

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

Official Gazette of the Republic of Slovenia, No. 82/22 of 15 June 2022 (in force since 16 June 2022)

Pursuant to points 2 and 3 of Article 65 of the Banking Act (Official Gazette of the Republic of Slovenia, No. 92/21 and 123/21 – ZBNIP; hereinafter: the ZBan-3) and the first paragraph of Article 31 of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 59/11 and 55/17), the Governing Board of the Bank of Slovenia hereby issues the following

R E G U L A T I O N

on the documentation for demonstrating fulfilment of the conditions for appointment as a member of the management body of a bank or savings bank

Article 1

(content of regulation)

(1) This regulation sets out the detailed content of the documentation by means of which:

1. a candidate to be a member of the management board of a bank or savings bank (hereinafter: bank) in a two-tier governance system or an executive director of a bank in a single-tier governance system, to be the liquidator of a bank or to be the managing director of a branch of a third-country bank (hereinafter: candidate for membership of the management board) demonstrates that the conditions set out in Article 40 of the ZBan-3 have been fulfilled, or
2. the bank in its own name and on behalf of the candidate for a member of the Supervisory Board in a two-tier management system or non-executive director of the bank in a one-tier management system (hereinafter a candidate for a member of the Supervisory Board) proves the fulfilment of the conditions for the appointment of a member of the Supervisory Board from Article 55 of the ZBan-3.

(2) This regulation shall also apply *mutatis mutandis* to demonstrating that the conditions for appointment as a member of the senior management of a financial holding company or a mixed financial holding company set out in Article 342 of the ZBan-3 have been fulfilled.

(3) Wherever this regulation makes reference to the provisions of other regulations, these provisions shall apply in their wording applicable at the time in question.

Article 2

(use of terms)

The terms used in this regulation shall have the same meanings as in the ZBan-3 and Regulation (EU) No 575/2013, and in regulations issued on their basis.

Article 3

(enclosures in connection with demonstration of fulfilment of conditions)

(1) A candidate for membership of the management board shall also enclose the following in the request for the granting of the authorisation referred to in the first paragraph of Article 42 or in connection with Article 96 and the second paragraph of Article 138 of the ZBan-3:

1. a completed FAP questionnaire, which is an appendix to this regulation, in the part relating to the candidate for membership of the management board;

2. a copy of a personal identification document;
3. a CV;
4. copies of evidence of any professional qualifications obtained;
5. a copy of any employers' references;
6. an extract from the criminal records and evidence that the candidate has not been charged with a criminal offence prosecuted ex officio for which a prison sentence of one year or more may be imposed (condition set out in point 2 of the first paragraph of Article 40 of the ZBan-3) or other appropriate proof if such evidence does not exist;
7. the resolution by the supervisory board / general meeting on the appointment of the individual as member of the management board referred to in the third paragraph of Article 41 of the ZBan-3;
8. an extract from the system for the exchange of information regarding client credit ratings (SISBON) or from another appropriate collection of personal data from abroad, if the latter exists;
9. strategy for managing the bank's operations and managing the corresponding risks, taking into account the relevant regulatory framework pertaining to the fields for which the candidate will be directly responsible for in the performance of his function and any specificities these fields present in the context of the Slovenian banking system and whether any new regulatory developments have occurred in these fields (for example ESG risks, digitalisation, AML/FT, ...).

(2) Within fifteen days of the appointment of a member of the management board, the bank shall submit the following to the Bank of Slovenia:

1. a completed FAP questionnaire, which is an appendix to this regulation, in the part relating to the bank;
2. the bank's assessment of the suitability of the candidate as a member of the management board.

(3) Within fifteen days of the appointment of a member of the supervisory board at the general meeting, the bank shall submit the following to the Bank of Slovenia:

1. a completed FAP questionnaire, which is an appendix to this regulation;
2. a copy of a personal identification document of the candidate member of the supervisory board;
3. the CV of the member of the supervisory board;
4. copies of evidence of any professional qualifications obtained by the candidate member of the supervisory board;
5. a copy of any employers' references;
6. an extract from the criminal records and evidence that the candidate has not been charged with a criminal offence prosecuted ex officio for which a prison sentence of one year or more may be imposed (condition set out in point 2 of the first paragraph of Article 55 of the ZBan-3) or other appropriate proof if such evidence does not exist;
7. the resolution by the bank's general meeting on the appointment of the member of the supervisory board;
8. an extract from the system for the exchange of information regarding client credit ratings (SISBON) or from another appropriate collection of personal data from the rest of the world, if the latter exists;
9. the bank's assessment of the suitability of the candidate member of the supervisory board;
10. strategy for supervising the bank's operations taking into account the relevant regulatory framework pertaining to the fields for which the candidate will be directly responsible for supervising and any specificities these fields present in the context of the Slovenian banking system and whether any new regulatory developments have occurred in these fields (for example ESG risks, digitalisation, AML/FT, ...).

Article 4 **(cessation of validity)**

(1) On the day that this regulation enters into force, the Regulation on the documentation for demonstrating fulfilment of the conditions for appointment as a member of the governing body of a bank or savings bank (Official Gazette of the Republic of Slovenia, No. 196/21) shall cease to be in force.

(2) Procedures that commenced prior to the entry into force of this regulation shall be concluded in their entirety based on the provisions of the Regulation on the documentation for demonstrating fulfilment of the conditions for appointment as a member of the governing body of a bank or savings bank that was in force, when those procedures have commenced.

Article 5
(entry into force)

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

Ljubljana, 31 May 2022

Boštjan Vasle
predsednik
Sveta Banke Slovenije