

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o Banki Slovenije obsega:

- Zakon o Banki Slovenije – ZBS-1 (Uradni list RS, št. 58/02 z dne 4. 7. 2002),
- Popravek zakona o Banki Slovenije – ZBS-1 (Uradni list RS, št. 85/02 z dne 4. 10. 2002),
- Zakon o spremembah in dopolnitvah Zakona o Banki Slovenije – ZBS-1A (Uradni list RS, št. 39/06 z dne 13. 4. 2006),
- Zakon o Banki Slovenije – uradno prečiščeno besedilo – ZBS-1-UPB1 (Uradni list RS, št. 72/06 z dne 11. 7. 2006),
- Zakon o spremembah in dopolnitvah Zakona o Banki Slovenije – ZBS-1B (Uradni list RS, št. 59/11 z dne 25. 7. 2011),
- Zakon o dopolnitvi Zakona o Banki Slovenije – ZBS-1C (Uradni list RS, št. 55/17 z dne 6. 10. 2017).

ZAKON O BANKI SLOVENIJE (ZBS-1)

(neuradno prečiščeno besedilo št. 3)

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The unofficial consolidated version of the Bank of Slovenia Act comprises:

- Bank of Slovenia Act – ZBS-1 Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 58/02 of 4 July 2002),
- Corrigendum to the Bank of Slovenia Act – ZBS-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 85/02 of 4 October 2002),
- Act Amending the Bank of Slovenia Act – ZBS-1A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 39/06 of 13 April 2006),
- Bank of Slovenia Act – Official Consolidated Text – ZBS-1-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/06 of 24 July 2006),
- Act Amending the Bank of Slovenia Act – ZBS-1B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 59/11 of 25 July 2011),
- Act Amending the Bank of Slovenia Act – ZBS-1C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 55/17 of 6 October 2017).

BANK OF SLOVENIA ACT (ZBS-1)

(Unofficial consolidated version No. 3)

1. TEMELJNE DOLOČBE

1. člen (Status Banke Slovenije)

(1) Banka Slovenije je centralna banka Republike Slovenije.

(2) Banka Slovenije je pravna oseba javnega prava, ki samostojno razpolaga z lastnim premoženjem.

(3) Banka Slovenije je v izključni državni lasti s finančno in upravljalno avtonomijo.

2. člen (Položaj Banke Slovenije)

Banka Slovenije ter člani njenih organov odločanja so neodvisni in pri opravljanju nalog po tem zakonu niso vezani na sklepe, stališča in navodila državnih ali katerihkoli organov, niti se ne smejo nanje obračati po navodila ali usmeritve.

3. člen (Sedež Banke Slovenije)

(1) Banka Slovenije ima sedež v Ljubljani.

(2) Banka Slovenije posluje pod imenom »Banka Slovenije«.

4. člen (Cilji Banke Slovenije)

1. BASIC PROVISIONS

Article 1 (Status of the Bank of Slovenia)

(1) The Bank of Slovenia is the central bank of the Republic of Slovenia.

(2) The Bank of Slovenia shall have legal personality, governed by public law, and shall independently dispose of its own property.

(3) The Bank of Slovenia shall be wholly owned by the State and shall be autonomous as regards its finances and administration.

Article 2 (Position of the Bank of Slovenia)

The Bank of Slovenia and members of its decision-making bodies shall be independent, and in performing tasks pursuant to this Act shall not be bound by any decisions, views or instructions issued by the State or any other authorities, nor shall they seek any instructions or guidelines from them.

Article 3 (Headquarters of the Bank of Slovenia)

(1) The Bank of Slovenia shall have its headquarters in Ljubljana.

(2) The Bank of Slovenia shall operate under the name 'Banka Slovenije' ('Bank of Slovenia').

Article 4 (The Bank of Slovenia's objectives)

(1) Temeljni cilj Banke Slovenije je stabilnost cen.

(2) Če ni v nasprotju z zagotavljanjem cilja stabilnosti cen, Banka Slovenije podpira splošno ekonomsko politiko v skladu s cilji določenimi v Pogodbi o ustanovitvi Evropske skupnosti (Uradni list RS – Mednarodne pogodbe, št. 7/04).

(3) Pri zagotavljanju temeljnega cilja iz prvega odstavka tega člena in cilja iz drugega odstavka tega člena si Banka Slovenije prizadeva za finančno stabilnost, upoštevajoč načeli odprtega tržnega gospodarstva in proste konkurence.

2. KAPITAL IN REZERVE BANKE SLOVENIJE

5. člen (Osnovni kapital Banke Slovenije)

(1) Banka Slovenije ima osnovni kapital, ki se oblikuje iz dela splošnih rezerv Banke Slovenije v višini 2 milijard tolarjev na dan uveljavitve tega zakona.

(2) Osnovni kapital Banke Slovenije se lahko poveča iz oblikovanih splošnih rezerv v višini, ki jo določi Svet Banke Slovenije.

6. člen (Rezerve Banke Slovenije)

(1) Rezerve Banke Slovenije sestavljajo splošne rezerve in posebne rezerve.

(2) Splošne rezerve so namenjene kritju splošnih tveganj pri poslovanju Banke Slovenije. Posebne rezerve so namenjene pokrivanju tečajnih in cenovnih tveganj.

(1) The primary objective of the Bank of Slovenia shall be to maintain price stability.

(2) Without prejudice to the objective of ensuring price stability, the Bank of Slovenia shall support general economic policy in accordance with the objectives set in the Treaty establishing the European Community (Official Gazette of the Republic of Slovenia – International Treaties [*Uradni list RS – Mednarodne pogodbe*], No. 7/04).

(3) In pursuing the primary objective referred to in paragraph one of this Article and the objectives referred to in paragraph two of this Article, the Bank of Slovenia shall strive for financial stability, while taking into account the principles of an open market economy and free competition.

2. CAPITAL AND RESERVES OF THE BANK OF SLOVENIA

Article 5 (Initial capital of the Bank of Slovenia)

(1) The Bank of Slovenia's initial capital shall be constituted of a proportion of the Bank of Slovenia's general reserves in the amount of SIT 2 billion on the day of entry into force of this Act.

(2) The Bank of Slovenia's initial capital may be increased by allocating funds from the general reserves in an amount to be determined by the Governing Board of the Bank of Slovenia.

Article 6 (Reserves of the Bank of Slovenia)

(1) The Bank of Slovenia's reserves shall be composed of general reserves and special reserves.

(2) General reserves shall serve to cover general market risks associated with the Bank of Slovenia's operations. Specific reserves shall serve to cover foreign exchange risk and price risks.

(3) Posebne rezerve se oblikujejo v višini nerealiziranih prihodkov iz naslova tečajnih in cenovnih sprememb.

(4) Višina splošnih rezerv ni omejena in se oblikuje iz presežka prihodkov nad odhodki v skladu z delitvijo le-tega iz 50. člena tega zakona.

3. IZDAJANJE BANKOVCEV IN KOVANCEV

7. člen (Izdajanje bankovcev)

(1) Banka Slovenije je pooblaščenca za izdajanje bankovcev, ki so neomejeno zakonito plačilno sredstvo v Republiki Sloveniji ter za določanje apoenov in njihovih glavnih znamenj.

(2) Denarno enoto Republike Slovenije določa poseben zakon.

(3) Obveznost na podlagi izdanih bankovcev je za Banko Slovenije trajna.

8. člen (Izdajanje kovancev)

(1) Republika Slovenija izdaja kovance, ki so omejeno zakonito plačilno sredstvo in določa apoene ter njihova glavna znamenja. Banka Slovenije ob soglasju ministrstva, pristojnega za finance določa zgornjo mejo poravnavanja dolžniško-upniških razmerij s kovanci, ki jo je upnik dolžan spoštovati.

(2) Strokovne in tehnične naloge v zvezi z izdajo kovancev opravlja Banka Slovenije na podlagi pogodbe med Banko Slovenije in ministrstvom, pristojnim za finance.

(3) Izdajanje priložnostnih kovancev je urejeno s posebnim zakonom.

(3) Specific reserves shall be constituted in the amount of unrealised gain deriving from exchange rate and price changes.

(4) The amount of general reserves shall be unlimited and shall be constituted from the surplus of receipts over expenditure in accordance with the allocation referred to in Article 50 of this Act.

3. ISSUANCE OF BANKNOTES AND COINS

Article 7 (Issuance of banknotes)

(1) The Bank of Slovenia shall have power to issue banknotes, which are unlimited legal tender in the Republic of Slovenia, and determine denominations and their main features.

(2) The monetary unit of the Republic of Slovenia shall be laid down by a special law.

(3) The liability of the Bank of Slovenia arising from banknotes issued shall be permanent.

Article 8 (Issuance of coins)

(1) The Republic of Slovenia shall issue coins, which are limited legal tender, and determine denominations and their main features. The Bank of Slovenia shall, subject to the consent of the ministry responsible for finance, define an upper limit for the settlement of debt-credit relations by means of coins with which creditors shall comply.

(2) The Bank of Slovenia shall perform expert and technical tasks related to the issuance of coins pursuant to a contract between the Bank of Slovenia and the ministry of finance.

(3) A special law shall govern commemorative coin issues.

9. člen

(Oskrbovanje območja Republike Slovenije z bankovci in kovanci)

(1) Banka Slovenije odloča o dajanju bankovcev in kovancev v obtok in o njihovem jemanju iz obtoka in organizira oskrbovanje območja Republike Slovenije z bankovci in kovanci.

(2) Najnižji apoen v prometu, s katerim se zaokroži končni obračun v gotovinskem in brezgotovinskem plačilnem prometu in v poslovnih knjigah, določi Banka Slovenije.

(3) Bankovci in kovanci, ki se vzamejo iz obtoka se zamenjajo v rokih in na način, ki jih določi Banka Slovenije.

(4) Banka Slovenije zamenja bankovce in kovance, ki so postali neprimerni za promet, in sicer: obrabljene bankovce v polnem znesku, poškodovane bankovce in kovance pa po pogojih, ki jih sama določi.

(5) Banka Slovenije lahko s podzakonskimi predpisi uredi vsa vprašanja povezana z izdajanjem in oskrbovanjem bankovcev ter oskrbovanjem kovancev.

10. člen

(Pristnost bankovcev in kovancev)

Banka Slovenije ima izključno pravico dajati strokovno mnenje o pristnosti bankovcev in kovancev, ki se glasijo na slovenski tolar.

4. NALOGE BANKE SLOVENIJE

4.1. Splošne določbe

Article 9

(Supply of banknotes and coins within the territory of the Republic of Slovenia)

(1) The Bank of Slovenia shall decide on placing banknotes and coins in circulation and on withdrawing them from circulation, and shall organise the supply of banknotes and coins within the territory of the Republic of Slovenia.

(2) The Bank of Slovenia shall determine the smallest denomination in circulation used to round up the final statement of accounts in cash payments and non-cash transactions, and in books of account.

(3) Banknotes and coins withdrawn from circulation shall be replaced within the deadlines and in the manner determined by the Bank of Slovenia.

(4) The Bank of Slovenia shall replace banknotes and coins unfit for circulation as follows: worn-out banknotes in the full amount, while damaged banknotes and coins shall be replaced under terms and conditions determined by the Bank of Slovenia.

(5) The Bank of Slovenia may adopt an implementing regulation to regulate all issues related to the issuance and supply of banknotes and supply of coins.

Article 10

(Authenticity of banknotes and coins)

The Bank of Slovenia shall have the exclusive right to give an expert opinion on the authenticity of Slovenian tolar banknotes and coins.

4. TASKS OF THE BANK OF SLOVENIA

4.1 General provisions

11. člen

(Naloge Banke Slovenije v zvezi z izvajanjem denarne politike)

Pri uresničevanju nalog in pooblastil po tem in drugih zakonih, Banka Slovenije predvsem:

1. oblikuje in uresničuje denarno politiko,
2. oblikuje in uresničuje denarni nadzor,
3. je odgovorna za splošno likvidnost bančnega sistema,
4. sodeluje pri transakcijah na deviznih in finančnih trgih,
5. sprejema v depozit sredstva bank in hranilnic,
6. odpira račune bankam in hranilnicam,
7. ureja plačilne sisteme.

12. člen

(Druge naloge Banke Slovenije)

(1) Poleg nalog iz prejšnjega člena Banka Slovenije opravlja tudi druge naloge, zlasti:

1. ima in upravlja uradne devizne rezerve in drugo svoje premoženje;
2. upravlja drugo aktivo, ki ji je zaupana;
3. lahko deluje kot plačilni in/ali fiskalni agent države ter kot predstavnik države v mednarodnih denarnih organizacijah;
4. vodi račune za Republiko Slovenijo in državne organe;
5. vodi račune za osebe javnega prava;
6. vodi račune za domače in tuje banke, vključno z bankami s sedežem v državah članicah Evropske unije, tuje države, vključno z državami članicami Evropske unije, tuje centralne banke, vključno s članicami Evropskega sistema centralnih bank, mednarodne organizacije, institucije Evropske unije, druge domače in tuje finančne organizacije ter druge udeležence na finančnem trgu in lahko sprejema v depozit njihova sredstva;
7. lahko sprejema v depozit sredstva oseb iz 4. in 5. točke tega odstavka;
8. lahko vodi račune nematerializiranih vrednostnih papirjev in opravlja

Article 11

(Tasks related to implementation of monetary policy by the Bank of Slovenia)

In performing its tasks and exercising its powers pursuant to this Act and other laws, the Bank of Slovenia shall, in particular:

1. define and implement monetary policy,
2. define and implement monetary control,
3. be responsible for the banking system's general liquidity,
4. participate in foreign exchange and financial market transactions,
5. accept on deposit funds from banks and savings banks,
6. open accounts for banks and savings banks,
7. regulate payment systems.

