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- Official Gazette of the Republic of Slovenia, No. 80/21 of 21 May 2021 (in force since 5 June 2021)

Pursuant to the third paragraph of Article 13 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]; hereinafter: the ZBan-2), 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), the Governing Board of the Bank of Slovenia hereby issues the following

REGULATION

on the application of the Guidelines specifying the conditions for the application of the alternative treatment of institutions' exposures related to "tri-party repurchase agreements" set out in Article 403(3) of Regulation (EU) 575/2013 for large exposures purposes

Article 1 (purpose and field of application of guidelines)

(1) Pursuant to Article 16(1) of 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 of 15 December 2010, p 12; hereinafter: Regulation (EU) No 1093/2010), on 16 February 2021 the European Banking Authority published the Guidelines specifying the conditions for the application of the alternative treatment of institutions' exposures related to "tri-party repurchase agreements" set out in Article 403(3) of Regulation (EU) 575/2013 for large exposures purposes (EBA/GL/2021/01; hereinafter: the guidelines) on its website.

(2) The guidelines specify the conditions that an institution should comply with where it decides to make use of the alternative treatment provided under Article 403(3) of 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 regard to tri-party repurchase agreements facilitated by a tri-party agent, including the conditions and frequency for determining, monitoring and revising the limits referred to in point (b) of Article 403(3) of Regulation (EU) No 575/2013, for the purposes of applying the substitution approach provided for in point (b) of Article 403(1) of Regulation (EU) No 575/2013. The guidelines apply in relation to institutions' exposures to collateral issuers due to tri-party repurchase agreements (tri-party repos) facilitated by a tri-party agent.

(3) The guidelines are addressed to:

1. financial institutions referred to in Article 4(1) of Regulation (EU) No 1093/2010; and
2. competent authorities referred to in point (i) of Article 4(2) of Regulation (EU) No 1093/2010.

Article 2 (content of regulation and scope of application of guidelines)

(1) By virtue of this regulation the Bank of Slovenia sets out the application of the guidelines and all their future amendments, unless stipulated otherwise by the Bank of Slovenia in respect of a particular amendment to the guidelines, to:

1. banks and savings banks for whose supervision the Bank of Slovenia is responsible in accordance with the ZBan-2 and Council Regulation (EU) No 1024/2013 of 15 October 2013

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conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287 of 29 October 2013, p 63) (hereinafter: banks); and

2. the Bank of Slovenia, when in accordance with the ZBan-2 in its role as the competent authority it is exercising supervisory powers and tasks over banks referred to in point 1 of this paragraph.

(2) Banks referred to in point 1 of the first paragraph of this article shall take full account of the provisions of the guidelines in the parts addressed to banks.

(3) In exercising its supervisory powers and tasks in accordance with the ZBan-2 and Regulation (EU) No 575/2013, the Bank of Slovenia shall take full account of the provisions of the guidelines in the parts relating to the exercise of the powers and tasks of the competent authority.

**Article 3
(entry into force)**

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

Ljubljana, 18 May 2021

Boštjan Vasle
President,
Governing Board of the
Bank of Slovenia