

THIS TEXT IS UNOFFICIAL TRANSLATION AND MAY NOT BE USED AS A BASIS FOR SOLVING ANY DISPUTE

Pursuant to the third paragraph of Article 9 of the Resolution and Compulsory Winding-Up of Banks Act (Official Gazette of the Republic of Slovenia, Nos. 44/16 and 71/16 [constitutional court ruling]; hereinafter: the ZRPPB) 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 application of the Guidelines on factual circumstances amounting to a material threat to financial stability and on the elements related to the effectiveness of the sale of business tool under Article 39(4) of Directive 2014/59/EU

Article 1

(purpose and field of application)

(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), on 7 August 2015 the European Banking Authority issued the Guidelines on factual circumstances amounting to a material threat to financial stability and on the elements related to the effectiveness of the sale of business tool under Article 39(4) of Directive 2014/59/EU (hereinafter: the guidelines), which are published on its website.

(2) The guidelines referred to in the first paragraph of this article set out the factual circumstances amounting to a material threat to financial stability arising from or aggravated by the failure or likely failure of an institution under resolution within the meaning of point (a) of Article 39(4) of Directive 2014/59/EU, and the elements where compliance with requirements to market the institution as specified in Article 39(1) of Directive 2014/59/EU would be likely to undermine the effectiveness of the sale of business tool in addressing that threat or achieving the resolution objective referred to in point (b) of Article 31(2) of Directive 2014/59/EU.

(3) The guidelines apply to resolution authorities referred to in point (iv) of Article 4(2) of Regulation (EU) No 1093/2010.

Article 2

(content of regulation and scope of application of guidelines)

(1) By virtue of this regulation the Bank of Slovenia sets out the application of the guidelines to the Bank of Slovenia, when in accordance with the ZRPPB it is exercising the powers and tasks of the resolution authority.

(2) In exercising the powers and tasks of the resolution authority in accordance with the ZRPPB, the Bank of Slovenia shall take full account of the provisions of the guidelines in those parts relating to the exercise of the powers and tasks of resolution authorities.

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**Article 3
(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 August 2017

Boštjan Jazbec
President,
Governing Board of the Bank of Slovenia