Article 12

(Other tasks of the Bank of Slovenia)

(1) In addition to the tasks referred to in the preceding Article, the Bank of Slovenia shall also engage in other tasks, in particular:

1. it shall hold and manage official foreign reserves and its other assets;
2. it shall manage other assets entrusted to it;
3. it may act as a payment and/or fiscal agent for the State and as a representative of the State in international monetary organisations;
4. it shall maintain accounts for the Republic of Slovenia and State bodies;
5. it shall maintain accounts for public entities;
6. it shall maintain accounts for domestic and foreign banks, including banks with their registered office in the Member States of the European Union, foreign countries, including the Member States of the European Union, foreign central banks, including members of the European System of Central Banks, international organisations, institutions of the European Union, other domestic and foreign financial organisations and other financial market participants, and may accept their funds on deposit;
7. it may accept on deposit funds from persons referred to in points 4 and 5 of this paragraph;
8. it may maintain accounts of book-entry securities and provide

storitve v zvezi z vrednostnimi papirji za osebe iz 6. točke tega odstavka;

9. oblikuje, uveljavlja in nadzoruje sistem pravil za varno in skrbno poslovanje bank in hranilnic;
10. zagotavlja informacijski sistem za nemoteno opravljanje vseh svojih nalog;
11. opravlja naloge finančne, denarne, bančne in plačilnobilnačne statistike najmanj v mejah, potrebnih za delovanje Evropskega sistema centralnih bank, lahko pa opravlja tudi druge naloge finančne statistike;
12. lahko vzpostavi in vodi register bančnih kreditov in drugega finančnega premoženja;
13. opravlja plačilni promet za osebe iz 4., 5. in 6. točke tega odstavka;
14. bankam, hranilnicam in družbam za izdajanje elektronskega denarja lahko odobrava posojila ob ustreznem zavarovanju, upoštevajoč 101. in 102. člen Pogodbe o ustanovitvi Evropske skupnosti in 21. člen Statuta Evropskega sistema centralnih bank in Evropske centralne banke (Uradni list RS – Mednarodne pogodbe, št. 7/04, v nadaljnjem besedilu: Statut ESCB in ECB);
15. izvaja pregled nad delovanjem plačilnih in poravnalnih sistemov;
16. lahko upravlja sistem za poravnavo poslov z vrednostnimi papirji.

(2) Od dneva uvedbe eura kot valute Republike Slovenije opravlja Banka Slovenije nalogo iz 3. točke prejšnjega odstavka po odobritvi Evropske centralne banke v skladu s 67.a členom tega zakona.

13. člen

(Zbiranje in obdelava podatkov in informacij, vključno s statističnimi podatki in informacijami)

(1) Banka Slovenije je odgovorna za evidentiranje, zbiranje, obdelavo in izkazovanje podatkov in informacij, vključno s statističnimi podatki in informacijami, ki se nanašajo na uresničevanje njenih nalog po 5. členu Statuta ESCB in ECB, po tem zakonu in drugih zakonih.

(2) Banka Slovenije lahko od pravnih oseb, samostojnih

services in connection with securities for persons referred to in point 6 of this paragraph;

9. it shall define, implement and supervise a system of prudential rules for the operation of banks and savings banks;
10. it shall provide an information system necessary for the smooth performance of all its tasks;
11. it shall perform financial, monetary, banking and balance of payments statistics tasks, at a minimum within the limits required for the functioning of the European System of Central Banks, and may also perform other financial statistics tasks;
12. it may establish and administer a register of bank credit and other financial assets;
13. it shall perform payment transactions for persons referred to in points 4, 5 and 6 of this paragraph;
14. it may grant loans to banks, savings banks and electronic money institutions, given adequate collateral, taking into account Articles 101 and 102 of the Treaty establishing the European Community and Article 21 of the Statute of the European System of Central Banks and of the European Central Bank (Official Gazette of the Republic of Slovenia [Uradni list RS] – International Treaties, No. 7/04) (hereinafter: the Statute of the ESCB and ECB);
15. it shall oversee the operation of payment and settlement systems;
16. it may manage a securities settlement system.

(2) From the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall perform the task referred to in point 3 of the preceding paragraph upon approval of the European Central Bank, in accordance with Article 67a of this Act.

Article 13

(Collection and processing of data and information, including statistical data and information)

(1) The Bank of Slovenia shall be responsible for recording, collecting, processing and disclosing data and information, including statistical data and information, relating to the performance of its tasks referred to in Article 5 of the Statute of the ESCB and ECB, in accordance with this Act and other laws.

(2) The Bank of Slovenia may request from legal persons, sole

podjetnikov posameznikov, posameznikov, ki samostojno opravljajo dejavnost, podružnic pravnih oseb iz držav članic Evropske unije ali podružnic tujih pravnih oseb zahteva podatke in informacije, ki jih potrebuje zaradi obveznosti iz prejšnjega odstavka ali zaradi izvajanja drugih nalog po tem ali drugem zakonu.

(3) Banka Slovenije predpiše način in obseg evidentiranja, zbiranja, obdelave, izkazovanja in prenosa podatkov in informacij, potrebnih za izvajanje nalog po tem in drugih zakonih.

(4) Banka Slovenije in ministrstvo, pristojno za finance, si morata pošiljati podatke in informacije, pomembne za delovanje denarnega in finančnega sistema.

(5) Banka Slovenije je podatke in informacije, ki jih potrebuje za izvajanje nalog po tem ali drugem zakonu, upravičena dobivati brezplačno.

14. člen (Plačilni sistemi)

(1) Banka Slovenije v skladu s pooblastilom iz 11. člena tega zakona usmerja, vodi, podpira in nadzira delovanje plačilnih sistemov.

(2) Banka Slovenije opravlja nadzor nad zakonitostjo in pravilnostjo delovanja plačilnih sistemov v Republiki Sloveniji po tem in drugih zakonih.

14.a člen (Opredelitev bank in hranilnic)

Pojem banke in hranilnice po tem zakonu zajema:

1. banke in hranilnice s sedežem v Republiki Sloveniji, ki imajo dovoljenje Banke Slovenije za opravljanje bančnih storitev;
2. podružnice tujih bank v Republiki Sloveniji, ki imajo dovoljenje Banke

traders, individuals independently pursuing an activity, branches of legal persons from the Member States of the European Union or branches of foreign legal persons, any data and information required for the fulfilment of its obligations referred to in the preceding paragraph, or to perform other tasks pursuant to this Act or any other law.

(3) The Bank of Slovenia shall prescribe the manner and scope of recording, collecting, processing, disclosing and transferring of data and information required for the performance of the tasks under this Act and other laws.

(4) The Bank of Slovenia and the ministry responsible for finance shall exchange data and information of importance to the functioning of the monetary and financial system.

(5) The Bank of Slovenia shall be entitled to receive free of charge the data and information that it requires for the performance of tasks pursuant to this Act or any other law.

Article 14 (Payment systems)

(1) In accordance with the mandate pursuant to Article 11 of this Act, The Bank of Slovenia shall steer, manage, support and supervise the functioning of the payment systems.

(2) The Bank of Slovenia shall supervise the legality and regularity of the functioning of payment systems in the Republic of Slovenia pursuant to this Act and other laws.

Article 14a (Definition of banks and savings banks)

The term 'banks and savings banks' in accordance with this Act shall comprise:

1. banks and savings banks with their registered office in the Republic of Slovenia that hold Bank of Slovenia authorisation to provide banking services;
2. branches of foreign banks in the Republic of Slovenia that hold a

- Slovenije za ustanovitev;
3. podružnice bank držav članic Evropske unije v Republiki Sloveniji, ki so v skladu z zakonom, ki ureja bančništvo, pooblaščenim opravljati bančne storitve na območju Republike Slovenije;
 4. družbe za izdajanje elektronskega denarja v skladu z Zakonom o plačilnem prometu (Uradni list RS, št. 105/04 – uradno prečiščeno besedilo in 100/05 – odločba US).

4.2. Denarna politika in politika deviznega tečaja

15. člen (Denarni ukrepi in nadzor)

(1) Banka Slovenije lahko v zvezi z nalogami iz 11. in 12. člena tega zakona sprejema ukrepe in izvaja nadzor.

(2) Pri izvajanju pooblastil iz prejšnjega odstavka lahko Banka Slovenije:

1. opredeli pogoje in instrumente za uravnavanje kreditne aktivnosti in likvidnosti bank in hranilnic ter pogoje in instrumente za uravnavanje količine denarja v obtoku,
2. za doseganje ciljev denarne politike in politike deviznega tečaja sprejema ukrepe v zvezi z obrestnimi merami in deviznim tečajem.

(3) Banka Slovenije določi splošne pogoje in pravila za operacije, ki jih izvaja na podlagi prejšnjega odstavka tega člena.

16. člen (Denarni trg)

(1) Za trgovanje na denarnem trgu po tem zakonu se šteje trgovanje s finančnimi instrumenti z ročnostjo, krajšo od enega leta, zlasti:

- trgovanje s kratkoročnimi dolžniškimi vrednostnimi papirji,

- Bank of Slovenia licence for establishment;
3. branches of banks of the Member States of the European Union in the Republic of Slovenia that are authorised to provide banking services on the territory of the Republic of Slovenia in accordance with the act regulating banking;
 4. electronic money institutions in accordance with the Payment Transactions Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 105/04 – official consolidated text and 100/05 – Dec. of the CC).

4.2 Monetary and exchange rate policy

Article 15 (Monetary measures and control)

(1) In connection with the tasks referred to in Articles 11 and 12 of this Act, the Bank of Slovenia may adopt measures and conduct supervision.

(2) In exercising the powers referred to in the preceding paragraph, the Bank of Slovenia may:

1. define the conditions and instruments for regulating the credit activity and liquidity of banks and savings banks, as well as conditions and instruments for regulating the quantity of money in circulation,
2. adopt measures related to interest rates and exchange rates in order to achieve monetary and exchange rate policy objectives.

(3) The Bank of Slovenia shall define the general conditions and rules for its operations pursuant to the preceding paragraph of this Article.

Article 16 (Money market)

(1) Trading on the money market pursuant to this Act shall mean trading in financial instruments with a maturity of up to one year, in particular:

- trading in short-term debt securities,

- začasni nakup in začasna prodaja vrednostnih papirjev,
- trgovanje z izvedenimi finančnimi instrumenti, katerih cena je odvisna od obrestnih mer oziroma cen tujih valut.

(2) Banka Slovenije lahko po predhodnem mnenju Agencije za trg vrednostnih papirjev določi pravila trgovanja na denarnem trgu, v katerih določi zlasti:

- finančne instrumente, za katere veljajo pravila,
- pravila za trgovanje,
- pravila za poravnavo sklenjenih poslov,
- pravila za izračun in objavo podatkov o sklenjenih poslih.

17. člen **(Operacije na odprtem trgu)**

(1) Zaradi uresničevanja ciljev in izpolnjevanja nalog denarne politike lahko Banka Slovenije na finančnih trgih kupuje ali prodaja, promptno ali terminsko, dokončno ali začasno, posoja ali si izposoja tržne in netržne finančne instrumente, vključno s plemenitimi kovinami, ter izdaja vrednostne papirje v domači ali v tujih valutah in zanje vodi register.

(2) Banka Slovenije določi pogoje in splošna pravila svojih operacij na odprtem trgu.

18. člen **(Kreditni in posojilni posli)**

(1) Zaradi uresničevanja ciljev in izpolnjevanja nalog po tem zakonu lahko Banka Slovenije z bankami in hranilnicami in drugimi tržnimi udeleženci sklepa kreditne in posojilne posle, ki temeljijo na ustreznem zavarovanju.

(2) Banka Slovenije določi pogoje kreditne in posojilne ponudbe, oblike poslov in vrsto premoženja za zavarovanje.

- repurchase agreement and repurchase of securities,
- trading in financial derivatives the price of which depends on interest rates or the prices of foreign currencies.

(2) The Bank of Slovenia may, upon obtaining a prior opinion from the Securities Market Agency, adopt money market trading rules, which shall lay down in particular:

- financial instruments to which the rules apply,
- trading rules,
- rules for settlement of concluded transactions,
- rules for the calculation and publication of data on concluded transactions.

Article 17 **(Open market operations)**

(1) In order to achieve the objectives of monetary policy and to implement monetary policy tasks, the Bank of Slovenia may operate on financial markets by buying or selling, on a spot or forward basis, and whether outright or under repurchase agreement; by lending or borrowing marketable and non-marketable financial instruments on financial markets, including precious metals; and by issuing securities denominated in domestic or foreign currencies and maintaining a register for them.

(2) The Bank of Slovenia shall determine the terms and general rules for its open market operations.

Article 18 **(Credit and lending transactions)**

(1) The Bank of Slovenia may, in order to achieve objectives and carry out tasks under this Act, conduct credit and lending transactions, based on adequate collateral, with banks and savings banks, and with other market participants.

(2) The Bank of Slovenia shall determine the terms and conditions for credit and lending offers, the forms of transactions, and the type of assets to be used as collateral.

19. člen
(Obvezne rezerve)

(1) Banka Slovenije določa obliko in višino obveznih rezerv bank in hranilnic in predpiše določen odstotek sredstev, ki jih morajo banke in hranilnice imeti na računu pri Banki Slovenije.

(2) Banka Slovenije lahko določi različne odstotke po vrsti, rokih in velikosti depozitov in drugih sredstev bank in hranilnic, oziroma lahko določi, da se za določene depozite in druga sredstva ne obračunava obveznih rezerv.

(3) Banka Slovenije obrestuje sredstva obveznih rezerv in določa nadomestilo za nedosežene in nepravilno uporabljene obvezne rezerve.

(4) Banka Slovenije določa način in roke za izračun, izpolnitev in uporabo obveznih rezerv.

20. člen
(Drugi instrumenti denarne politike)

Zaradi uresničevanja ciljev in izpolnjevanja nalog, ki jih ima po tem zakonu, lahko Banka Slovenije odloči o uporabi drugih instrumentov denarne politike za katere oceni, da so potrebni.

21. člen
(Politika deviznega tečaja)

Banka Slovenije vodi politiko tečaja domače valute, ki je skladna z doseganjem temeljnega cilja iz 4. člena tega zakona.

22. člen
(Operacije na deviznih trgih)

Article 19
(Minimum reserves)

(1) The Bank of Slovenia shall determine the form and amount of minimum reserves to be held by banks and savings banks, and shall prescribe the percentage of assets that banks and savings banks must hold in their account with the Bank of Slovenia.

(2) The Bank of Slovenia may lay down different percentages depending on the type, maturity and amount of deposits and other assets of banks and savings banks, and may exempt certain deposits and other assets from the minimum reserves calculation, respectively.

(3) The Bank of Slovenia shall remunerate assets held as minimum reserves and shall determine a charge for shortfall and misuse of minimum reserves.

(4) The Bank of Slovenia shall determine the method of and the deadlines for calculating, maintenance and the use of minimum reserves.

