

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. 12/17 of 10 March 2017 (in force since 11 March 2017)

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] and 77/16 [ZCKR]; hereinafter: the ZBan-2), Article 83 of the Consumer Credit Act (Official Gazette of the Republic of Slovenia, No. 77/16; hereinafter: the ZPotK-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] and 59/11), the Governing Board of the Bank of Slovenia hereby issues the following

REGULATION
on the application of the EBA Guidelines on creditworthiness assessment

Article 1
(purpose and field of application)

(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 19 August 2015 the European Banking Authority issued the EBA Guidelines on the creditworthiness assessment (hereinafter: the guidelines), which are published on its website.

(2) The guidelines referred to in the first paragraph of this article provide further detail on the requirements set out in Articles 18 and 20(1) of Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010 (OJ L 60 of 28 February 2014, p 34; hereinafter: Directive 2014/17/EU) to assess creditworthiness in respect of credit agreements that fall under the scope of Article 3 of Directive 2014/17/EU.

(3) The guidelines apply to:

1. financial institutions as defined in Article 4(1) of Regulation (EU) No 1093/2010 that are creditors in accordance with point (2) of Article 4 of Directive 2014/17/EU; and
2. competent authorities as defined in Article 4(2) of Regulation (EU) No 1093/2010 and as also defined in point (22) of Article 4 of Directive 2014/17/EU.

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 to:

1. banks and savings banks that in accordance with the ZBan-2 have obtained an authorisation to provide banking services in the Republic of Slovenia (hereinafter: banks);
2. creditors that provide real estate finance leasing services in accordance with the ZPotK-2;
3. the Bank of Slovenia, when in accordance with the ZBan-2 and the ZPotK-2 in its role as the competent authority it is exercising supervisory powers and tasks over the entities referred to in points 1 and 2 of this paragraph.

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(2) In the assessment of creditworthiness in connection with credit agreements for real estate concluded in accordance with the law governing consumer credit, the entities referred to in points 1 and 2 of the first paragraph of this article shall take full account of the provisions of the guidelines, and shall ensure that the provisions of the guidelines are also taken into account by their external providers.

(3) In exercising its supervisory powers and tasks in accordance with the ZBan-2 and the ZPotK-2, 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 day after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 7 March 2017

Boštjan Jazbec
President,
Governing Board of the Bank
of Slovenia