Zakonom o potrošniških kreditih (Uradni list RS, št. 18/08 in 72/10);
 16. Sklep o poročanju o kapitalu in kapitalskih zahtevah bank in hranilnic (Uradni list RS, št. 104/07, 85/10 in 105/11);
 17. Pravilnik o določitvi meril za ugotavljanje pretežnega opravljanja dejavnosti pridobivanja kapitalskih deležev ali pretežnega opravljanja vzajemno priznanih finančnih storitev iz 2. do 12. in 15. točke 10. člena Zakona o bančništvu (Uradni list RS, št. 55/07);
 18. Sklep o minimalnih zahtevah za zagotavljanje ustrezne likvidnostne pozicije bank in hranilnic (Uradni list RS, št. 28/07, 55/07, 83/07, 74/11, 26/12, 98/13 in 38/14);
 19. Sklep o ocenjevanju izgub iz kreditnega tveganja bank in hranilnic (Uradni list RS, št. 28/07, 102/08, 3/09, 29/12, 12/13 in 12/14);
 20. Sklep o dokumentaciji za izdajo dovoljenja za ustanovitev podružnice banke tretje države (Uradni list RS, št. 28/07);
 21. Sklep o dokumentaciji za izdajo dovoljenj za opravljanje bančnih in finančnih storitev ter za statusna preoblikovanja (Uradni list RS, št. 28/07, 89/11 in 74/13);
 22. Sklep o naložbah bank in hranilnic v kvalificirane deleže v osebah nefinančnega sektorja (Uradni list RS, št. 135/06, 97/10 in 60/13);
- 79/11);
 12. Decision on the reporting of individual facts and circumstances of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 42/09, 85/10, 62/11, 105/11, 17/12, 71/12, 38/13, 74/13 and 80/13);
 13. Decision on the minimum scope and content of the additional audit of compliance with risk management rules at banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 42/09);
 14. Decision on the holders of qualifying holdings of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 21/09 and 60/13);
 15. Decision on the reporting of effective interest rates of banks and savings banks in accordance with the Consumer Credit Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 18/08 and 72/10);
 16. Decision on the reporting on capital and capital requirements of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 104/07, 85/10 and 105/11);
 17. Rules laying down the criteria for identifying the principal activity of acquisition of equity holdings or the principal activity of providing mutually recognised financial services referred to in points 2 to 12 and point 15 of Article 10 of the Banking Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 55/07);
 18. Decision on the minimum requirements for ensuring an adequate liquidity position of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/07, 55/07, 83/07, 74/11, 26/12, 98/13 and 38/14);
 19. Decision on the assessment of credit risk losses of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/07, 102/08, 3/09, 29/12, 12/13 and 12/14);
 20. Decision on the documentation for the granting of authorisation to establish a branch of a third-country bank (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 28/07);
 21. Decision on the documentation for the granting of authorisations to provide banking and financial services and for status changes (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/07, 89/11 and 74/13);
 22. Decision on the investments of banks and savings banks in qualifying holdings in entities in the non-financial sector (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 97/10 and 60/13);

23. Sklep o razkritjih s strani bank in hranilnic (Uradni list RS, št. 135/06, 42/09, 85/10, 62/11, 100/11 in 60/13);
24. Sklep o nadzoru bank in hranilnic na konsolidirani podlagi (Uradni list RS, št. 135/06, 104/07, 97/10 in 60/13);
25. Sklep o upravljanju s tveganji in izvajanju procesa ocenjevanja ustreznega notranjega kapitala za banke in hranilnice (Uradni list RS, št. 135/06, 28/07, 104/07, 85/10, 62/11, 3/13, 38/13, 60/13, 74/13, 12/14 in 25/14);
26. Sklep o izračunu kapitalske zahteve za operativno tveganje za banke in hranilnice (Uradni list RS, št. 135/06, 85/10 in 60/1);
27. Sklep o izračunu kapitalske zahteve za tržna tveganja za banke in hranilnice (Uradni list RS, št. 135/06, 104/07, 85/10, 100/11 in 60/13);
28. Sklep o priznavanju zunanjih bonitetnih institucij (Uradni list RS, št. 135/06, 64/10 in 100/11);
29. Sklep o kreditnih zavarovanjih (Uradni list RS, št. 135/06, 104/07, 112/08, 100/09, 85/10 in 100/12);
30. Sklep o izračunu kapitalske zahteve za kreditno tveganje po pristopu na podlagi notranjih bonitetnih sistemov za banke in hranilnice (Uradni list RS, št. 135/06, 104/07, 22/10, 85/10, 62/11, 22/12 in 60/13);
31. Sklep o izračunu kapitalske zahteve za kreditno tveganje po standardiziranem pristopu za banke in hranilnice (Uradni list RS, št. 135/06, 104/07, 85/10, 97/10, 62/11, 100/11, 22/12, 100/12 in 60/13).