Article 20
(Other monetary policy instruments)

In order to achieve objectives and carry out its tasks pursuant to this Act, the Bank of Slovenia may decide on the use of other monetary policy instruments which it considers necessary.

Article 21
(Exchange rate policy)

The Bank of Slovenia shall conduct an exchange rate policy for domestic currency that accords with achieving the primary objective referred to in Article 4 of this Act.

Article 22
(Operations in foreign exchange markets)

(1) Banka Slovenije uresničuje politiko deviznega tečaja v skladu s cilji in pooblastili za vodenje denarne politike predvsem pa:

1. z nakupi in prodajami, promptnimi in terminskimi, začasnimi in dokončnimi, deviz ali katerekoli oblike deviznih dobroimetij, vključno z vrednostnimi papirji v tuji valuti, ter plemenitih kovin,
2. z vsemi vrstami bančnih poslov z domačimi in tujimi institucijami vključno s posojanjem in izposojanjem.

(2) Banka Slovenije lahko pri operacijah iz prejšnjega odstavka posluje z drugimi centralnimi bankami, tujimi finančnimi institucijami ter mednarodnimi finančnimi organizacijami.

(3) Banka Slovenije je imetnik in upravljelec deviznih dobroimetij, ki jih pridobiva v operacijah na deviznih trgih ali v drugih oblikah bančnih operacij.

22.a člen **(Izvršba na sredstva deviznih rezerv)**

Sredstva uradnih deviznih rezerv drugih držav in centralnih bank, ki so deponirana pri Banki Slovenije, ne morejo biti predmet sodne ali izvensodne izvršbe.

4.2.a Register finančnega premoženja

22.b člen **(Register finančnega premoženja)**

(1) Banka Slovenije lahko vzpostavi in vodi register bančnih kreditov in drugega finančnega premoženja iz 12. točke prvega odstavka 12. člena tega zakona (v nadaljevanju: finančno premoženje), ki se uporablja za zavarovanje obveznosti do Banke Slovenije, Evropske centralne banke in nacionalnih centralnih bank držav članic Evropskega sistema centralnih bank.

(1) The Bank of Slovenia shall implement the exchange rate policy in accordance with monetary policy objectives and powers, in particular:

1. by buying and selling, on a spot and forward basis, under repurchase agreement and outright, foreign exchange or any other form of foreign exchange assets, including securities denominated in foreign currency, and precious metals,
2. by conducting all types of banking transactions with domestic and foreign institutions, including lending and borrowing.

(2) The Bank of Slovenia may conduct the operations referred to in the preceding paragraph with other central banks, foreign financial institutions and international financial organisations.

(3) The Bank of Slovenia shall hold and manage foreign exchange assets that it acquires through foreign exchange markets operations or through other forms of banking operations.

Article 22a **(Execution on foreign reserves assets)**

The official foreign reserves assets of other countries and central banks deposited at the Bank of Slovenia may not be subject to judicial or extra-judicial execution.

4.2a Register of financial assets

Article 22b **(Register of financial assets)**

(1) The Bank of Slovenia may establish and administer a register of bank credits and other financial assets referred to in point 12 of paragraph one of Article 12 of this Act (hereinafter: financial assets), to be used as collateral for liabilities to the Bank of Slovenia, the European Central Bank and the national central banks of Member States of the European System of Central Banks.

(2) V register iz prvega odstavka tega člena se vpisujejo podatki o finančnem premoženju ter pravicah Banke Slovenije, Evropske centralne banke in nacionalnih centralnih bank držav članic Evropskega sistema centralnih bank iz finančnega zavarovanja.

(3) Banka Slovenije s podzakonskim predpisom določi pogoje, ki jih mora izpolnjevati finančno premoženje, ki se vpisuje v register pri Banki Slovenije, postopke in vsebino vpisov v register, način vodenja, povezovanja, vpogleda in izpisa podatkov iz registra ter tarifo za upravljanje registra.

22.c člen (Vpis pravic)

(1) Imetnik finančnega premoženja lahko kot zavarovanje, ki se vpiše v register, ponudi le premoženje, za katerega je v dobri veri, da na njem ne obstajajo pravice, ki bi bile prizadete zaradi prednostne pravice iz 22.f člena tega zakona.

(2) Banka Slovenije vpiše pravico iz finančnega zavarovanja v register, če je imetnik finančnega premoženja o vzpostavitvi te pravice obvestil dolžnika iz finančnega premoženja in o tem predložil ustrezno potrdilo Banki Slovenije. Od trenutka, ko je dolжник obveščen o vzpostavitvi pravice iz finančnega zavarovanja, lahko svojo obveznost veljavno izpolni le imetniku pravice iz finančnega zavarovanja.

(3) Finančno premoženje, ki se vpiše v register, se označi z enolično identifikacijsko oznako. S to oznako in podatkom, da je finančno premoženje dano v zavarovanje, se označi tudi listina, ki dokazuje obstoj finančnega premoženja, če listina obstaja.

22.d člen (Uporaba drugih zakonov)

(2) Data on financial assets and on the rights of the Bank of Slovenia, the European Central Bank and the national central banks of Member States of the European System of Central Banks deriving from financial collateral shall be entered in the register referred to in paragraph one of this Article.

(3) The Bank of Slovenia shall by virtue of secondary legislation set out the conditions that must be fulfilled by financial assets being entered in the register at the Bank of Slovenia, lay down the procedures for and define the content of entries in the register, its administration, connectivity, the conditions for viewing the register and extraction of data from it, and determine the fees to be charged for administering the register.

Article 22c (Registration of rights)

(1) Only financial assets that the holders believe in good faith to be free of rights that would be encroached by the right of priority specified in Article 22f of this Act may be offered as collateral to be entered in the register.

(2) The Bank of Slovenia shall enter a right deriving from financial collateral in the register if the holder of financial assets informed the debtor under financial assets of the establishment of that right and presented adequate certification thereof to the Bank of Slovenia. From the moment the debtor is informed of the establishment of the right deriving from financial collateral, their obligation may be legitimately fulfilled only to the holder of the right deriving from financial collateral.

(3) Financial assets being entered in the register shall be denoted with a unique identification code. Where such document exists, the document proving the existence of the financial assets shall be marked with this code and with the information that the financial assets have been pledged as collateral.

Article 22d (Application of other laws)

Za finančna zavarovanja iz prvega odstavka 22.b člena tega zakona se uporabljajo določbe zakona, ki ureja finančna zavarovanja.

22.e člen (Javnost podatkov)

(1) Podatki o enolični identifikacijski oznaki in obstoju pravice iz finančnega zavarovanja so javni.

(2) Oseba, ki ji je v zavarovanje ponujeno premoženje, ki se lahko uporablja tudi za zavarovanje obveznosti do oseb iz prvega odstavka 22.b člena tega zakona, lahko pri Banki Slovenije poizve, ali je na tem premoženju vzpostavljena pravica zavarovanja v korist oseb iz prvega odstavka 22.b člena tega zakona. Ta oseba lahko Banko Slovenije pozneje tudi obvesti, da je bilo na tem premoženju vzpostavljeno zavarovanje v njeno korist.

(3) Če je finančno premoženje vpisano v register pri Banki Slovenije, se nihče ne more sklicevati na to, da ni poznal pravic iz finančnega zavarovanja, ki so vpisane v ta register.

(4) Drugi podatki o finančnem premoženju, ki je vpisano v register pri Banki Slovenije se obravnavajo kot poslovna skrivnost.

22.f člen (Dobra vera upnika)

Če je upnik pravico iz finančnega zavarovanja, ki je vpisana v register Banke Slovenije, pridobil v dobri veri glede neobstoja pravic drugih oseb na finančnem premoženju, ima prednostno pravico do poplačila iz zavarovanja ne glede na te pravice drugih oseb.

4.3. Nadzor nad bankami in hranilnicami

23. člen

The provisions of the act governing financial collateral shall apply to financial collateral defined in paragraph one of Article 22b of this Act.

Article 22e (Public nature of data)

(1) Data on the unique identification code and existence of a right deriving from financial collateral shall be public.

(2) A person that has been offered as collateral assets that can be used as collateral for liabilities to persons defined in paragraph one of Article 22b of this Act may enquire at the Bank of Slovenia whether any right of collateral has been established on the assets in favour of persons defined in paragraph one of Article 22b of this Act. Such person may subsequently inform the Bank of Slovenia that the right of collateral has been established on the assets in their favour.

(3) If financial assets are entered in the register at the Bank of Slovenia, no person can claim to have not been aware of the rights deriving from financial collateral entered in that register.

(4) Other data on financial assets entered in the register at the Bank of Slovenia shall be subject to business secrecy.

Article 22f (Creditor's good faith)

If a creditor acquired a right deriving from financial collateral entered in the Bank of Slovenia register in good faith with regard to the non-existence of rights of other persons to the financial assets, such creditor shall have the right of priority in repayment from the financial collateral, irrespective of such rights of other persons.

4.3. Supervision of banks and savings banks

Article 23

(Nadzor nad poslovanjem bank in hranilnic)

(1) Banka Slovenije opravlja nadzor nad bankami, hranilnicami in drugimi osebami na podlagi zakona, ki ureja bančništvo in na tej podlagi oblikuje, uveljavlja in nadzoruje sistem pravil, ki zagotavljajo standarde varnega poslovanja bank in hranilnic.

(2) Pri oblikovanju sistema pravil, uresničevanju nadzora in pri ukrepanju iz prejšnjega odstavka Banka Slovenije upošteva standarde in priporočila, ki jih v ta namen oblikujejo pristojne domače in mednarodne institucije.

4.4. Financiranje javnega sektorja in razmerje Banke Slovenije do Državnega zbora in drugih organov Republike Slovenije

24. člen

(Prepoved kreditiranja in financiranja javnega sektorja)

(1) Banka Slovenije ne sme odobravati okvirnih in drugih kreditov Republiki Sloveniji in drugim osebam ali ustanovam iz prvega odstavka 101. člena Pogodbe o ustanovitvi Evropske skupnosti.

(2) Banka Slovenije ne sme dajati garancij za obveznosti subjektov iz prejšnjega odstavka in ne sme od njih kupovati njihovih dolžniških instrumentov.

25. člen

(Izjeme od prepovedi kreditiranja in financiranja javnega sektorja)

Omejitve iz prejšnjega člena ne veljajo za:

1. banke, hranilnice in druge finančne institucije, ki so v javni lasti, če morajo izpolnjevati enake pogoje kot druge banke, hranilnice in finančne institucije,
2. za potrebe financiranja obveznosti Republike Slovenije do

(Supervision of the operation of banks and savings banks)

(1) The Bank of Slovenia shall supervise banks, savings banks and other persons pursuant to the act regulating banking, and shall on that basis define, implement and control a system of rules ensuring the standards for the prudent operation of banks and savings banks.

(2) In defining the system of rules and the supervising and enforcing of measures under the preceding paragraph, the Bank of Slovenia shall take account of the relevant standards and recommendations drawn up by competent domestic and international institutions for this purpose.

4.4 Public sector financing and relations between the Bank of Slovenia and the National Assembly and other bodies of the Republic of Slovenia

Article 24

(Prohibition of lending to and financing of the public sector)

(1) The Bank of Slovenia shall not grant renewable nor any other type of loans in favour of the Republic of Slovenia and other persons or institutions referred to in paragraph one of Article 101 of the Treaty establishing the European Community.

(2) The Bank of Slovenia shall not issue guarantees for liabilities of the entities referred to in the preceding paragraph, and shall not purchase their debt instruments from them.

Article 25

(Exemptions to the prohibition of lending to and financing of the public sector)

The restrictions referred to in the preceding Article shall not apply to:

1. banks, savings banks and other financial institutions in public ownership, provided that they are obliged to comply with the same conditions as other banks, savings banks and financial institutions,
2. financing of the Republic of Slovenia's liabilities to the International

- Mednarodnega denarnega sklada,
3. posle, ki zadevajo izdajanje kovancev in ne presegajo 10% vrednosti kovancev v obtoku,
 4. premostitvene kredite javnemu sektorju znotraj enega dneva brez možnosti obnavljanja.

26. člen (Poročanje Banke Slovenije)

(1) Ne glede na druge zakone Banka Slovenije o svojem delu poroča izključno Državnemu zboru Republike Slovenije. Banka Slovenije o svojem delu poroča najmanj polletno.

(2) Ne glede na prejšnji odstavek Banka Slovenije poroča tudi organom odločanja Evropskega sistema centralnih bank, v obsegu, določenem s tretjim odstavkom 14. člena Statuta ESCB in ECB.

27. člen (Posli za Republiko Slovenijo)

Banka Slovenije in ministrstvo, pristojno za finance s pogodbo določita vrsto, obseg, pogoje in način izvajanja poslov, ki jih Banka Slovenije opravlja za Republiko Slovenijo na podlagi 3., 4. in 7. točke prvega odstavka 12. člena tega zakona.

5. ORGANI BANKE SLOVENIJE

5.1. Splošna določba

28. člen (Organa Banke Slovenije)

Organa Banke Slovenije sta guverner Banke Slovenije in Svet Banke Slovenije.

- Monetary Fund,
3. operations related to the issuing of coins and not exceeding 10% of the value of coins in circulation,
 4. intraday bridging loans granted in favour of the public sector without the possibility of extension.

Article 26 (Reporting by the Bank of Slovenia)

(1) Notwithstanding other laws, the Bank of Slovenia shall report on its work exclusively to the National Assembly of the Republic of Slovenia. The Bank of Slovenia shall report on its work at least semi annually.

(2) Notwithstanding the preceding paragraph the Bank of Slovenia shall also report to the decision-making bodies of the European System of Central Banks to the extent defined by the third paragraph of Article 14 of the Statute of the ESCB and ECB.

Article 27 (Operations for the Republic of Slovenia)

The Bank of Slovenia and the ministry responsible for finance shall regulate by contract the type, scope, conditions and manner of conducting of operations that the Bank of Slovenia performs for the Republic of Slovenia pursuant to points 3, 4 and 7 of paragraph one of Article 12 of this Act.

5. THE BANK OF SLOVENIA'S BODIES

5.1 General provision

Article 28 (The Bank of Slovenia's decision-making bodies)

The Bank of Slovenia's decision-making bodies shall consist of the Governor of the Bank of Slovenia and the Governing Board of the

Bank of Slovenia.

5.2. Guverner Banke Slovenije

29. člen **(Pristojnosti guvernerja Banke Slovenije)**

(1) Guverner Banke Slovenije vodi poslovanje in organizira delo ter zastopa Banko Slovenije.

