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- Official Gazette of the Republic of Slovenia, No. 98/24 of 22 November 2024 (in force since 9 December 2024)

Pursuant to the third paragraph of Article 13 of the Banking Act (Official Gazette of the Republic of Slovenia, Nos. 92/21 and 123/21 [ZBNIP]; hereinafter: the ZBan-3), and the first paragraph of Article 31 of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 [official consolidated version], 59/11 and 55/17), the Governing Board of the Bank of Slovenia hereby issues the following

REGULATION

on the application of the Guidelines on the STS criteria for on-balance-sheet securitisation and amending Guidelines EBA/GL/2018/08 and EBA/GL/2018/09 on the STS criteria for ABCP and non-ABCP securitisation

**Article 1
(purpose and field of application of guidelines)**

(1) Pursuant to Article 16(1) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331 of 15 December 2010, p. 12), last amended by Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150 of 9 June 2023; hereinafter: Regulation (EU) No 1093/2010), on 27 May 2024 the European Banking Authority published the Guidelines on the STS criteria for on-balance-sheet securitisation and amending Guidelines EBA/GL/2018/08 and EBA/GL/2018/09 on the STS criteria for ABCP and non-ABCP securitisation (EBA/GL/2024/05; hereinafter: the guidelines) on its website.

(2) The guidelines referred to in the first paragraph of this article specify how the requirements relating to simplicity, standardisation and transparency, and the requirements concerning the credit protection agreement, the third-party verification agent and the synthetic excess spread, set out in Articles 26b to 26e of Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012 (OJ L 347 of 28 December 2017, p. 35), amended by Regulation (EU) 2021/557 of the European Parliament and of the Council of 31 March 2021 amending Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation to help the recovery from the COVID-19 crisis (OJ L 116 of 6 April 2021, p. 1; hereinafter: Regulation (EU) 2017/2402), apply to on-balance-sheet securitisation for such securitisation to be deemed simple, transparent and standardised (STS). Moreover, the guidelines amend Guidelines EBA/GL/2018/08 and EBA/GL/2018/09 on the STS criteria for ABCP and non-ABCP securitisation, issued pursuant to Articles 19 and 23 of Regulation (EU) 2017/2402.

(3) The guidelines are addressed to:

1. competent authorities referred to in point 2 of Article 4 of Regulation (EU) 1093/2010 that have been designated as competent authorities pursuant to Article 29(5) of Regulation (EU) 2017/2402; and

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2. financial institutions referred to in point 1 of Article 4 of Regulation (EU) 1093/2010 that are subject to regulation and supervision pursuant to Regulation (EU) 2017/2402, including third parties verifying STS compliance also in accordance with the last subparagraph of Article 2(5) of Regulation (EU) 1093/2010.

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

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

1. banks and savings banks that in accordance with the ZBan-3 have obtained an authorisation to provide banking services in the Republic of Slovenia (hereinafter: banks); and
2. the Bank of Slovenia, when in accordance with the Act on the Implementation of the Regulation (EU) Laying Down a General Framework for Securitisation and Creating a Specific Framework for Simple, Transparent and Standardised Securitisation (Official Gazette of the Republic of Slovenia, No. 22/19; hereinafter: the ZIUDSOL) in its role as the competent authority it is exercising supervisory powers and tasks over banks referred to in point 1 of this paragraph.

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

(3) In exercising its supervisory powers and tasks in accordance with Regulation (EU) No 2017/2402 and the ZIUDSOL, the Bank of Slovenia shall take full account of the provisions of the guidelines in the parts relating to the exercise of the powers and tasks of the competent authority.

Article 3
(amendment of Regulation on application of guidelines on STS criteria for non-ABCP securitisation)

(1) In the Regulation on the application of the guidelines on STS criteria for non-ABCP securitisation (Official Gazette of the Republic of Slovenia, No. 30/19), the wording of the third paragraph of Article 1 shall be amended to read:

“(3) The guidelines are addressed to:

1. competent authorities referred to in point 2 of Article 4 of Regulation (EU) 1093/2010 that have been designated as competent authorities pursuant to Article 29(5) of Regulation (EU) 2017/2402; and
2. financial institutions referred to in point 1 of Article 4 of Regulation (EU) 1093/2010 that are subject to regulation and supervision pursuant to Regulation (EU) 2017/2402, including third parties verifying STS compliance also in accordance with the last subparagraph of Article 2(5) of Regulation (EU) 1093/2010.”

(2) The introductory sentence of the first paragraph of Article 2 shall be amended to read:

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

Article 4
(amendment of Regulation on application of guidelines on STS criteria for ABCP securitisation)

(1) In the Regulation on the application of the guidelines on STS criteria for ABCP securitisation (Official Gazette of the Republic of Slovenia, No. 30/19), the wording of the third paragraph of Article 1 shall be amended to read:

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“(3) The guidelines are addressed to:

1. competent authorities referred to in point 2 of Article 4 of Regulation (EU) 1093/2010 that have been designated as competent authorities pursuant to Article 29(5) of Regulation (EU) 2017/2402; and
2. financial institutions referred to in point 1 of Article 4 of Regulation (EU) 1093/2010 that are subject to regulation and supervision pursuant to Regulation (EU) 2017/2402, including third parties verifying STS compliance also in accordance with the last subparagraph of Article 2(5) of Regulation (EU) 1093/2010.”

(2) The introductory sentence of the first paragraph of Article 2 shall be amended to read:

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

**Article 5
(entry into force)**

This regulation shall enter into force on 9 December 2024.

Ljubljana, 19 November 2024

Boštjan Vasle
President,
Governing Board of the Bank
of Slovenia