(3) Ne glede na prejšnji odstavek se naslednji predpisi, izdani na podlagi ZBan-1, uporabljajo do izdaje predpisov na podlagi 402. člena tega zakona:

1. Sklep o primernem premoženju in dokumentaciji za izdajo dovoljenja za povečanje osnovnega kapitala bank in hranilnic s stvarnim vložkom (Uradni list RS, št. 72/14);

23. Decision on disclosures by banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 42/09, 85/10, 62/11, 100/11 and 60/13);
24. Decision on the supervision of banks and savings banks on a consolidated basis (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 104/07, 97/10 and 60/13);
25. Decision on risk management and the implementation of the internal capital adequacy assessment process for banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 28/07, 104/07, 85/10, 62/11, 3/13, 38/13, 60/13, 74/13, 12/14 and 25/14);
26. Decision on the calculation of capital requirements for operational risk for banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 85/10 and 60/13);
27. Decision on the calculation of capital requirements for market risk for banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 104/07, 85/10, 100/11 and 60/13);
28. Decision on the recognition of external credit assessment institutions (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 64/10 and 100/11);
29. Decision on credit protection (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 104/07, 112/08, 100/09, 85/10 and 100/12);
30. Decision on the calculation of capital requirements for credit risk under the internal ratings-based approach for banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 104/07, 22/10, 85/10, 62/11, 22/12 and 60/13);
31. Decision on the calculation of capital requirements for credit risk under the standardised approach for banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 104/07, 85/10, 97/10, 62/11, 100/11, 22/12, 100/12 and 60/13).

(3) Notwithstanding the preceding paragraph, the following regulations issued pursuant to the ZBan-1 shall apply until the issue of regulations pursuant to Article 402 of this Act:

1. Decision on eligible assets and documentation for the granting of an authorisation to increase the share capital of banks and savings banks via a non-cash contribution (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/14);

2. Sklep o višini zneskov letnih plačil za opravljanje nadzora in taksah za odločanje o zahtevah za izdajo dovoljenj (Uradni list RS, št. 12/14);
3. Sklep o dokumentaciji za izdajo dovoljenja za kvalificirano naložbo banke in hranilnice (Uradni list RS, št. 80/13);
4. Sklep o dokumentaciji za dokazovanje izpolnjevanja pogojev za opravljanje funkcije člana uprave banke in hranilnice (Uradni list RS, št. 74/13 in 5/14);
5. Sklep o poročanju podružnic bank držav članic (Uradni list RS, št. 32/12);
6. Sklep o poslovnih knjigah in letnih poročilih bank in hranilnic (Uradni list RS, št. 17/12, 104/13 in 89/14);
7. Sklep o skrbnosti članov uprave in nadzornega sveta bank in hranilnic (Uradni list RS, št. 62/11 in 74/13);
8. Sklep o poročanju monetarnih finančnih institucij (Uradni list RS, št. 46/09 in 79/11);
9. Sklep o poročanju posameznih dejstev in okoliščin bank in hranilnic (Uradni list RS, št. 42/09, 85/10, 62/11, 105/11, 17/12, 71/12, 38/13, 74/13 in 80/13);
10. Sklep o najmanjšem obsegu in vsebini dodatnega revizijskega pregleda glede izpolnjevanja pravil o upravljanju s tveganji v bankah in hranilnicah (Uradni list RS, št. 42/09);
11. Sklep o imetnikih kvalificiranih deležev bank in hranilnic (Uradni list RS, št. 21/09 in 60/13);
12. Sklep o poročanju efektivnih obrestnih mer bank in hranilnic v skladu z Zakonom o potrošniških kreditih (Uradni list RS, št. 18/08 in 72/10);
13. Pravilnik o določitvi meril za ugotavljanje pretežnega opravljanja dejavnosti pridobivanja kapitalskih deležev ali pretežnega opravljanja vzajemno priznanih finančnih storitev iz 2. do 12. in 15. točke 10. člena Zakona o bančništvu (Uradni list RS, št. 55/07);

2. Decision on the amounts of annual payments for supervision and fees for deciding on applications for the granting of authorisations (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 12/14);
3. Decision on the documentation for the granting of authorisation for a qualifying holding of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 80/13);
4. Decision on the documentation for demonstrating fulfilment of the conditions for performing the function of a member of the management board of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 74/13 and 5/14);
5. Decision on reporting by branches of Member State banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 32/12);
6. Decision on the books of account and annual reports of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 17/12, 104/13 and 89/14);
7. Decision on the diligence of members of the management and supervisory boards of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 62/11 and 74/13);
8. Decision on reporting by monetary financial institutions (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 46/09 and 79/11);
9. Decision on the reporting of individual facts and circumstances of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 42/09, 85/10, 62/11, 105/11, 17/12, 71/12, 38/13, 74/13 and 80/13);
10. Decision on the minimum scope and content of the additional audit of compliance with risk management rules at banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 42/09);
11. Decision on the holders of qualifying holdings of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 21/09 and 60/13);
12. Decision on the reporting of effective interest rates of banks and savings banks in accordance with the Consumer Credit Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 18/08 and 72/10);
13. Rules laying down the criteria for identifying the principal activity of acquisition of equity holdings or the principal activity of providing mutually recognised financial services referred to in points 2 to 12 and point 15 of Article 10 of the Banking Act (Official Gazette of the