(2) Guverner Banke Slovenije izvršuje odločitve Sveta Banke Slovenije in izdaja posamične in splošne akte Banke Slovenije, ki niso v pristojnosti Sveta Banke Slovenije.

(3) Guverner Banke Slovenije lahko izdaja navodila za izvajanje sklepov Sveta Banke Slovenije.

5.3. Svet Banke Slovenije

30. člen **(Sestava Sveta Banke Slovenije)**

(1) Svet Banke Slovenije sestavlja pet članov. Člani Sveta Banke Slovenije so guverner in štirje viceguvernerji.

(2) Guverner Banke Slovenije je predsednik Sveta Banke Slovenije.

(3) Guverner Banke Slovenije lahko pooblasti enega od viceguvernerjev za namestnika guvernerja.

31. člen

5.2 Governor of the Bank of Slovenia

Article 29 **(Powers of the Governor of the Bank of Slovenia)**

(1) The Governor of the Bank of Slovenia shall be in charge of the Bank of Slovenia's operations, the organisation of its work and its representation.

(2) The Governor of the Bank of Slovenia shall execute the decisions taken by the Governing Board of the Bank of Slovenia, and shall adopt the Bank of Slovenia's individual and general legal acts that are not within the scope of powers of the Governing Board of the Bank of Slovenia.

(3) The Governor of the Bank of Slovenia may issue instructions for the implementation of decisions adopted by the Governing Board of the Bank of Slovenia.

5.3 Governing Board of the Bank of Slovenia

Article 30 **(Composition of the Governing Board of the Bank of Slovenia)**

(1) The Governing Board of the Bank of Slovenia shall comprise five members. The members of the Governing Board of the Bank of Slovenia shall be the Governor and four Vice-Governors.

(2) The Governor of the Bank of Slovenia shall chair the Governing Board of the Bank of Slovenia.

(3) The Governor of the Bank of Slovenia may authorise one of the Vice-Governors to act as the Governor's deputy.

Article 31

(Pristojnosti Sveta Banke Slovenije)

(1) Svet Banke Slovenije odloča o zadevah, ki so na podlagi tega ali drugih zakonov v pristojnosti Banke Slovenije.

(2) Svet Banke Slovenije odloča o zadevah iz svojega delovnega področja na sejah.

(3) Svet Banke Slovenije sprejme poslovnik o svojem delu.

(4) Odločitev Sveta Banke Slovenije je sprejeta, če zanjo glasujejo vsaj trije člani.

32. člen

(Druge zadeve v pristojnosti Sveta Banke Slovenije)

(1) Svet Banke Slovenije odloča tudi o drugih zadevah, ki zadevajo poslovanje Banke Slovenije, in sicer:

1. predlaga zunanjega revizorja,
2. ureja pravice in obveznosti iz delovnih razmerij za člane Sveta Banke Slovenije,
3. ugotavlja nezdržljivost opravljanja funkcij članov Sveta Banke Slovenije,
4. se opredeljuje o notranjih administrativnih vprašanjih Banke Slovenije.

(2) Svet Banke Slovenije z ugotovitvami iz tretje točke prejšnjega odstavka tega člena seznani Državni zbor.

33. člen

(Sodelovanje drugih oseb na sejah Sveta Banke Slovenije)

(Powers of the Governing Board of the Bank of Slovenia)

(1) The Governing Board of the Bank of Slovenia shall decide on matters within the scope of the powers of the Bank of Slovenia pursuant to this Act or other laws.

(2) The Governing Board of the Bank of Slovenia shall decide on matters within its field of work in meetings.

(3) The Governing Board of the Bank of Slovenia shall adopt its rules of procedure.

(4) A Governing Board of the Bank of Slovenia decision shall be adopted if at least three members vote in favour of it.

Article 32

(Other matters within the scope of powers of the Governing Board of the Bank of Slovenia)

(1) The Governing Board of the Bank of Slovenia shall also decide on other matters concerning the operations of the Bank of Slovenia, and shall:

1. propose the external auditor,
2. regulate the rights and obligations of members of the Governing Board of the Bank of Slovenia arising from employment relationships,
3. identify the incompatibility of functions performed by the members of the Governing Board of the Bank of Slovenia,
4. decide on internal administrative issues of the Bank of Slovenia.

(2) The Governing Board of the Bank of Slovenia shall notify the National Assembly of its findings under point 3 of the preceding paragraph of this Article.

Article 33

(Participation by other persons in meetings of the Governing Board of the Bank of Slovenia)

(1) Na sejah Sveta Banke Slovenije lahko sodelujeta predstavnik odbora Državnega zbora, pristojnega za finance in monetarno politiko in minister, pristojen za finance, vendar nimata pravice glasovati.

(2) Svet Banke Slovenije lahko glede na vrsto posameznih vprašanj v obravnavi, na sejo vabi tudi strokovnjake za ta vprašanja.

34. člen **(Objava predpisov Banke Slovenije)**

Banka Slovenije splošne akte, ki jih sprejme Svet Banke Slovenije, objavi v Uradnem listu Republike Slovenije.

5.4. Postopek imenovanja in razrešitve članov Sveta Banke Slovenije

35. člen **(Imenovanje guvernerja Banke Slovenije)**

Guvernerja Banke Slovenije imenuje Državni zbor za šest let na predlog predsednika Republike Slovenije in je lahko ponovno imenovan.

36. člen **(Imenovanje viceguvernerjev)**

Viceguvernerje imenuje Državni zbor Republike Slovenije za šest let na predlog predsednika Republike Slovenije in so lahko ponovno imenovani.

37. člen

(1) A representative of the committee of the National Assembly of the Republic of Slovenia responsible for finance and monetary policy, and the minister responsible for finance, may participate in meetings of the Governing Board of the Bank of Slovenia, but shall have no right to vote.

(2) Depending on the nature of the particular subject under consideration, the Governing Board of the Bank of Slovenia may also invite experts in such matters to participate in meetings.

Article 34 **(Publication of regulations adopted by the Bank of Slovenia)**

The Bank of Slovenia shall publish general legal acts adopted by the Governing Board of the Bank of Slovenia in the Official Gazette of the Republic of Slovenia.

5.4 Procedure for appointing and dismissal of Governing Board of the Bank of Slovenia members

Article 35 **(Appointment of the Governor of the Bank of Slovenia)**

The Governor of the Bank of Slovenia shall be appointed by the National Assembly on the proposal of the President of the Republic of Slovenia for a six-year term of office, and may be re-appointed.

Article 36 **(Appointment of Vice-Governors)**

Vice-Governors shall be appointed by the National Assembly of the Republic of Slovenia on the proposal of the President of the Republic of Slovenia for a six-year term of office, and may be re-appointed.

Article 37

(Postopki imenovanja članov Sveta Banke Slovenije)

(1) Guverner Banke Slovenije obvesti predsednika Republike Slovenije in Državni zbor o izteku mandata člana Sveta Banke Slovenije najpozneje šest mesecev pred iztekom mandata.

(2) Predsednik Republike Slovenije objavi v 30 dneh po prejemu obvestila iz prejšnjega odstavka tega člena v Uradnem listu Republike Slovenije poziv za zbiranje predlogov možnih kandidatov za člana Sveta Banke Slovenije.

(3) Predloge je potrebno poslati v roku, ki ne sme biti krajši od 30, v primeru predčasnega prenehanja mandata pa ne krajši od 15 dni po objavi poziva. Predlogi morajo biti obrazloženi, posebej mora biti priloženo pisno soglasje možnega kandidata, da je kandidaturo pripravljen sprejeti.

(4) Izmed prijavljenih možnih kandidatov za člane Sveta Banke Slovenije predsednik Republike Slovenije predlaga Državnemu zboru kandidate za člane Sveta Banke Slovenije, lahko pa predlaga tudi druge kandidate. Predlog poda v 30 dneh po izteku roka iz prejšnjega odstavka. Vsak predlog kandidature mora biti obrazložen in priložena mora biti pisna izjava kandidata, da sprejema kandidaturo.

(5) Državni zbor mora glasovati o predlaganem kandidatu za člana Sveta Banke Slovenije v 30 dneh po predložitvi predloga. Glasovanje je tajno. Predlagani kandidat je imenovan, če zanj glasuje večina vseh poslancev.

(6) Če predlagani kandidat za člana Sveta Banke Slovenije ne dobi potrebne večine poslanskih glasov, predsednik Državnega zbora o tem takoj obvesti predsednika Republike Slovenije, ki v 14 dneh sporoči predsedniku Državnega zbora svojo odločitev o nadaljnjem postopku za

(Appointment procedure for members of the Governing Board of the Bank of Slovenia)

(1) The Governor of the Bank of Slovenia shall notify the President of the Republic of Slovenia and the National Assembly of the termination of the term of office of any member of the Governing Board of the Bank of Slovenia six months prior to such expiry at the latest.

(2) Within 30 days of receipt of the notification under the preceding paragraph of this Article, the President of the Republic of Slovenia shall publish in the Official Gazette of the Republic of Slovenia a call for proposals for potential candidates for member of the Governing Board of the Bank of Slovenia.

(3) Proposals shall be sent within a deadline of no less than 30 days, and respectively within the deadline of no less than 15 days should the term of office end before its expiry, following the publication of the call for proposals. Proposals shall be substantiated and shall include a separate written agreement of consent by the potential candidate that they are willing to accept the candidature.

(4) From among the declared potential candidates for members of the Governing Board of the Bank of Slovenia, the President of the Republic of Slovenia shall nominate to the National Assembly candidates for members of the Governing Board of the Bank of Slovenia and may also nominate other candidates. The nomination shall be made within 30 days of expiry of the deadline defined in the preceding paragraph. Each proposed candidature shall be substantiated and shall include a written statement by the candidate that they accept the candidature.

(5) The National Assembly shall take a vote on the candidate nominated for member of the Governing Board of the Bank of Slovenia within 30 days of submission of the nomination. Voting shall be cast by secret ballot. The nominated candidate shall be appointed if voted for by a majority of all deputies of the National Assembly.

(6) If the candidate nominated for member of the Governing Board of the Bank of Slovenia does not receive the required majority of deputy votes, the President of the National Assembly shall immediately notify the President of the Republic of Slovenia thereof, and the latter

izvolitev člana Sveta Banke Slovenije.

38. člen (Nezdružljivost opravljanja funkcij)

(1) Člani Sveta Banke Slovenije morajo svojo funkcijo opravljati polni delovni čas na podlagi delovnega razmerja z Banko Slovenije.

(2) Funkcija člana Sveta Banke Slovenije ni združljiva:

1. s funkcijami v državnih organih, v organih lokalnih skupnosti, v organih političnih strank in v organih sindikatov,
2. z delom v državnih organih, v organih lokalnih skupnosti in pri drugih nosilcih javnih pooblastil,
3. s članstvom v organih vodenja ali nadzora bank, hranilnic ali drugih gospodarskih družb, zavodov in zadrug,
4. z drugo pridobitno dejavnostjo, razen znanstveno-raziskovalnega dela, če le-ta ni v konfliktu z interesi Banke Slovenije,
5. z drugim delom ali dejavnostmi, ki bi lahko vplivale na njihovo neodvisnost ali bi bile lahko v nasprotju z interesi Banke Slovenije.

(3) Član Sveta Banke Slovenije lahko po imenovanju nastopi svojo funkcijo šele, ko svoj status uskladi z določbami tega člena. Usklajenost in nastop funkcije ugotavlja Svet Banke Slovenije na predlog guvernerja Banke Slovenije. Član Sveta Banke Slovenije je dolžan svoj status uskladiti z določbami tega člena najkasneje v treh mesecih po imenovanju, v nasprotnem primeru z iztekom tega roka odlok o imenovanju preneha veljati.

39. člen (Razrešitev članov Sveta Banke Slovenije)

shall within 14 days notify the President of the National Assembly of his/her decision on the further procedure for electing a member of the Governing Board of the Bank of Slovenia.

Article 38 (Incompatibility of functions)

(1) Members of the Governing Board of the Bank of Slovenia shall carry out their functions as a full working time occupation based on employment at the Bank of Slovenia.

(2) The function of a member of the Governing Board of the Bank of Slovenia shall be incompatible with:

1. functions in State bodies, bodies of local communities, bodies of political parties and trade union bodies,
2. work in State bodies, bodies of local communities, and in other statutory authorities,
3. membership in management or supervisory bodies of banks, savings banks or other commercial companies, institutes and cooperatives,
4. other gainful activity, except scientific and research work that does not conflict with the Bank of Slovenia's interests,
5. other work or activities that might affect their independence or could conflict with the Bank of Slovenia's interests.

(3) Following their appointment, members of the Governing Board of the Bank of Slovenia may begin performing their function only after they have brought their status into line with the provisions of this Article. Compatibility and the taking up of the function shall be established by the Governing Board of the Bank of Slovenia on the proposal of the Governor of the Bank of Slovenia. Members of the Governing Board of the Bank of Slovenia shall bring their status into line with the provisions of this Article within three months of their appointment at the latest, otherwise the decree of appointment shall cease to be valid from the day of expiry of this time limit.

Article 39 (Removal of members of the Governing Board of the Bank of Slovenia)

(1) Član Sveta Banke Slovenije je lahko predčasno razrešen samo:

1. če sam zahteva razrešitev,
2. če v času trajanja mandata nastopijo razlogi za nezdružljivost opravljanja funkcije,
3. če se v predpisanem postopku ugotovi, da ne izpolnjuje več pogojev, ki se zahtevajo za opravljanje njegovih dolžnosti, ali je zagrešil hujšo kršitev. Predpis, ki ureja postopek izda Banka Slovenije v soglasju z ministrom, pristojnim za finance.

(2) Član Sveta Banke Slovenije je predčasno razrešen z dnem, ko Državni zbor Republike Slovenije ugotovi, da je nastopil eden od razlogov iz prejšnjega odstavka tega člena.

(3) Zoper odločitev Državnega zbora Republike Slovenije o razrešitvi je možno sprožiti upravni spor po zakonu, ki ureja upravne spore.

39.a člen

(Uporaba nekaterih določb zakona, ki ureja preprečevanje korupcije)

Za člane Sveta Banke Slovenije se ne uporabljajo določbe zakona, ki ureja preprečevanje korupcije oziroma zakona, ki ureja nezdružljivost opravljanja javne funkcije s pridobitno dejavnostjo, ki se nanašajo na sankcijo predčasnega prenehanja mandata.

