

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] and 41/17; 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 reporting requirements for fraud data under Article 96(6) PSD2**

#### **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 17 September 2018 the European Banking Authority issued the Guidelines on reporting requirements for fraud data under Article 96(6) PSD2 (hereinafter: the guidelines), which are published on its website.

(2) The guidelines referred to in the first paragraph of this article set out the statistical data on payment transactions and on fraud related to different means of payment that payment service providers have to report to their competent authorities, the frequency and method of reporting to competent authorities, the aggregated data that the competent authorities are required to share with the European Banking Authority and the European Central Bank, and the format thereof, in accordance with Article 96(6) of Directive (EU) 2015/2366 (PSD2) 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 (hereinafter: Directive (EU) 2015/2366).

(3) The guidelines apply to:

- payment service providers as defined in Article 4(11) of Directive (EU) 2015/2366 and as stated in Article 4(1) of Regulation (EU) No 1093/2010, with the exception of account information service providers; and
- competent authorities as defined 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 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, except account information service providers;
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 (Report)**

Payment service providers referred to in points 1, 2 and 3 of the first paragraph of Article 2 of this regulation shall submit a report on payment transactions and fraudulent payment transactions in accordance with the guidelines, which apply as of 1 January 2019, with the exception of reporting of data related to the exemptions to the requirement to use strong customer authentication provided for in Commission Delegated Regulation (EU) 2018/389 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, regarding which they shall report as of 14 September 2019.

### **Article 4 (Instructions)**

The Governor of the Bank of Slovenia shall issue instructions for implementing the Regulation on the application of the Guidelines on reporting requirements for fraud data under Article 96(6) PSD2, setting out the content, frequency, method and deadlines of the reporting to the Bank of Slovenia referred to in Article 3 of this regulation.

### **Article 5 (Entry into force)**

This regulation shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia, and shall begin to be applied on 1 January 2019.

Ljubljana, 24 December 2018

Primož Dolenc  
Deputy-President of the  
Governing Board of the Bank  
of Slovenia