

**THIS TEXT IS UNOFFICIAL TRANSLATION AND MAY NOT BE USED AS A BASIS FOR
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- Official Gazette of the Republic of Slovenia, No. 21/21 of 12 February 2021 (in force as of 13 February 2021)

Pursuant to Article 9 of the Banking Act (Official Gazette of the Republic of Slovenia, Nos. 25/15, 44/16 [ZRPPB], 77/16 [ZCKR], 41/17, 77/18 [ZTFI-1], 22/19 [ZIUDSOL] and 44/19 [constitutional court decision]), the first paragraph of Article 23 and the first paragraph of Article 31 of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 [official consolidated version], 59/11 and 55/17), and in connection with Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012 (OJ L 176 of 27 June 2013, p 1; hereinafter: Regulation (EU) No 575/2013) with amendments, the Governing Board of the Bank of Slovenia hereby issues the following

REGULATION
on data and information for designating a bank as a small and non-complex institution

Article 1
(content of regulation)

(1) This regulation sets out in detail the data and information that the Bank of Slovenia takes into account when assessing whether the conditions set out in point 145 of Article 4(1) of Regulation (EU) No 575/2013 for designating a bank or savings bank (hereinafter: bank) as a small and non-complex institution have been met.

(2) Whenever this regulation makes reference to the provisions of other regulations, these provisions shall apply in their valid wording at the time in question.

Article 2
(definition of terms)

The terms used in this regulation shall have the same meanings as in the law governing banking, the law governing the resolution and compulsory winding-up of banks, and Regulation (EU) No 575/2013, and in regulations issued on their basis.

Article 3
(data and information for assessing fulfilment of conditions)

(1) The assessment of whether the condition set out in subpoint (a) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of whether the bank meets the conditions for designation as a large institution under point 146 of Article 4(1) of Regulation (EU) No 575/2013 according to the latest available data on an individual basis and, where applicable, on a consolidated basis.

(2) The assessment of whether the condition set out in subpoint (b) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of the four-year average of the total value of the assets of the bank on an individual basis and, where applicable, on a consolidated basis, according to end-of-year reports drawn up and submitted in accordance with Commission Implementing Regulation (EU) No 680/0014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No

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575/2013 of the European Parliament and of the Council (OJ L 191 of 28 June 2014, p 1; hereinafter: the ITS on supervisory reporting).

(3) The assessment of whether the condition set out in subpoint (c) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of whether the bank is subject to simplified obligations in relation to recovery and resolution planning on an individual basis and, where applicable, on a consolidated basis in accordance with the law governing banking and the law governing the resolution and compulsory winding-up of banks, or whether it is not subject to obligations in relation to recovery and resolution planning. For the purposes of the previous sentence:

(a) the bank shall be deemed not to be subject to obligations in relation to recovery planning on an individual basis if the bank is part of a group and is not the subject of an individual recovery plan;

(b) the bank shall be deemed not to be subject to obligations in relation to resolution planning on an individual basis if the bank is part of a group and in the group's latest resolution plan drawn up by the Bank of Slovenia as the resolution authority at group level or in the joint decision on the group's resolution plan in which the Bank of Slovenia participates as the resolution authority of a subsidiary in the group, compulsory winding-up measures are defined for the bank.

(4) The assessment of whether the condition set out in subpoint (d) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of whether in connection with the size of its on- and off-balance-sheet trading-book business referred to in Article 94(1) of Regulation (EU) No 575/2013 on an individual basis and, where applicable, on a consolidated basis, according to end-of-year reports drawn up and submitted in accordance with the ITS on supervisory reporting, the bank calculates the own funds requirement for its trading book business in accordance with the second paragraph of the aforementioned article of Regulation (EU) No 575/2013.

