

- Official Gazette of the Republic of Slovenia, No. 33/2017 of 30 June 2017 (in force since 1 July 2017)
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Pursuant to points 2 and 3 of Article 58 of the Banking Act (Official Gazette of the Republic of Slovenia, No. 25/15; hereinafter: the ZBan-2) 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] and 59/11), the Governing Board of the Bank of Slovenia hereby issues the following

REGULATION

on the documentation for demonstrating fulfilment of the conditions for appointment as a member of the management body of a bank or savings bank

Article 1 (content of regulation)

(1) This regulation sets out the detailed content of the documentation by means of which:

1. a candidate to be a member of the management board of a bank or savings bank (hereinafter: bank) in a two-tier governance system or an executive director of a bank in a single-tier governance system, to be the liquidator of a bank or to be the managing director of a branch of a third-country bank (hereinafter: candidate for membership of the management board) demonstrates that the conditions set out in Article 38 of the ZBan-2 have been fulfilled, or
2. a bank demonstrates that the conditions for appointment as a member of the supervisory board set out in Article 53 of the ZBan-2 have been fulfilled in connection with an appointed member of the supervisory board of a bank in a two-tier governance system or a non-executive director of a bank in a single-tier governance system.

(2) This regulation shall also apply *mutatis mutandis* to demonstrating that the conditions for appointment as a member of the senior management of a financial holding company or a mixed financial holding company set out in Article 309 of the ZBan-2 have been fulfilled.

(3) Wherever this regulation makes reference to the provisions of other regulations, these provisions shall apply in their wording applicable at the time in question.

Article 2 (use of terms)

The terms used in this regulation shall have the same meanings as in the ZBan-2 and Regulation (EU) No 575/2013, and in regulations issued on their basis.

Article 3 (enclosures in connection with demonstration of fulfilment of conditions)

(1) A candidate for membership of the management board shall also enclose the following in the request for the granting of the authorisation referred to in the first paragraph of Article 40 or in connection with Article 80 and the second paragraph of Article 122 of the ZBan-2:

1. a completed KAN questionnaire, which is an appendix to this regulation, in the part relating to the candidate for membership of the management board;
2. a copy of a personal identification document;
3. a CV;

4. copies of evidence of any professional qualifications obtained;
5. a copy of any employers' references;
6. an extract from the criminal records and evidence that the candidate has not been charged with a criminal offence prosecuted *ex officio* for which a prison sentence of one year or more may be imposed (condition set out in point 2 of the first paragraph of Article 38 of the ZBan-2) or other appropriate proof if such evidence does not exist;
7. the resolution by the supervisory board / general meeting on the appointment of the individual as member of the management board referred to in the third paragraph of Article 39 of the ZBan-2; and
8. an extract from the system for the exchange of information regarding client credit ratings (SISBON) or from another appropriate collection of personal data from abroad, if the latter exists.

(2) Within fifteen days of the appointment of a member of the management board, the bank shall submit the following to the Bank of Slovenia:

1. a completed BAN questionnaire, which is an appendix to this regulation;
2. the bank's assessment of the suitability of the candidate as a member of the management board.

(3) Within fifteen days of the appointment of a member of the supervisory board at the general meeting, the bank shall submit the following to the Bank of Slovenia:

1. a KAN questionnaire, which is an appendix to this regulation, in the part relating to an appointed member of the supervisory board, completed by the member in question;
2. a completed BAN questionnaire, which is an appendix to this regulation;
3. a copy of a personal identification document of the member of the supervisory board;
4. the CV of the member of the supervisory board;
5. copies of evidence of any professional qualifications obtained by the member of the supervisory board;
6. a copy of any employers' references;
7. an extract from the criminal records and evidence that the candidate has not been charged with a criminal offence prosecuted *ex officio* for which a prison sentence of one year or more may be imposed (condition set out in point 2 of the first paragraph of Article 53 of the ZBan-2) or other appropriate proof if such evidence does not exist;
8. the resolution by the bank's general meeting on the appointment of the member of the supervisory board;
9. an extract from the system for the exchange of information regarding client credit ratings (SISBON) or from another appropriate collection of personal data from the rest of the world, if the latter exists;
10. the bank's assessment of the suitability of the member of the supervisory board.

Article 4 **(cessation of validity)**

(1) On the day that this regulation enters into force, the Regulation on the documentation for demonstrating fulfilment of the conditions for appointment as a member of the governing body of a bank or savings bank (Official Gazette of the Republic of Slovenia, No. 49/16) shall cease to be in force.

(2) This regulation shall not apply to procedures commenced prior to the entry into force of this regulation.

Article 5 **(entry into force)**

This regulation shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia.

Ljubljana, 29 June 2017

Boštjan Jazbec
President,
Governing Board of the
Bank of Slovenia