

LEGAL NOTICE

All effort has been made to ensure the accuracy of the translation, which is based on the original Slovenian texts. All translations of this kind may, nevertheless, be subject to a certain degree of linguistic discord. The original texts are written in the Slovenian language; in case of any doubt or misunderstanding, the Slovenian text shall therefore prevail. In case of any uncertainties regarding the English translation the questions may be addressed to:

Ministry of Finance
Financial System Department
Župančičeva 3
1502 Ljubljana
Slovenia
Phone: +386 1 369 66 92
Fax: +386 1 369 66 99
E-mail: gp.mf(at)gov.si

THE DEPOSIT GUARANTEE SCHEME ACT (THE ZSJV)

1. GENERAL PROVISIONS

Article 1 (Subject matter of the Act)

(1) This Act shall regulate the following:

1. the establishment and functioning of the deposit guarantee scheme at banks;
2. the responsibilities and tasks of the Bank of Slovenia in exercising the powers and performing the tasks of the deposit guarantee authority;
3. the supervision of compliance with obligations regarding the deposit guarantee scheme.

(2) This Act shall not apply to SID Bank – Slovenska izvozna in razvojna banka, d. d., Ljubljana, which has been established as a an authorised specialised Slovenian bank for the promotion of export and development under the law governing the Slovene Export and Development Bank.

Article 2 (The transposed EU legislation)

This Act shall transpose Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (OJ L 173, 12.6.2014, p. 149) (hereinafter: Directive 2014/49/EU) into the legislation of the Republic of Slovenia.

Article 3 (Definitions)

- (1) For the purposes of this Act, the following definitions shall apply:
1. "bank" shall mean a bank or savings bank as defined in the law governing banking;
 2. "EU branch" shall mean a branch established by a third-country bank in the Republic of Slovenia in accordance with the law governing banking;
 3. "collective investment undertaking" shall mean an investment fund as defined in the law governing investment funds and management companies;
 4. "deposit guarantee authority" shall mean an entity governed by public or private law in a Member State or a third country which is authorised and responsible for managing the deposit guarantee scheme established in that country and for supervising the scheme in accordance with the national legislation of the country;
 5. "resolution authority" shall mean an authority of a Member State which is authorised and responsible for the application of resolution tools or the exercise of resolution powers as defined in Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190) (hereinafter: Directive 2014/59/EU) and Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1), including the Single Resolution Board when it carries out the responsibilities and tasks of the resolution authority, and, in the Republic of Slovenia, shall mean the Bank of Slovenia when it carries out the responsibilities and tasks in relation to resolution on the basis of regulations transposing Directive 2014/59/EU into the legislation of the Republic of Slovenia;
 6. "payment account" shall mean an account as defined in the law governing payment services and systems;
 7. "pension company" shall mean a company as defined in the law governing pension and disability insurance;
 8. "pension fund" shall mean a fund as defined in the law governing pension and disability insurance;
 9. "reinsurance undertaking" shall mean a reinsurance undertaking as defined in the law governing insurance;
 10. "compulsory winding-up" shall mean measures and procedures implemented by the Bank of Slovenia in accordance with the regulations governing the compulsory winding-up of banks;
 11. "resolution" shall mean the application of resolution tools and resolution powers by the Bank of Slovenia in connection with a bank in accordance with the regulations transposing Directive 2014/59/EU into the legislation of the Republic of Slovenia;
 12. "deposit guarantee scheme" shall mean a deposit guarantee scheme introduced or officially recognised by a Member State within its territory in accordance with Directive 2014/49/EU;
 13. "trust account" shall mean an account opened by a particular authorised person for the account of one or more persons as the actual beneficiaries, with funds in that account being considered separately from other funds of the authorised person;
 14. "joint account" shall mean an account opened in the name of two or more persons who as the actual beneficiaries may independently or jointly access funds in the account;
 15. "third country" shall mean a country that is not a Member State of the European Union;
 16. "depositor" shall mean the holder or, in the case of a joint account, each of the holders, of a deposit;
 17. "insurance undertaking" shall mean an insurance undertaking as defined in the law governing insurance;

18. "insurance holding company" shall mean an insurance holding company as defined in the law governing insurance.

(2) Other terms used in this Act shall have the same meaning as in the law governing banking or in 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, 27.6.2013, p. 1) (hereinafter: Regulation (EU) No 575/2013), unless otherwise provided by this Act.

Article 4 (Deposit guarantee scheme)

(1) The deposit guarantee scheme is a scheme which is established and managed by the Bank of Slovenia in accordance with this Act and which guarantees the deposits of a depositor in the event of the unavailability of deposits at a bank through the repayment of guaranteed deposits or through other measures to preserve depositors' access to guaranteed deposits in the event of the resolution or compulsory winding-up of banks.