14. Sklep o minimalnih zahtevah za zagotavljanje ustrezne likvidnostne pozicije bank in hranilnic (Uradni list RS, št. 28/07, 55/07, 83/07, 74/11, 26/12, 98/13 in 38/14);
15. Sklep o ocenjevanju izgub iz kreditnega tveganja bank in hranilnic (Uradni list RS, št. 28/07, 102/08, 3/09, 29/12, 12/13 in 12/14);
16. Sklep o dokumentaciji za izdajo dovoljenja za ustanovitev podružnice banke tretje države (Uradni list RS, št. 28/07);
17. Sklep o dokumentaciji za izdajo dovoljenj za opravljanje bančnih in finančnih storitev ter za statusna preoblikovanja (Uradni list RS, št. 28/07, 89/11 in 74/13);
18. Sklep o upravljanju s tveganji in izvajanju procesa ocenjevanja ustreznega notranjega kapitala za banke in hranilnice (Uradni list RS, št. 135/06, 28/07, 104/07, 85/10, 62/11, 3/13, 38/13, 60/13, 74/13, 12/14 in 25/14).

(4) Ne glede na prvi odstavek tega člena se ZBan-1 uporabi, kadar se nanj sklicuje Zakon o trgu finančnih instrumentov (Uradni list RS, št. 108/10 – uradno prečiščeno besedilo, 78/11, 55/12, 105/12 – ZBan-1J in 63/13 – ZS-K).

406. člen

(sprememba zakona, ki ureja poslovanje SID banke)

V Zakonu o Slovenski izvozni in razvojni banki (Uradni list RS, št. 56/08 in 20/09) se v tretjem odstavku 14. člena pred piko doda nova alineja, ki se glasi: »– za SID banko ne veljajo obveznosti glede izdelave načrta sanacije in določbe o zajamčenih vlogah«.

407. člen

(uporaba določb o kapitalskih blažilnikih)

Republic of Slovenia [*Uradni list RS*], No 55/07);

14. Decision on the minimum requirements for ensuring an adequate liquidity position of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/07, 55/07, 83/07, 74/11, 26/12, 98/13 and 38/14);
15. Decision on the assessment of credit risk losses of banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/07, 102/08, 3/09, 29/12, 12/13 and 12/14);
16. Decision on the documentation for the granting of authorisation to establish a branch of a third-country bank (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 28/07);
17. Decision on the documentation for the granting of authorisations to provide banking and financial services and for status changes (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 28/07, 89/11 and 74/13);
18. Decision on risk management and the implementation of the internal capital adequacy assessment process for banks and savings banks (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 135/06, 28/07, 104/07, 85/10, 62/11, 3/13, 38/13, 60/13, 74/13, 12/14 and 25/14).

(4) Notwithstanding paragraph one of this Article, the ZBan-1 shall apply when referred to by the Market in Financial Instruments Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 108/10 – official consolidated text, 78/11, 55/12, 105/12 – ZBan-1J and 63/13 – ZS-K).

Article 406

(Amendment to the Act governing operations of SID bank)

In the Slovenian Export and Development Bank Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 56/08 and 20/09), in paragraph three of Article 14 before the full stop a new indent shall be added that reads as follows: "– the obligations with regard to the formulation of a recovery plan and the provisions on guaranteed deposits shall not apply to SID bank".

Article 407

(Application of provisions on capital buffers)

(1) Določbe 7. poglavja tega zakona se začnejo uporabljati 1. januarja 2016, razen 222. do 226. člena tega zakona, ki se uporabljajo od uveljavitve tega zakona.

(2) Določbe 218. do 221. člena tega zakona se začnejo uporabljati od 1. januarja 2016 dalje.

408. člen
(uveljavitev zakona)

Ta zakon začne veljati trideseti dan po objavi v Uradnem listu Republike Slovenije.

(1) The provisions of Chapter 7 of this Act shall begin to apply on 1 January 2016, with the exception of Articles 222 to 226 of this Act, which shall apply as of the entry into force of this Act.

(2) The provisions of Articles 218 to 221 of this Act shall apply from 1 January 2016 onwards.

Article 408
(Entry into force of the Act)

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