5.5. Notranja organizacija Banke Slovenije

40. člen

(Organizacija in poslovanje Banke Slovenije)

(1) A member of the Governing Board of the Bank of Slovenia may be subject to early termination of office only if:

1. they ask to be relieved,
2. grounds for the incompatibility of functions arise during their term of office,
3. it has been found in a prescribed procedure that they no longer fulfil the conditions required for the performance of their duties or that they have been guilty of a serious violation. The Bank of Slovenia shall – in agreement with the minister responsible for finance – adopt a regulation to govern this procedure.

(2) A member of the Governing Board of the Bank of Slovenia shall be subject to early termination of office from the day when the National Assembly of the Republic of Slovenia has concluded that one of the grounds referred to in the preceding paragraph of this Article has arisen.

(3) An administrative dispute in accordance with the act regulating administrative disputes may be instituted against a decision of dismissal from office adopted by the National Assembly of the Republic of Slovenia.

Article 39a

(Application of certain provisions of law governing the prevention of corruption)

The provisions of the act regulating the prevention of corruption and the act regulating the incompatibility of holding public office with gainful activity, respectively, which provide the sanction of early termination of office, shall not apply to the members of the Governing Board of the Bank of Slovenia.

5.5. Internal organisation of the Bank of Slovenia

Article 40

(Organisation and operations of the Bank of Slovenia)

(1) Organizacijo in poslovanje Banke Slovenije urejajo notranji akti, ki jih sprejme guverner Banke Slovenije.

(2) Notranji akt Banke Slovenije določa tudi dela, ki jih opravljajo delavci s posebnimi pooblastili, njihove pravice in dolžnosti ter postopek in čas, za katerega se ti delavci imenujejo.

(3) O imenovanju delavcev iz prejšnjega odstavka odloča Svet Banke Slovenije na predlog guvernerja Banke Slovenije.

41. člen (Notranja revizija)

(1) Za stalen in celovit nadzor nad poslovanjem Banke Slovenije iz 40. člena tega zakona se ustanovi notranja revizija kot samostojni organizacijski del, ki je neposredno podrejen guvernerju.

(2) Notranja revizija opravlja notranje revidiranje poslovanja v skladu s strokovnimi načeli in standardi notranjega revidiranja, kodeksom poklicne etike notranjih revizorjev ter pravili delovanja notranje revizije. Notranja revizija opravlja svoje naloge na podlagi akta, s katerim se določi vrsta, obseg, roki za izvedbo revidiranja ter način poročanja.

(3) Notranja revizija poroča guvernerju Banke Slovenije. Ugotovitve notranje revizije so podlaga za ukrepanje guvernerja.

(4) Notranja revizija najmanj enkrat letno poroča Svetu Banke Slovenije.

42. člen (Pravice in obveznosti zaposlenih v Banki Slovenije)

(1) Pravice, obveznosti in odgovornosti delavcev, ki so v

(1) The organisation and operations of the Bank of Slovenia shall be regulated by internal acts adopted by the Governor of the Bank of Slovenia.

(2) A Bank of Slovenia internal act shall also define the tasks of employees with special authorisations, their rights and duties, and the procedure by which and term for which they are appointed.

(3) The Governing Board of the Bank of Slovenia shall decide on the appointment of employees referred to in the preceding paragraph on the proposal of the Governor of the Bank of Slovenia.

Article 41 (Internal audit)

(1) Internal audit shall be set up as an independent organisational unit, under the Governor's direct authority, to carry out continuous and comprehensive control of the Bank of Slovenia's operations pursuant to Article 40 of this Act.

(2) Internal audit shall conduct an internal auditing of operations in accordance with the professional principles and standards of internal auditing, the code of professional ethics for internal auditors and rules governing internal audit operations. Internal audit shall conduct its tasks on the basis of a regulation laying down the type, scope and deadlines for internal auditing, and the method of reporting.

(3) Internal audit shall report to the Governor of the Bank of Slovenia. The internal audit findings shall be the basis for measures to be taken by the Governor.

(4) Internal audit shall report to the Governing Board of the Bank of Slovenia at least once a year.

Article 42 (Rights and obligations of staff of the Bank of Slovenia)

(1) The rights, obligations and responsibilities of the staff

delovnem razmerju v Banki Slovenije, so določene z notranjim aktom, ki ga sprejme Svet Banke Slovenije v skladu z zakonom, ki ureja delovna razmerja.

(2) Pravice, obveznosti in odgovornosti guvernerja in viceguvernerjev, ki izvirajo iz delovnega razmerja, se določijo z notranjim aktom, ki ga sprejme Svet Banke Slovenije v skladu z zakonom, ki ureja delovna razmerja.

(3) Pravice, obveznosti in odgovornosti delavcev s posebnimi pooblastili iz 40. člena tega zakona, ki izvirajo iz delovnih razmerij, se določijo z notranjim aktom v skladu z zakonom, ki ureja delovna razmerja. Notranji akt sprejme Svet Banke Slovenije na predlog guvernerja Banke Slovenije.

(4) Notranji akti iz prvega, drugega in tretjega odstavka tega člena se objavijo v Uradnem listu Republike Slovenije.

6. POSTOPEK ODLOČANJA BANKE SLOVENIJE V POSAMIČNIH ZADEVAH

42.a člen **(Uporaba določb zakona, ki ureja bančništvo)**

Za postopke odločanja v posamičnih zadevah Banka Slovenije smiselno uporablja določbe zakona, ki ureja bančništvo.

43. člen **(Pristojnosti nadzora)**

(1) Banka Slovenije v okviru svojih pristojnosti z nadzorom bank in hranilnic ter drugih oseb v skladu z zakonom, preverja izvajanje določb tega in drugih zakonov ter na njihovi podlagi izdanih predpisov ter ukrepov.

employed by the Bank of Slovenia shall be laid down in an internal act adopted by the Governing Board of the Bank of Slovenia in accordance with the law governing employment relationships.

(2) The rights, obligations and responsibilities of the Governor and Vice-Governors which arise from employment relationships shall be laid down in an internal act adopted by the Governing Board of the Bank of Slovenia in accordance with the law governing employment relationships.

(3) The rights, obligations and responsibilities of staff with special authorisations pursuant to Article 40 of this Act deriving from employment relationships shall be laid down in an internal act in accordance with the law governing employment relationships. The Governing Board of the Bank of Slovenia shall adopt the internal act on the proposal of the Governor of the Bank of Slovenia.

(4) The internal rules referred to in paragraphs one, two and three of this Article shall be published in the Official Gazette of the Republic of Slovenia.

6. DECISION-MAKING PROCEDURE OF THE BANK OF SLOVENIA IN INDIVIDUAL MATTERS

Article 42.a **(Application of provisions of act regulating banking)**

The Bank of Slovenia shall apply *mutatis mutandis* the act regulating banking in its decision-making procedures in individual matters.

Article 43 **(Powers to conduct supervision)**

(1) Within the scope of its powers, the Bank of Slovenia shall examine the implementation of this Act and other laws and of regulations issued and implementing regulations issued on the basis thereof, by supervising banks and savings banks and other persons in accordance

(2) Banka Slovenije je pristojna za nadzor nad izvajanjem Uredbe Sveta (ES) št. 2182/2004 z dne 6. decembra 2004 o medaljah in žetonih, podobnih eurokovancem (UL L št. 373, 21. 12. 2004, str. 1, v nadaljnjem besedilu: Uredba 2182/2004) v povezavi z Uredbo Sveta (ES) št. 2183/2004 z dne 6. decembra 2004 o razširitvi uporabe Uredbe (ES) št. 2182/2004 o medaljah in žetonih, podobnih eurokovancem, na nesodelujoče države članice (UL L št. 373, 21. 12. 2004, str. 7, v nadaljnjem besedilu: Uredba 2183/2004).

(3) Natančnejše pogoje in način uresničevanja nadzora predpiše Banka Slovenije.

44. člen **(Načini izvajanja nadzora)**

Banka Slovenije izvaja nadzor:

1. s pregledom poročil in druge dokumentacije, ki jo dobi, ter s pregledom podatkov in druge dokumentacije, s katero razpolaga,
2. z neposrednim vpogledom v poslovne knjige in drugo dokumentacijo.

45. člen **(Ukrepi Banke Slovenije)**

(1) Ukrepi Banke Slovenije v zvezi z uresničevanjem denarne politike so:

1. omejitev kreditne aktivnosti banke ali hranilnice,
2. usklajitev ročne strukture sredstev in naložb,
3. omejitev dostopa do instrumentov odprtega trga in odprtih ponudb Banke Slovenije in izrekanje drugih omejitev pri poslovanju,
4. vplačilo neobrestovanega depozita pri Banki Slovenije, zlasti v primeru neizpolnjevanja obveznih rezerv, oziroma drugih kršitev in nepravilnosti v zvezi z obveznimi rezervami,
5. zaračunavanje zamudnih obresti ob neupoštevanju ukrepov,
6. predlog pristojnim organom banke oziroma hranilnice za suspenz ali

with the law.

(2) The Bank of Slovenia shall have the power to supervise the implementation of Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 1) (hereinafter referred to as: Regulation 2182/2004) in conjunction with Council Regulation (EC) No 2183/2004 of 6 December 2004 extending to the non-participating Member States the application of Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, p. 7) (hereinafter referred to as: Regulation 2183/2004).

(3) The Bank of Slovenia shall lay down the detailed conditions and methods of supervision.

Article 44 **(Supervision methods)**

The Bank of Slovenia shall conduct supervision by:

1. reviewing reports and other obtained documentation, and by reviewing data and other documentation at its disposal;
2. direct access of books of accounts and other documentation.

Article 45 **(The Bank of Slovenia's measures)**

(1) The Bank of Slovenia shall take the following measures for the implementation of monetary policy:

1. restrictions on the credit activity of banks or savings banks,
2. harmonisation of the maturity structure of assets and investments,
3. restrictions on access to the Bank of Slovenia's open market instruments and standing facilities, and imposition of other restrictions on operations,
4. the payment of a non-remunerated deposit with the Bank of Slovenia, particularly in the case of breach of the reserve requirements and other infringements and irregularities in connection with minimum reserves, respectively,
5. the charging of late interest due to disregard of measures,
6. proposing to the relevant bodies of a bank or a savings bank

- razrešitev odgovornega vodilnega delavca,
7. drugi ukrepi, ki jih določa zakon.

(2) Ukrepi iz tega člena in njihovo trajanje, razen iz 6. točke prejšnjega odstavka tega člena, se izrečejo z odločbo.

46. člen (Postopek sodnega varstva)

Sodno varstvo proti posamičnim pravnim aktom Banke Slovenije, ki jih izdaja na podlagi pooblastil iz zakona, se zagotavlja v postopku, določenem v zakonu, ki ureja bančništvo.

7. VAROVANJE ZAUPNIH PODATKOV

47. člen (Varovanje zaupnih podatkov)

(1) Člani Sveta Banke Slovenije, delavci Banke Slovenije in druge osebe morajo varovati zaupne podatke, za katere so izvedeli v zvezi z opravljanjem funkcije ali dela, in sicer tudi po prenehanju opravljanja svoje funkcije ali dela.

(2) Banka Slovenije lahko pošlje zaupne podatke pod pogoji, določenimi z zakonom in Statutom ESCB in ECB. Banka Slovenije lahko pošlje zaupne podatke tudi v okviru sodelovanja po 48. členu tega zakona, če za prejemnike podatkov velja ustrezna obveznost varovanja zaupnih podatkov.

(3) Banka Slovenije predpiše merila za določanje zaupnih podatkov in postopke ravnanja z zaupnimi podatki, ki se nanašajo na izvajanje nalog Banke Slovenije po tem ali drugem zakonu oziroma se nanašajo na delovanje Banke Slovenije v Evropskem sistemu centralnih bank.

8. SODELOVANJE BANKE SLOVENIJE S CENTRALNIMI BANKAMI IN

- suspension or dismissal of the responsible manager,
7. other measures provided by law.

(2) The measures pursuant to this Article and their duration, with the exception of point 6 in the preceding paragraph of this Article, shall be imposed by means of a decision.

Article 46 (Judicial redress procedure)

Judicial redress of the Bank of Slovenia's individual legal acts issued on the basis of powers deriving from the law shall be ensured in a procedure provided by the act regulating banking.

7. PROTECTION OF CONFIDENTIAL DATA

Article 47 (Protection of confidential data)

(1) Members of the Governing Board of the Bank of Slovenia, the Bank of Slovenia's employees and other persons shall protect any confidential data which they have learnt in connection with the performance of their function or work, even after they have ceased to perform their function or work.

(2) The Bank of Slovenia may send confidential data under the conditions set out by law and the Statute of the ESCB and ECB. The Bank of Slovenia may also send confidential data within the framework of cooperation pursuant to Article 48 of this Act, provided that the relevant obligation to protect confidential data applies to the recipients of the data.

(3) The Bank of Slovenia shall prescribe the criteria for defining confidential data and the procedures for handling confidential data concerning the performance of the Bank of Slovenia's tasks pursuant to this Act or any other law or concerning the activities of the Bank of Slovenia in the European System of Central Banks.

8. COOPERATION OF THE BANK OF SLOVENIA WITH CENTRAL

48. člen
(Sodelovanje s centralnimi bankami in mednarodnimi finančnimi organizacijami)

Banka Slovenije lahko zaradi izpolnjevanja svojih nalog sodeluje z drugimi centralnimi bankami, nadzornimi institucijami, mednarodnimi finančnimi organizacijami ter organizacijami in skladi, ki skrbijo za izvajanje varstva vlog.

9. PRIHODKI, ODHODKI IN SREDSTVA BANKE SLOVENIJE

49. člen
(Finančni načrt in letni obračun Banke Slovenije)

(1) Finančno leto Banke Slovenije je enako koledarskemu letu.

(2) Banka Slovenije pripravi računovodske izkaze v skladu s principi, standardi in računovodskimi usmeritvami, ki jih sprejme Svet Banke Slovenije upoštevajoč principe, standarde in računovodske usmeritve Evropske centralne banke (v nadaljnjem besedilu: ECB).

(3) Banka Slovenije načrtuje svoje prihodke in odhodke v finančnem načrtu, ki ga sprejme do 31. decembra predhodnega leta.

