

Disclosure of information on supervisory measure imposed on legal person on 29 June 2021

Information on person responsible for breach	
Business name and registered office of legal person	<p style="text-align: center;">██</p> <p style="text-align: center;">(hereinafter: ██████████)</p> <p><i>In accordance with the second paragraph of Article 311 of the ZBan-3 in connection with the first paragraph of Article 311 of the ZBan-3, the identity of the person responsible for the breach is not disclosed.</i></p>
Information on breach	
Description of circumstances and conduct entailing breach of ZBan-3 or Regulation (EU) No 575/2013	Breach(es) of the ZBan-3 (cited in detail in the operational part of the decision below) were identified on the basis of an inspection, as a result of which Banka Slovenije issued ██████████ with the Declaratory decision referenced PDO-24.70-002/21-002 of 29 June 2021.
Nature of identified breaches	<p>██████████ accepted deposits from the public in contravention of the ZBan-3.</p> <p>In accordance with Article 111 of the ZBan-3, the acceptance of deposits or other repayable funds from the public may only be pursued in the territory of the Republic of Slovenia by:</p> <ul style="list-style-type: none"> – a bank that has obtained an authorisation to provide banking services in accordance with the aforementioned law; – a Member State bank that establishes a branch in the territory of the Republic of Slovenia in accordance with the aforementioned law or is entitled to provide banking services directly in the territory of the Republic of Slovenia in accordance with the aforementioned law; – a third-country bank that obtains an authorisation to establish a branch in the Republic of Slovenia in accordance with the aforementioned law. <p>At the same time Article 112 of the ZBan-3 stipulates that no-one other than the persons referred to in the previous article may accept deposits or other repayable funds from the public in the territory of the Republic of Slovenia.</p>
Operational part of the decision by which the relevant proceedings are completed	
1.	<p>In a supervisory procedure Banka Slovenije found that ██████████ (hereinafter: ██████████) had breached Article 112 of the ZBan-2 by accepting deposits from the public, whereby as a borrower ██████████ entered into loan agreements with natural persons and a cooperative, who are uninformed investors, as lenders, the loan agreements including information about the borrower and the lender, the date and amount of the loan, the date of the transfer of the loan to the borrower's account, the deadline for repayment of the loan, and the amount of contractual interest expressed as a percentage, but not stipulating additional terms and conditions that exclude or restrict the exercise of the right to repayment of the money contributed, and had rectified the breach.</p>
2.	<p>Pursuant to the seventh paragraph of Article 345 of the ZBan-3, Banka Slovenije assessed that</p>

in light of the nature and importance of the breach the issuance of a declaratory decision would contribute significantly to ensuring legal certainty and protection for depositors.

3. Banka Slovenije assesses that the grounds referred to in the first paragraph of Article 311 of the ZBan-3 paragraph exist in connection with the publication of the identity of the person responsible for the breach. In accordance with the second paragraph of Article 311 of the ZBan-3 in connection with the first paragraph of Article 311 of the ZBan-3, the identity of the person responsible for the breach, i.e. the identity of [REDACTED], shall not be published.

In accordance with Article 310 of the ZBan-3, the following information in connection with this supervisory measure shall be published on the Banka Slovenije website after these proceedings have been completed:

- information on the breach:
 - o a description of the circumstances and conduct entailing a breach of the ZBan-3 or Regulation (EU) No 575/2013,
 - o the nature of the breaches identified;
- the operational part of the decision by which the relevant proceedings are completed; and
- information as to whether judicial review proceedings have been initiated against the decision.

Information as to whether judicial review proceedings have been initiated against the decision in accordance with the ZBan-2

A declaratory decision referenced PDO-24.70-002/21-002 was issued [REDACTED] on 29 June 2021. Judicial review proceedings have not been initiated against the declaratory decision.