

Disclosure of information on measure imposed on president of management board of credit institution

Supervisory measure against a member of the management board of a credit institution pursuant to points 1 and 3 of the second paragraph of Article 45 of the ZBan-2 of 29 August 2017

Information on person responsible for breach	
Business name and registered office of legal person	-
Information on breach	
Description of circumstances and conduct entailing breach of ZBan-2 or Regulation (EU) No 575/2013	The president of the management board of a credit institution breached points 1 and 3 of the second paragraph of Article 45 of the ZBan-2 by failing to ensure that by 30 November 2016 the credit institution had provided for capital in a sufficient amount to meet a total capital ratio of ■ and a common equity Tier 1 capital ratio of at least ■, and by being late in rectifying the identified breach (29 March 2017¹).
Nature of identified breaches	Breach of duties and responsibilities of management board members (points 1 and 3 of the second paragraph of Article 45 of the ZBan-2)
Operational part of the decision by which the relevant proceedings are completed	
<p>- In conducting supervision of ■, registration number ■ (hereinafter: the credit institution), the Bank of Slovenia found that a member of the management board, ■, EMŠO ■, permanently resident at ■ (hereinafter: the president of the management board):</p> <p>- breached points 1 and 3 of the second paragraph of Article 45 of the ZBan-2, by failing to ensure that by 30 November 2016 the credit institution had rectified the breaches of Article 129 of the ZBan-2 in connection with Article 131 of the ZBan-2 and Article 183 of the ZBan-2, in accordance with point 2 of the Order for the rectification of breaches with an additional measure referenced PBH-24.50-009/15-003 of 31 March 2016 (the order), by providing for capital in an amount that exceeds the requirement set out in Article 92(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176 of 27 June 2013, p 1; hereinafter: the CRR), having regard for the transitional provisions set out in Part Ten of the CRR and the Regulation on the implementation of the EU regulation on prudential requirements for credit institutions and investment firms with regard to options and discretions, and other tasks of the competent authority for credit institutions (Official Gazette of the Republic of Slovenia, Nos. 5/14 and 19/15), in an amount such that a total capital ratio referred to in point (c) of Article 92(1) of the CRR in the amount of at least ■ and a common equity Tier 1 (CET1) capital ratio referred to in point (a) of Article 92(1) of the CRR in the amount of at least ■ would be reached, in accordance with the letter referenced 24.50-0508/15-AVS of 24 November 2015. To eliminate the capital shortfall in meeting the required capital ratios, by 30 November 2016 the credit institution was to have provided capital by issuing capital instruments that meet the required attributes set out in Article 28 of the CRR for qualification as common equity Tier 1 instruments.</p>	

¹ Date of issue of the decision establishing that the breaches had been rectified (PBH-24.50-009/15-005)

- has rectified the identified breach.

Information as to whether judicial protection proceedings have been initiated against the decision in accordance with the ZBan-2

No administrative dispute has been lodged pursuant to the declaratory decision.