(4) V primeru, da finančni načrt ni sprejet do 31. decembra predhodnega leta se financiranje izvaja po sklepu o začasnem financiranju, ki ga sprejme Svet Banke Slovenije.

(5) Svet Banke Slovenije sprejme do 31. marca vsakega leta letni obračun za preteklo leto.

(6) Banka Slovenije z letnim obračunom in finančnim načrtom seznani Državni zbor. Letni računovodski izkazi so sestavni del letnega

Article 48
(Cooperation with central banks and international financial organisations)

In order to perform its tasks, the Bank of Slovenia may cooperate with other central banks, supervising institutions, international financial organisations and organisations and funds concerned with guaranteeing deposits.

9. INCOME, EXPENDITURE AND ASSETS OF THE BANK OF SLOVENIA

Article 49
(Financial plan and annual accounts of the Bank of Slovenia)

(1) The Bank of Slovenia's financial year corresponds to the calendar year.

(2) The Bank of Slovenia shall prepare its financial statements in accordance with principles, standards and accounting policy adopted by the Governing Board of the Bank of Slovenia, taking into account the principles, standards and accounting guidelines adopted by the European Central Bank (hereinafter referred to as: ECB).

(3) The Bank of Slovenia shall plan its income and expenditure in a financial plan to be adopted by 31 December of the preceding year.

(4) Should the financial plan not have been adopted by 31 December of the preceding year, financing shall be carried out pursuant to a decision on temporary financing adopted by the Governing Board of the Bank of Slovenia.

(5) The Governing Board of the Bank of Slovenia shall adopt the annual accounts for the previous year by 31 March of each year.

(6) The Bank of Slovenia shall notify the National Assembly of the annual accounts and financial plan. The annual financial statements

poročila in se objavijo.

49.a člen (Oblikovanje rezervacij)

(1) Po uvedbi eura kot valute Republike Slovenije lahko Svet Banke Slovenije z namenom ohranitve realne vrednosti premoženja pri letnem obračunu sprejme odločitev o oblikovanju rezervacij za pričakovana tečajna, obrestna in cenovna tveganja.

(2) Rezervacije se ne morejo oblikovati, če bi le-te skupaj z nerealiziranimi tečajnimi razlikami, učinki vrednotenja vrednostnih papirjev in učinki vrednotenja zlata presegle 20% ugotovljenega presežka prihodkov nad odhodki.

50. člen (Delitev presežka prihodkov nad odhodki)

(1) Presežek prihodkov nad odhodki se deli za posebne rezerve, splošne rezerve in proračun Republike Slovenije.

(2) Nerealizirani prihodki iz naslova tečajnih in cenovnih sprememb se v celoti prenašajo v posebne rezerve. Uporabijo se lahko le za kritje primanjkljaja, ki je posledica nerealiziranih odhodkov iz tečajnih in cenovnih sprememb.

(3) Presežek prihodkov nad odhodki po razporeditvi sredstev v posebne rezerve se v višini 25 odstotkov nameni v proračun Republike Slovenije, preostanek pa v splošne rezerve.

(4) Ne glede na prejšnji odstavek tega člena se v primeru, da splošne rezerve Banke Slovenije v predhodnem letu presegajo 5 odstotkov bilančne vsote Banke Slovenije, lahko Banka Slovenije in minister, pristojen za finance dogovorita, da se večji delež presežka iz prejšnjega odstavka tega člena nameni za proračun Republike Slovenije.

are an integral part of the annual report and shall be published.

Article 49a (Creation of provisions)

(1) After introduction of the euro as the Republic of Slovenia's currency, the Governing Board of the Bank of Slovenia may, with the intention of maintaining the real value of assets in the context of the annual accounts, take a decision to create provisions for anticipated exchange rate, interest rate and price risks.

(2) Provisions may not be created if they should, together with the unrealised exchange rate differences, securities valuation effects and gold valuation effects, exceed 20% of the identified surplus of receipts over expenditure.

Article 50 (Allocation of surplus of receipts over expenditure)

(1) The surplus of receipts over expenditure shall be allocated to special reserves, general reserves and to the budget of the Republic of Slovenia.

(2) The unrealised gain from exchange rate and price changes shall be allocated in its entirety to special reserves. It may only be used to cover a deficit deriving from unrealised expenditure from exchange rate and price changes.

(3) Twenty-five per cent of the surplus of receipts over expenditures after the allocation of funds to special reserves shall be allocated to the budget of the Republic of Slovenia, while the remaining shall be allocated to the general reserves.

(4) Notwithstanding the preceding paragraph, should the general reserves of the Bank of Slovenia in the preceding year exceed 5 per cent of the Bank of Slovenia's balance sheet total, the Bank of Slovenia and the minister responsible for finance may agree to allocate a larger share of the surplus referred to in the preceding paragraph of this Article to the budget of the Republic of Slovenia.

(5) Ne glede na tretji odstavek tega člena se v primeru, da splošne rezerve Banke Slovenije v predhodnem letu ne dosegajo 1 odstotka bilančne vsote Banke Slovenije, lahko Banka Slovenije in minister, pristojen za finance dogovorita, da se manjši delež presežka iz tretjega odstavka tega člena nameni za proračun Republike Slovenije.

50.a člen **(Sredstva na računih vrednotenja)**

(1) Po uvedbi eura kot valute Republike Slovenije se nerealizirani prihodki iz naslova tečajnih in cenovnih sprememb v celoti prenašajo na račune vrednotenja.

(2) Nerealizirani prihodki iz prejšnjega odstavka, ki so na računih vrednotenja, se lahko uporabijo samo za kritje nerealiziranih odhodkov iz naslova tečajnih in cenovnih sprememb.

(3) Presežek prihodkov nad odhodki se po razporeditvi sredstev na račune vrednotenja deli za splošne rezerve in proračun Republike Slovenije.

51. člen **(Pokrivanje skupnega primanjkljaja prihodkov nad odhodki)**

(1) Primanjkljaj prihodkov nad odhodki pokriva Banka Slovenije iz splošnih rezerv.

(2) Sredstva za pokrivanje primanjkljaja prihodkov nad odhodki, ki ga ni mogoče pokriti na način iz prvega odstavka tega člena, se zagotovijo iz proračuna Republike Slovenije.

52. člen **(Revidiranje računovodskih izkazov Banke Slovenije)**

(1) Računovodske izkaze Banke Slovenije revidira neodvisni mednarodni revizor, ki je izbran v skladu s prvim odstavkom 27. člena

(5) Notwithstanding paragraph three of this Article, should the general reserves of the Bank of Slovenia in the preceding year not reach 1 per cent of the Bank of Slovenia balance sheet total, the Bank of Slovenia and the minister in charge of finance may agree to allocate a smaller share of the surplus referred to in paragraph three of this Article to the Republic of Slovenia's budget.

Article 50a **(Assets in revaluation accounts)**

(1) After introduction of the euro as the Republic of Slovenia's currency, the unrealised income deriving from exchange rate and price changes shall be allocated in its entirety to revaluation accounts.

(2) Unrealised gain referred to in the preceding paragraph and allocated to revaluation accounts may only be used to cover unrealised losses deriving from exchange rate and price changes.

(3) After the allocation of assets to revaluation accounts, the surplus of receipts over expenditure shall be allocated to the general reserves and to the budget of the Republic of Slovenia.

Article 51 **(Cover of accumulated deficit of income over expenditure)**

(1) The Bank of Slovenia shall cover a deficit of income over expenditure from the general reserves.

(2) Funds for the coverage of deficit of income over expenditure that cannot be covered in the manner referred to in paragraph one of this Article shall be provided from the Republic of Slovenia's budget.

Article 52 **(Auditing of accounts of the Bank of Slovenia)**

(1) The independent international auditor selected in accordance with paragraph one of Article 27 of the Statute of the ESCB

Statuta ESCB in ECB za triletno obdobje.

(2) Svet Banke Slovenije po predhodnem javnem zbiranju ponudb, najmanj šest mesecev pred potekom pogodbe, sklenjene z revizorjem, izbere in predlaga kandidata v postopek dokončnega izbora.

52.a člen **(revizija Računskega sodišča Republike Slovenije)**

(1) Računsko sodišče Republike Slovenije (v nadaljnjem besedilu: računsko sodišče) revidira pravilnost in smotrnost poslovanja Banke Slovenije v skladu z zakonom, ki ureja računsko sodišče.

(2) V okviru revidiranja pravilnosti in smotrnosti poslovanja Banke Slovenije računsko sodišče:

- ne revidira dejanj, ki predstavljajo določanje in izvajanje denarne politike, v skladu s pravili, ki so jih določili organi odločanja Evropske centralne banke,
- ne zajema uporabe in razlage prava in praks nadzora, ki jih izvaja Banka Slovenije na podlagi tega zakona ali drugih predpisov, ter v okviru enotnega mehanizma nadzora na podlagi Uredbe Sveta (EU) št. 1024/2013 z dne 15. oktobra 2013 o prenosu posebnih nalog, ki se nanašajo na politike bonitetnega nadzora kreditnih institucij, na Evropsko centralno banko (UL L št. 287, 29. 10. 2013, str. 63). Ne glede na prejšnji stavek računsko sodišče lahko presoja pravilnost in smotrnost praks nadzora, ki jih je Banka Slovenija izvajala do 4. novembra 2014 in so vodile v porabo sredstev proračuna Republike Slovenije,
- ne posega v in ne vključuje pristojnosti in dejanj Banke Slovenije, ki jih Banka Slovenije izvršuje kot sestavni del Evropskega sistema centralnih bank ali Evrosistema, ali kot članica Evropskega sistema finančnega nadzora, pri dejavnostih Evropskega bančnega organa, Evropskega odbora za sistemska tveganja in Enotnega mehanizma za reševanje,

and ECB for a three-year period shall audit the Bank of Slovenia's accounts.

(2) After preliminary competitive tendering, at least six months before the expiry of the contract concluded with the auditor, the Governing Board of the Bank of Slovenia shall select and propose a candidate for the final selection procedure.

Article 52.a **(audit by the Court of Audit of the Republic of Slovenia)**

(1) The Court of Audit of the Republic of Slovenia (hereinafter: the Court of Audit) shall audit the regularity and efficiency of the operations of the Bank of Slovenia in accordance with the law governing the Court of Audit.

(2) Within the framework of auditing the regularity and efficiency of the operations of the Bank of Slovenia, the Court of Audit shall:

- not audit the actions constituting the determination and implementation of monetary policy, in accordance with the rules laid down by the decision-making bodies of the European Central Bank,
- not cover the application and interpretation of the law and the supervisory practices carried out by the Bank of Slovenia on the basis of this Act or other regulations, and within the framework of the single supervisory mechanism pursuant to Council Regulation (EU) No. 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29. 10. 2013, p. 63). Notwithstanding the previous sentence, the Court of Audit may assess the correctness and efficiency of the control practices implemented by the Bank of Slovenia until 4 November 2014 and which led to the use of funds from the budget of the Republic of Slovenia,
- not interfere with and shall not cover the powers and actions of the Bank of Slovenia exercised by the Bank of Slovenia as an integral part of the European System of Central Banks or the Eurosystem, or as a member of the European System of Financial Supervision, in relation to the activities of the European Banking Authority, the European Systemic Risk Board and the Single Resolution

- niti posredno ne revidira Evropske centralne banke, drugih članic Evropskega sistema centralnih bank ali Evrosistema,
- ne posega v dejavnosti neodvisnih mednarodnih revizorjev, ki so izbrani v skladu z 52. členom tega zakona.

(3) Ne glede na določbe zakona, ki ureja računsko sodišče, računsko sodišče v zvezi z razkritimi nepravilnostmi in nesmotnostmi v revizijskem poročilu Banki Slovenije poda priporočila. Banka Slovenije ni zavezana predložiti računskemu sodišču poročila o odpravljanju razkritih nepravilnosti in nesmotnosti, mora pa obrazložiti vsak odstop od priporočil, ki jih v revizijskem poročilu predlaga računsko sodišče. Banka Slovenije pošlje obrazložitev iz prejšnjega stavka računskemu sodišču.

(4) Računsko sodišče o revizijskih razkritjih in obrazložitvi Banke Slovenije glede odstopa od priporočil iz prejšnjega odstavka nemudoma obvesti Državni zbor.

(5) Ne glede na enajsti odstavek 29. člena Zakona o računskem sodišču (Uradni list RS, št. 11/01 in 109/12) računsko sodišče nima pristojnosti pozvati k razrešitvi članov Sveta Banke Slovenije.

(6) Poslovno skrivnost iz 37. člena Statuta Evropskega sistema centralnih bank in Evropske centralne banke (UL C št. 326 z dne 26. 10. 2012, str. 230) pridobi računsko sodišče v skladu s pravili, ki urejajo delovanje Evropskega sistema centralnih bank. Druge zaupne podatke, vključno s statističnimi podatki in podatki nadzora, katerih izmenjavo urejajo pravila Evropske unije, pridobi računsko sodišče v skladu s temi pravili.

(7) Revizorji in funkcionarji računskega sodišča ter druge osebe, ki so z računskim sodiščem v kakršnem koli pravnem razmerju, morajo kot zaupne varovati vse podatke, ki so zaupni po zakonu, ki ureja bančništvo, za katere so izvedeli pri opravljanju revizije poslovanja Banke

Mechanism,

- not, even indirectly, audit the European Central Bank, other members of the European System of Central Banks or the Eurosystem,
- not interfere with the activities of independent international auditors selected in accordance with Article 52 of this Act.

(3) Notwithstanding the provisions of the law governing the Court of Audit, the Court of Audit shall make recommendations to the Bank of Slovenia in relation to the irregularities and inefficiencies revealed in the audit report. The Bank of Slovenia shall not be obliged to submit to the Court of Audit a report on the elimination of the irregularities and inefficiencies revealed, but shall explain any departure from the recommendations proposed by the Court of Audit in the audit report. The Bank of Slovenia shall send the explanation referred to in the previous sentence to the Court of Audit.

(4) The Court of Audit shall immediately inform the National Assembly of the audit disclosures and the Bank of Slovenia's explanation regarding the deviation from the recommendations referred to in the previous paragraph.

(5) Notwithstanding the eleventh paragraph of Article 29 of the Court of Audit Act (Official Gazette of the Republic of Slovenia, Nos. 11/01 and 109/12), the Court of Audit shall not have the power to call for the dismissal of members of the Governing Board of the Bank of Slovenia.