(5) The assessment of whether the condition set out in subpoint (e) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of whether in connection with the on- and off-balance sheet value of its derivative positions on an individual basis and, where applicable, on a consolidated basis, according to end-of-year reports drawn up and submitted in accordance with the ITS on supervisory reporting, the bank exceeds the thresholds prescribed in the aforementioned point.

(6) The assessment of whether the condition set out in subpoint (f) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of whether more than 75% of the bank's total assets and more than 75% of its total liabilities on an individual basis and, where applicable, on a consolidated basis, according to end-of-year reports drawn up and submitted in accordance with the ITS on supervisory reporting, relate to activities with counterparties located in the European Economic Area, where intragroup exposures are excluded on both the asset and liability sides.

(7) The assessment of whether the condition set out in subpoint (g) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of whether the bank uses internal models for calculating capital requirements for credit risk, market risk and operational risk to meet the prudential requirements in accordance with Regulation (EU) No 575/2013 on an individual basis and, where applicable, on a consolidated basis. The aforementioned requirement shall not apply to a subsidiary bank that uses internal models developed at group level, if the group is subject to the disclosure requirements set out in Articles 433a or 433c of Regulation (EU) No 575/2013 on a consolidated basis.

(8) The assessment of whether the condition set out in subpoint (h) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall take account of the bank's statement of the facts and circumstances material to the Bank of Slovenia's decision in accordance with the law governing

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banking, in which it does not oppose or object to the designation of the bank as a small and non-complex institution, on an individual basis and, where applicable, on a consolidated basis. After the issuance of a decision designating the bank as a small and non-complex institution, the assessment of whether the condition referred to in this paragraph has been met shall take account of an application submitted by the bank to the Bank of Slovenia in which it objects to the designation of the bank as a small and non-complex institution.

(9) The assessment of whether the condition set out in subpoint (i) of point 145 of Article 4(1) of Regulation (EU) No 575/2013 has been met shall in particular take account of findings by the competent authority from the most recent supervisory review and evaluation process in accordance with the law governing banking, including overall SREP score under the Guidelines on common procedures and methodologies for the supervisory review and evaluation process (SREP) and supervisory stress testing (EBA/GL/2014/13), that affect or are related to analysis of the bank's size, interconnectedness, complexity or risk profile. If the bank is part of a group, the findings from the supervisory review and evaluation process conducted at group level or from the joint decision in accordance with the law governing banking shall be taken into account.

**Article 4
(decision designating bank as small and non-complex institution)**

(1) On the basis of the data and information referred to in Article 3 of this regulation, in accordance with the law governing banking, the Bank of Slovenia shall determine whether a bank meets the conditions set out in point 145 of Article 4(1) of Regulation (EU) No 575/2013, and as necessary shall designate the bank as a small and non-complex institution.

(2) If, after the issuance of a decision designating a bank as a small and non-complex institution, circumstances arise based on which the bank no longer meets the conditions set out in point 145 of Article 4(1) of Regulation (EU) No 575/2013, in accordance with the law governing banking, the Bank of Slovenia shall by virtue of a decision revoke the designation of the bank as a small and non-complex institution. In the decision it shall also stipulate a deadline by which the bank must comply with all requirements applying to banks.

**Article 5
(transitional provision)**

Until the beginning of the application of the requirements under Regulation (EU) No 575/2013, as amended by Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No 648/2012 (OJ L 150 of 7 June 2019, p 1; hereinafter: Regulation (EU) No 2019/876):

- (a) the assessment under the fourth paragraph of Article 3 of this regulation shall take account *mutatis mutandis* of Article 94 of Regulation (EU) No 575/2013; and
- (b) the assessment under the fifth paragraph of Article 3 of this regulation, in the calculation of the total value of derivative positions, shall take account *mutatis mutandis* of the calculation method set out in Article 273a of Regulation (EU) No 2019/876.

**Article 6
(entry into force)**

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

Ljubljana, 9 February 2021

Dr. Primož Dolenc
Deputy-President,
Governing Board of the Bank of
Slovenia