

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 and 77/18 [ZTFI-1]; hereinafter: the ZBan-2), the eleventh paragraph of Article 243 of the Payment Services, Electronic Money Issuance Services and Payment Systems Act (Official Gazette of the Republic of Slovenia, Nos. 7/18 and 9/18 [revision]; hereinafter: the ZPlaSSIED), and Article 13 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 on the conditions to benefit from an exemption from the contingency mechanism under Article 33(6) of Regulation (EU) 2018/389 (RTS on SCA & CSC)**

#### **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 4 September 2018 the European Banking Authority issued the Guidelines on the conditions to benefit from an exemption from the contingency mechanism under Article 33(6) of Regulation (EU) 2018/389 (RTS on SCA & CSC) (hereinafter: the guidelines), which are published on its website.

(2) The guidelines referred to in the first paragraph of this article set out the conditions specified in Article 33(6) of Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (OJ L 69 of 13 March 2018, p 23; hereinafter: the RTS) to exempt the account servicing payment service providers that have opted for a dedicated interface from the obligation to set up the contingency mechanism described in Article 33(4) of the RTS. The guidelines further provide guidance on how competent authorities should consult the EBA for the purposes of the exemption in accordance with Article 33(6) of the RTS.

(3) The guidelines are addressed to:

- competent authorities as defined in point (i) of Article 4(2) of Regulation (EU) No 1093/2010; and
- payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337 of 23 December 2015, p 36; hereinafter: Directive (EU) 2015/2366).

#### **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;

2. payment institutions and payment institutions with a waiver that in accordance with the ZPlaSSIED have obtained an authorisation to provide payment services as a payment institution or a payment institution with a waiver in the Republic of Slovenia;
3. electronic money institutions and electronic money institutions with a waiver that in accordance with the ZPlaSSIED have obtained an authorisation to provide electronic money issuance services in the Republic of Slovenia; and
4. the Bank of Slovenia, when, in accordance with the ZPlaSSIED, the ZBan-2 and 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), in its role as the competent authority it is exercising supervisory powers and tasks over entities referred to in points 1 and 2 of this paragraph.

(2) Entities referred to in points 1, 2 and 3 of the first paragraph of this article shall take full account of the provisions of the guidelines in the parts addressed to payment service providers.

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

Ljubljana, 18 March 2019

Mag. Boštjan Vasle  
President,  
Governing Board of the Bank of Slovenia