(6) The Court of Auditors shall obtain the business secrets referred to in Article 37 of the Statute of the European System of Central Banks and of the European Central Bank (OJ C 326, 26.10.2012, p. 230) in accordance with the rules governing the functioning of the European System of Central Banks. Other confidential information, including statistical and supervisory data, the exchange of which is governed by European Union rules, shall be obtained by the Court of Auditors in accordance with those rules.

(7) Auditors and officials of the Court of Audit and other persons who have any legal relationship with the Court of Audit must protect as confidential all information that is confidential under the law governing banking, of which they have become aware while performing

Slovenije.

53. člen
(Tarifa Banke Slovenije)

Banka Slovenije določa tarifo, po kateri se zaračunavajo nadomestila za storitve, ki jih opravlja.

10. ČLANSTVO REPUBLIKE SLOVENIJE V EVROPSKI UNIJI

54. člen
(Splošna določba)

(1) Banka Slovenije je z dnem članstva Republike Slovenije v Evropski uniji sestavni del Evropskega sistema centralnih bank (v nadaljnjem besedilu: ESCB) in pri svojem delovanju upošteva določila 43. člena statuta ESCB in ECB, ki veljajo za države članice Evropske unije z derogacijo.

(2) Banka Slovenije ravna v skladu z navodili in smernicami Evropske centralne banke ter izpolnjuje odločitve organov odločanja Evropskega sistema centralnih bank v skladu s statusom, ki ga ima po Statutu ESCB in ECB.

55. člen
(Informacijski sistem Banke Slovenije)

Banka Slovenije od dneva članstva Republike Slovenije v Evropski uniji pri evidentiranju, zbiranju, obdelavi in izkazovanju podatkov in informacij za izvajanje svojih funkcij sodeluje z ECB v skladu s statutom ESCB in ECB.

56. člen

an audit of the operations of the Bank of Slovenia.

Article 53
(The Bank of Slovenia's tariff)

The Bank of Slovenia shall lay down the remuneration tariff for the services it provides.

10. MEMBERSHIP OF THE REPUBLIC OF SLOVENIA IN THE EUROPEAN UNION

Article 54
(General provision)

(1) From the day of the Republic of Slovenia's membership of the European Union, the Bank of Slovenia shall be an integral part of the European System of Central Banks (hereinafter: ESCB), and shall in performing its tasks comply with Article 43 of the Statute of the ESCB and ECB applying to the Member States of the European Union with a derogation.

(2) The Bank of Slovenia shall act in accordance with the instructions and guidelines of the European Central Bank and implement the decisions of the European System of Central Banks' decision-making bodies in accordance with its status under the Statute of the ESCB and ECB.

Article 55
(Information system of the Bank of Slovenia)

From the day of the Republic of Slovenia's membership of the European Union, the Bank of Slovenia shall cooperate with the ECB in accordance with the Statute of the ESCB and ECB as regards the recording, collection, processing and disclosure of data and information relevant for the performance of its functions.

Article 56

(Članstvo v organih ECB)

Guverner Banke Slovenije postane z dnem članstva Republike Slovenije v Evropski uniji član Razširjenega sveta ECB.

57. člen

(Varstvo pravic guvernerja ob predčasni razrešitvi)

(1) Guverner ima z dnem članstva Republike Slovenije v Evropski uniji zoper odločitev Državnega zbora Republike Slovenije iz drugega odstavka 39. člena tega zakona pravico do pritožbe na sodišče Evropskih skupnosti.

(2) S tem dnem se za guvernerja Banke Slovenije preneha uporabljati tretji odstavek 39. člena tega zakona.

11. UVEDBA EURA KOT VALUTE REPUBLIKE SLOVENIJE

58. člen

(Splošne določbe)

(1) Z dnem uvedbe eura kot valute Republike Slovenije se pri uresničevanju nalog Banke Slovenije v celoti upoštevajo določila statuta ESCB in ECB. V primeru neskladnosti posameznih določil tega zakona s statutom ESCB in ECB, veljajo določila statuta ESCB in ECB.

(2) Z dnem uvedbe eura kot valute Republike Slovenije se naslednje naloge Banke Slovenije začnejo izvajati v skladu s Pogodbo o ustanovitvi Evropske skupnosti in Statutom ESCB in ECB:

- izvajanje denarne politike,
- opravljanje deviznih poslov v skladu s 111. členom Pogodbe o

(Membership in ECB bodies)

From the day of the Republic of Slovenia's membership of the European Union, the Governor of the Bank of Slovenia shall be a member of the General Council of the ECB.

Article 57

(Protection of the Governor's rights upon early termination of office)

(1) From the day of the Republic of Slovenia's membership of the European Union, the Governor shall have the right to appeal to the Court of Justice of the European Communities against a decision of the National Assembly of the Republic of Slovenia referred to in paragraph two of Article 39 of this Act.

(2) On that day, paragraph three of Article 39 of this Act shall no longer apply to the Governor of the Bank of Slovenia.

11. INTRODUCTION OF THE EURO AS THE REPUBLIC OF SLOVENIA'S CURRENCY

Article 58

(General provisions)

(1) On the day of introduction of the euro as the Republic of Slovenia's currency, the Statute of the ESCB and ECB shall be fully complied with in the performance of the Bank of Slovenia's tasks. In the event of incompatibility of individual provisions of this Act with the Statute of the ESCB and ECB, the provisions of the Statute of the ESCB and ECB shall prevail.

(2) On the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall begin to perform the following tasks in accordance with the Treaty establishing the European Community and the Statute of the ESCB and ECB:

- implementing monetary policy,
- conducting foreign exchange transactions in accordance with Article

- ustanovitvi Evropske skupnosti,
- imetništvo in upravljanje uradnih deviznih rezerv držav članic in
- podpora nemotenega delovanja plačilnih sistemov.

59. člen (Izdajanje bankovcev)

Banka Slovenije izdaja bankovce od dneva uvedbe eura kot valute Republike Slovenije v skladu s 106. členom Pogodbe o ustanovitvi Evropske skupnosti in 16. členom Statuta ESCB in ECB.

60. člen (Izdajanje kovancev)

Republika Slovenija izdaja kovance s soglasjem Evropske centralne banke glede obsega izdaje. Pri tem od dneva uvedbe eura kot valute Republike Slovenije upošteva pravila o denominaciji in tehnični specifikaciji kovancev, ki jih v skladu z drugim odstavkom 106. člena Pogodbe o ustanovitvi Evropske skupnosti sprejme Svet Evropske unije.

60.a člen (Oskrbovanje z bankovci in kovanci po uvedbi eura)

(1) Z dnem uvedbe eura kot valute Republike Slovenije začne Banka Slovenije dajati v obtok bankovce v skladu s prvim odstavkom 106. člena Pogodbe o ustanovitvi Evropske skupnosti.

(2) Z dnem uvedbe eura kot valute Republike Slovenije začne Banka Slovenije dajati v obtok kovance v skladu z drugim odstavkom 106. člena Pogodbe o ustanovitvi Evropske skupnosti.

(3) Ne glede na prvi in drugi odstavek tega člena lahko Banka

- 111 of the Treaty establishing the European Community,
- holding and managing the official foreign reserves of Member States, and
- promoting the smooth operation of payment systems.

Article 59 (Issuance of banknotes)

The Bank of Slovenia shall issue banknotes from the day of introduction of the euro as the Republic of Slovenia's currency in accordance with Article 106 of the Treaty establishing the European Community and Article 16 of the Statute of the ESCB and ECB.

Article 60 (Issuance of coins)

The Republic of Slovenia shall issue coins with the European Central Bank's approval regarding the volume of the issue. In so doing, from the day of introduction of the euro as the Republic of Slovenia's currency it shall observe the rules on the denomination and technical specification of coins adopted by the Council of the European Union in accordance with paragraph two of Article 106 of the Treaty establishing the European Community.

Article 60a (Supply of banknotes and coins after introduction of the euro)

(1) On the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall begin to place banknotes in circulation in accordance with paragraph one of Article 106 of the Treaty establishing the European Community.

(2) On the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall begin to place coins in circulation in accordance with paragraph two of Article 106 of the Treaty establishing the European Community.

(3) Notwithstanding paragraphs one and two of this Article,

Slovenije v skladu z odločitvami organov odločanja Evropskega sistema centralnih bank že pred dnevom uvedbe eura kot valute Republike Slovenije začne s preddobavo bankovcev in kovancev, denominiranih v eurih, v obsegu, ki je potreben zaradi zamenjave zakonitega plačilnega sredstva.

61. člen

(Naloge Banke Slovenije v zvezi z izvajanjem denarne politike)

(1) Od dneva uvedbe eura kot valute Republike Slovenije Banka Slovenije pri izvajanju denarne politike izvaja Statut ESCB in ECB.

(2) Od dneva uvedbe eura kot valute Republike Slovenije so naloge Banke Slovenije iz 1. in 3. točke 11. člena ter odločanje v povezavi s 15. členom (denarni ukrepi in nadzor), 16. členom (denarni trg), 17. členom (operacije na odprtem trgu), 18. členom (kreditni in posojilni posli), 19. členom (obvezne rezerve) in 20. členom (drugi instrumenti denarne politike) tega zakona pristojnost Evropskega sistema centralnih bank.

(3) Od dneva uvedbe eura kot valute Republike Slovenije Banka Slovenije opravlja naloge na področju denarne politike v skladu z odločitvami organov odločanja Evropskega sistema centralnih bank.

(4) Banka Slovenije lahko izda splošne akte, s katerimi podrobneje uredi izpolnjevanje odločitev organov odločanja Evropskega sistema centralnih bank.

62. člen

(Upravljanje premoženja po uvedbi eura)

(1) Od dneva uvedbe eura kot valute Republike Slovenije Banka Slovenije upravlja uradne devizne rezerve, ki jih ni prenesla v upravljanje Evropske centralne banke, ob upoštevanju pravil 31. člena Statuta ESCB in ECB in smernic ECB, izdanih na podlagi 31. člena

The Bank of Slovenia may, in accordance with decisions of the European System of Central Banks' decision-making bodies, begin frontloading banknotes and coins denominated in euros in the volume required for the replacement of the legal tender even before the day of introduction of the euro as the Republic of Slovenia's currency.

Article 61

(The Bank of Slovenia's tasks related to the implementation of monetary policy)

(1) From the day of introduction of the euro as the Republic of Slovenia's currency, in implementing the monetary policy the Bank of Slovenia shall implement the Statute of the ESCB and ECB.

(2) From the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia's tasks referred to in points 1 and 3 of Article 11, and decision-making in connection with Article 15 (monetary measures and control), Article 16 (money market), Article 17 (open market operations), Article 18 (credit and lending operations), Article 19 (minimum reserves) and Article 20 (other monetary policy instruments) of this Act, shall fall within the jurisdiction of the European System of Central Banks.

(3) From the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall perform tasks in the area of monetary policy in accordance with the decisions of the European System of Central Banks' decision-making bodies.

(4) The Bank of Slovenia may issue general legal acts by virtue of which it regulates in detail the implementation of decisions of the European System of Central Banks' decision-making bodies.

Article 62

(Asset management after introduction of the euro)

(1) From the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall manage the official foreign reserves that were not transferred to be managed by the European Central Bank in accordance with the rules of Article 31 of the

Statuta ESCB in ECB.

(2) Od dneva uvedbe eura kot valute Republike Slovenije Banka Slovenije upravlja drugo njeno premoženje, kakor tudi drugo aktivo, ki ji je zaupana.

63. člen

(Vpis kapitala ECB in prenos dela mednarodnih deviznih rezerv)

Vpis kapitala, prenos dela mednarodnih rezerv in druga vprašanja sodelovanja in povezovanja z ESCB in ECB se uresničuje v skladu s statutom ESCB in ECB in na njegovi podlagi sprejetimi odločitvami organov ECB.

64. člen

(Letni obračun Banke Slovenije)

Sestavni del letnega obračuna Banke Slovenije iz 49. člena tega zakona je tudi razporeditev dela denarnega prihodka ali odhodka ESCB, ki ga ECB v skladu s statutom ESCB in ECB ugotavlja pri izvajanju skupne denarne politike.

65. člen

(Izbor revizorja)

Izbor revizorja iz 52. člena tega zakona temelji na pravilih statuta ESCB in ECB.

66. člen

(Članstvo v organih ECB)

Z dnem uvedbe eura kot valute Republike Slovenije postane guverner Banke Slovenije član Sveta ECB.

Statute of the ESCB and ECB and the ECB guidelines issued on the basis of Article 31 of the Statute of the ESCB and ECB.

(2) From the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall manage its other assets, as well as any other assets entrusted to it.

Article 63

(Subscription of ECB capital and transfer of a proportion of international foreign reserve assets)

The subscription of capital, the transfer of a proportion of international reserves and other issues concerning cooperation with and integration into the ESCB and the ECB shall be carried out in accordance with the Statute of the ESCB and ECB and with decisions adopted on its basis by ECB bodies.

Article 64

(Annual accounts of the Bank of Slovenia)

The allocation of a proportion of monetary income or expenditure of the ESCB established by the ECB in accordance with the Statute of the ESCB and ECB in implementing the common monetary policy shall be an integral part of the Bank of Slovenia's annual accounts referred to in Article 49 of this Act.

Article 65

(Selection of external auditors)

The selection of the external auditors referred to in Article 52 of this Act shall be based on the rules provided in the Statute of the ESCB and ECB.

Article 66

(Membership in ECB bodies)

From the day of introduction of the euro as the Republic of Slovenia's currency, the Governor of the Bank of Slovenia shall be a

member of the Governing Council of the ECB.

67. člen

(Prenehanje uporabe nekaterih določb tega zakona)

(1) Z dnem uvedbe eura kot valute Republike Slovenije se prenehata uporabljati 21. in 22. člen tega zakona. Ne glede na prejšnji stavek Banka Slovenije objavlja tečajnico na podlagi referenčnih tečajev tujih valut, ki jih določa in objavlja Evropska centralna banka. Banka Slovenije lahko določa in objavlja tudi tečaje tujih valut, ki niso na tečajnici Evropske centralne banke.

(2) Z dnem uvedbe eura kot valute Republike Slovenije se prenehajo uporabljati 7. člen, prvi odstavek 8. člena, 9. člen in 45. člen tega zakona.

67.a člen

(Mednarodno sodelovanje Banke Slovenije po uvedbi eura)

Po dnevu uvedbe eura kot valute Republike Slovenije Banka Slovenije sodeluje v mednarodnih denarnih organizacijah, če to odobri Evropska centralna banka.

67.b člen

(Sankcije Evropske centralne banke)

(1) Po dnevu uvedbe eura kot valute Republike Slovenije velja in se uporablja sistem sankcij Evropske centralne banke. Banka Slovenije sodeluje v postopkih izrekanja sankcij Evropske centralne banke v skladu s predpisi Evropske unije in Evropske centralne banke.

(2) Denarne sankcije, ki jih izreče Evropska centralna banka so

Article 67

(Cessation of application of certain provisions of this Act)

(1) On the day of introduction of the euro as the Republic of Slovenia's currency, Articles 21 and 22 of this Act shall cease to be in force. Notwithstanding the preceding sentence, the Bank of Slovenia shall publish an exchange rate list on the basis of reference rates of foreign currencies determined and published by the European Central Bank. the Bank of Slovenia may also determine and publish exchange rates of foreign currencies that are not on the European Central Bank's exchange rate list.

(2) On the day of introduction of the euro as the Republic of Slovenia's currency, Article 7, paragraph one of Article 8, Article 9 and Article 45 of this Act shall cease to be in force.

Article 67a

(The Bank of Slovenia's international cooperation after introduction of the euro)

From the day of introduction of the euro as the Republic of Slovenia's currency, the Bank of Slovenia shall participate in international monetary organisations, subject to the approval of the European Central Bank.

Article 67b

(Sanctions of the European Central Bank)

(1) From the day of introduction of the euro as the Republic of Slovenia's currency, the system of sanctions of the European Central Bank shall be in force and shall apply. The Bank of Slovenia shall participate in procedures for imposing the European Central Bank's sanctions in accordance with the regulations of the European Union and the European Central Bank.

(2) The fines imposed by the European Central Bank shall

prihodek Evropske centralne banke.

12. KAZENSKE DOLOČBE

68. člen (Kršitve bank in hranilnic)

(1) Z globo od 8.000 do 80.000 eurov se kaznuje za prekršek banka ali hranilnica:

1. če ne pošlje podatkov in informacij, ki jih Banka Slovenije potrebuje pri opravljanju svojih nalog po tem ali drugem zakonu oziroma ne pošlje podatkov in informacij, kot je predpisano (drugi odstavek 13. člena);
2. če ne upošteva predpisov in navodil o delovanju informacijskega sistema, ki jih predpiše Banka Slovenije (tretji odstavek 13. člena);
3. če ne upošteva predpisov in navodil, ki jih Banka Slovenije sprejema pri opravljanju nalog usmerjanja, vodenja in podpiranja plačilnih sistemov (14. člen);
4. če stori dejanje, ki je prepovedano z Uredbo 2182/2004 v povezavi z Uredbo 2183/2004.

(2) Z globo od 1.000 do 4.100 eurov se kaznuje za prekršek odgovorna oseba v banki ali hranilnici, ki stori dejanje iz prejšnjega odstavka.

(3) Določbe, ki določajo globe za prekrške v povezavi s 1. točko prvega odstavka tega člena se ne uporabljajo, če gre za opustitve ali dejanja, ki se preganjajo ali kaznujejo v skladu z Uredbo Sveta (ES) št. 2533/98 z dne 23. novembra 1998 o zbiranju statističnih informacij s strani Evropske centralne banke (UL L št. 318, 27. 11. 1998, str. 8, v nadaljnjem besedilu: Uredba 2533/98).

69. člen (Kršitve drugih oseb)

(1) Z globo od 1.000 do 6.000 eurov se kaznuje za prekršek

constitute revenue for the European Central Bank.

12. PENALTY PROVISIONS

Article 68 (Violations by banks and savings banks)

(1) A bank or a savings bank shall be fined from EUR 8,000 to EUR 80,000 for the offences of:

1. failing to submit data and information required by the Bank of Slovenia to perform its tasks in accordance with this Act or any other law or failing to submit data and information as prescribed (paragraph two of Article 13);
2. failing to apply the regulations and instructions on the functioning of the information system prescribed by the Bank of Slovenia (paragraph three of Article 13);
3. failing to apply the regulations and instructions adopted by the Bank of Slovenia in performance of the tasks of steering, managing and supporting payment systems (Article 14); or
4. committing an act prohibited under Regulation 2182/2004 in conjunction with Regulation 2183/2004.

(2) The responsible person in a bank or a savings bank shall be fined from EUR 1,000 to EUR 4,100 for the offences referred to in the preceding paragraph.

(3) The provisions laying down the fines for offences in connection with point 1 of paragraph one of this Article shall not apply in the case of omissions or acts which are prosecuted or punished in accordance with Council Regulation (EC) No 2533/98 of 23 November 1998 concerning collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8) (hereinafter: Regulation 2533/98).

Article 69 (Violations by other entities)

(1) A legal person or a subsidiary of a foreign legal person

pravna oseba ali podružnica tuje pravne osebe:

1. če ne pošlje podatkov in informacij, ki jih Banka Slovenije potrebuje pri opravljanju svojih nalog po tem ali drugem zakonu oziroma ne pošlje podatkov in informacij, kot je predpisano (drugi odstavek 13. člena);
2. če ne upošteva predpisov in navodil o delovanju informacijskega sistema, ki jih predpiše Banka Slovenije (tretji odstavek 13. člena);
3. če stori dejanje, ki je prepovedano z Uredbo 2182/2004 v povezavi z Uredbo 2183/2004.

(2) Z globo od 400 do 3.000 eurov se kaznuje za prekršek odgovorna oseba pravne osebe ali podružnice tuje pravne osebe, ki stori dejanje iz prejšnjega odstavka.

(3) Z globo od 600 do 4.000 eurov se kaznuje za prekršek samostojni podjetnik posameznik in posameznik, ki samostojno opravlja dejavnost, ki stori dejanje iz prvega odstavka tega člena.

(4) Z globo od 600 do 1.200 eurov se kaznuje za prekršek fizična oseba, ki stori dejanje iz 3. točke prvega odstavka tega člena.

(5) Določbe, ki določajo globe za prekrške v povezavi s 1. točko prvega odstavka tega člena se ne uporabljajo, če gre za opustitve ali dejanja, ki se preganjajo ali kaznujejo v skladu z Uredbo 2533/98.

69.a člen **(Odločanje o prekrških)**

Globe, predpisane za prekrške s tem zakonom, se lahko v hitrem postopku izrečejo tudi v višjem znesku, kot je najnižja predpisana mera globe, pri čemer ne smejo presegati najvišjih zneskov glob iz 68. in 69. člena tega zakona.

13. PREHODNE IN KONČNE DOLOČBE

shall be fined from EUR 1,000 to EUR 6,000 for the offences of:

1. failing to submit data and information required by the Bank of Slovenia for performing its tasks in accordance with this Act or any other law or failing to submit data and information as prescribed (paragraph two of Article 13);
2. failing to apply the regulations and instructions on the functioning of the information system prescribed by the Bank of Slovenia (paragraph three of Article 13); or
3. committing an act prohibited under Regulation 2182/2004 in conjunction with Regulation 2183/2004.

(2) The responsible person of a legal person or of a subsidiary of a foreign legal person shall be fined from EUR 400 to EUR 3,000 for the offences referred to in the preceding paragraph.

(3) A sole trader and an individual independently pursuing an activity shall be fined from EUR 600 to EUR 4,000 for the offences referred to in paragraph one of this Article.

(4) A natural person shall be fined from EUR 600 to EUR 1,200 shall for the offences referred to in point 3 of paragraph one of this Article.

(5) The provisions laying down fines for offences in connection with point 1 of paragraph one of this Article shall not apply in the case of omissions or acts which are prosecuted or sanctioned in accordance with Regulation 2533/98.

Article 69a **(Deciding on offences)**

Fines prescribed for offences in accordance with this Act may, in expedited minor offence proceedings, also be imposed in a higher amount than the lowest prescribed fine, whereby they may not exceed the maximum amounts of fines under Articles 68 and 69 of this Act.

13. TRANSITIONAL AND FINAL PROVISIONS

70. člen (Splošno)

Banka Slovenije, ustanovljena z zakonom o Banki Slovenije (Uradni list RS, št. 1/91-I) nadaljuje z delom kot Banka Slovenije po tem zakonu.

Article 70 (General)

The Bank of Slovenia, established by the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I), shall continue to carry on its operations as the Bank of Slovenia in accordance with this Act.

71. člen (Terjatve Banke Slovenije do Sklada Republike Slovenije za sukcesijo)

Do ureditve nasledstva nekdanje SFRJ se kot izjema od prepovedi kreditiranja in financiranja javnega sektorja štejejo tudi terjatve Banke Slovenije do Sklada Republike Slovenije za sukcesijo.

Article 71 (Claims of the Bank of Slovenia on the Succession Fund of the Republic of Slovenia)

Until the succession to the former SFRY has been settled, the Bank of Slovenia's claims on the Republic of Slovenia's Succession Fund shall also be treated as an exemption to the prohibition of lending to and financing of the public sector.

72. člen (Izdaja predpisov)

(1) Banka Slovenije uskladi svoje splošne akte s tem zakonom v roku šestih mesecev po uveljavitvi tega zakona.

(2) Do izdaje splošnih aktov iz prejšnjega odstavka se smiselno uporabljajo, če niso v nasprotju z določbami tega zakona, splošni akti Banke Slovenije sprejeti na podlagi zakona o Banki Slovenije (Uradni list RS, št. 1/91-I).

Article 72 (Issuing of regulations)

(1) The Bank of Slovenia shall harmonise its general legal acts with this Act within six months of the entry into force of this Act.

(2) Until the general legal acts pursuant to the preceding paragraph have been issued, the Bank of Slovenia's general legal acts adopted on the basis of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I) shall apply *mutatis mutandis*, provided that they do not conflict with the provisions of this Act.

73. člen (Postopki)

Postopki v posamičnih zadevah, ki tečejo na dan uveljavitve tega zakona, se končajo po tem zakonu.

Article 73 (Legal proceedings)

Proceedings in individual cases pending on the day of the entry into force of this Act shall be completed pursuant to this Act.

74. člen

Article 74

(Imenovanje organov)

(1) Guverner, viceguvernerji in člani Sveta Banke Slovenije, imenovani na podlagi zakona o Banki Slovenije (Uradni list RS, št. 1/91-I), katerih dejavnost je skladna z 38. členom tega zakona z dnem uveljavitve tega zakona, nadaljujejo svoj mandat do izteka mandata kot guverner, viceguvernerji in člani Sveta Banke Slovenije po tem zakonu. Namestnik guvernerja, imenovan na podlagi zakona o Banki Slovenije, nadaljuje svoj mandat kot viceguverner Banke Slovenije po tem zakonu.

(2) Guverner, viceguvernerji in člani Sveta Banke Slovenije, katerih dejavnost ni skladna z 38. členom tega zakona, nadaljujejo svoj mandat do izteka v skladu z imenovanjem.

(3) Do izteka prvega od mandatov članov Sveta Banke Slovenije, ki ne izpolnjujejo pogojev iz 38. člena deluje Svet Banke Slovenije v sestavi, v kateri je veljal do uveljavitve tega zakona.

(4) Če je z dnem uveljavitve tega zakona skladna z 38. členom tega zakona dejavnost več kot devetih članov Sveta Banke Slovenije iz prvega odstavka tega člena, lahko Svet Banke Slovenije do izteka mandatov članov Sveta Banke Slovenije nadaljuje s svojim delom v sestavi več kot devetih članov.

75. člen (Denarna enota Republike Slovenije)

Z dnem uvedbe evra kot denarne enote Republike Slovenije določajo obveznost za izdane bankovce po tretjem odstavku 7. člena tega zakona pravila statuta ESCB in ECB in na njegovi podlagi sprejeti predpisi.

(Appointment of bodies)

(1) The Governor, Vice-Governors and members of the Governing Board of the Bank of Slovenia appointed on the basis of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I), whose activity complies with Article 38 of this Act, shall remain in office as Governor, Vice-Governors and members of the Governing Board of the Bank of Slovenia pursuant to this Act until their term of office expires. The Deputy Governor appointed on the basis of the Bank of Slovenia Act shall remain in office as Vice-Governor of the Bank of Slovenia pursuant to this Act.

(2) The Governor, Vice-Governors and members of the Governing Board of the Bank of Slovenia, whose activity does not comply with Article 38 of this Act, shall remain in office until their term of office expires in accordance with the terms of their appointment.

(3) Until the expiry of the first of the terms of office of the members of the Governing Board of the Bank of Slovenia who fail to fulfil the conditions referred to in Article 38, the Governing Board of the Bank of Slovenia shall function in the composition applicable prior to the entry into force of this Act.

(4) If on the day of entry into force of this Act, the activities of more than nine members of the Governing Board of the Bank of Slovenia referred to in paragraph one of this Article comply with Article 38 of this Act, the Governing Board of the Bank of Slovenia may continue its work in a composition of more than nine members until their terms of office expire.

Article 75 (The Republic of Slovenia's currency)

On the day of introduction of the euro as the Republic of Slovenia's currency, the liability for the banknotes issued pursuant to paragraph three of Article 7 of this Act shall be governed by the rules of the Statute of the ESCB and ECB and regulations issued on the basis thereof.

76. člen
(Razveljavitev predpisov)

Z dnem, ko začne veljati ta zakon, prenehajo veljati:

1. Zakon o Banki Slovenije (Uradni list RS, št. 1/91-I),
2. Odlok o načinu izvajanja nadzora Državnega zbora Republike Slovenije nad poslovanjem Banke Slovenije (Uradni list RS, št. 7/99).

77. člen
(Uveljavitev zakona)

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, razen določb 10. poglavja, ki začnejo veljati z dnem začetka članstva Republike Slovenije v Evropski uniji in določb 11. poglavja, ki začnejo veljati z dnem uvedbe evra kot valute Republike Slovenije.

Article 76
(Repeal of regulations)

On the day this Act enters into force, the following Acts and regulations shall cease to be in force:

1. Bank of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I),
2. Decree on the manner of conducting supervision of the Bank of Slovenia's operations by the National Assembly of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 7/99).

Article 77
(Entry into force)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia, with the exception of Chapter 10, which shall enter into force on the day of the Republic of Slovenia's membership of the European Union, and the provisions of Chapter 11, which shall enter into force on the day of introduction of the euro as the Republic of Slovenia's currency.