(2) The deposit guarantee scheme shall include the following:

1. the establishment and management of the deposit guarantee fund by the Bank of Slovenia;
2. procedures for repaying depositors their guaranteed deposits with the use of funds from the deposit guarantee fund;
3. procedures for financing resolution and compulsory winding-up measures, which are implemented in accordance with the regulations on the resolution and winding-up of banks and ensure that depositors maintain access to guaranteed deposits.

Article 5 (Deposit guarantee authority)

(1) The tasks and responsibilities in relation to the deposit guarantee scheme shall be carried out by the Bank of Slovenia as the deposit guarantee authority of the Republic of Slovenia.

(2) The Bank of Slovenia shall adopt internal rules setting out the organisational arrangements regarding the performance of tasks and responsibilities in relation to the deposit guarantee scheme so as to prevent a conflict of interest between the tasks carried out by the Bank of Slovenia in relation to the management of the deposit guarantee scheme and other tasks carried out by the Bank of Slovenia under this Act or other regulations.

(3) The Bank of Slovenia shall publish the organisational arrangements and internal rules on its website.

Article 6 (Members of the deposit guarantee scheme)

(1) The members of the deposit guarantee scheme shall be:

1. banks established in the Republic of Slovenia which have obtained an authorisation to perform banking services in accordance with the law governing banking;
2. third-country banks which have obtained an authorisation to establish an EU branch in the Republic of Slovenia in accordance with the law governing banking if the EU branch is included in the deposit guarantee scheme pursuant to this Act under the conditions specified in Article 54 of this Act;

(2) Members of the deposit guarantee scheme shall guarantee deposits held by depositors with any bank or EU branch which is included in the deposit guarantee scheme of the Republic of Slovenia in accordance with Article 54 of this Act.

(3) The provisions of this Act relating to banks shall also apply to third-country banks in relation to the operation of an EU branch, unless the law provides otherwise with regard to these banks.

(4) A bank shall cease to be a member of the deposit guarantee scheme if the bank's or its EU branch's authorisation to perform banking services in the Republic of Slovenia has been withdrawn or terminated in accordance with the provisions of the law governing banking.

(5) Deposits held on the date on which a bank is excluded from membership of the deposit guarantee scheme shall continue to be eligible for a guarantee under this Act.

Article 7 (Deposit)

(1) "Deposit" shall mean the total of all claims which a depositor has against a bank and which arise from a credit balance that results from assets left in an account or temporary situations deriving from normal banking transactions and which the bank is required to repay under the legal and contractual conditions applicable, including a contract on managing a transaction account, a savings deposit, or a cash deposit, as well as on a certificate of deposit or bill provided that they are issued as registered securities.

(2) For the purposes of this Act, a deposit held with a bank shall be calculated taking into account the depositor's claims against a branch of the bank in another Member State or arising in relation to the direct provision of services by the bank in another Member State, regardless of the currency of individual claims. Under this Act, a deposit held by a depositor with a bank shall be calculated taking into account the depositor's claims against a branch of the bank in a third country except where the bank, with respect to deposits made to the branch of the bank in the third country, is included in the deposit guarantee scheme established in that third country.

(3) Notwithstanding paragraphs (1) and (2) of this Article, claims shall not be considered a deposit if they have one of the following characteristics:

1. they arise out of financial instruments as defined in the law governing the financial instruments market, unless this is a savings product for which an appropriate certificate exists which is registered to a name and was in existence on 2 July 2014;
2. the principal is not repaid at nominal value;
3. the principal is repaid at nominal value only if there is a surety, guarantee or other similar guarantee agreement from a bank or third party;
4. they are regarded as a debt security of the bank or arise out of the bank's own acceptances and promissory notes;
5. pursuant to an agreement or regulations, they may be used exclusively for the repayment of the depositor's liabilities to the bank;
6. they can be included in the bank's own funds calculation in accordance with Regulation (EU) No 575/2013 with regard to their characteristics.

(4) In the case of funds in a joint account, the share belonging to a particular actual beneficiary shall be taken into account as part of the deposit of that actual beneficiary if information for the identification of the actual beneficiaries has been submitted to the bank. If the shares of individual depositors as the actual beneficiaries of funds in the joint account

have not been determined and communicated to the bank, it shall be deemed that each beneficiary owns an equal share of the funds.

(5) In the case of funds in a trust account, the share belonging to a particular actual beneficiary shall be taken into account as part of the deposit of that actual beneficiary if information for the identification of that actual beneficiary has been submitted to the bank. If information on the actual beneficiaries of the funds in a trust account has not been provided to the bank, the trust account shall be treated as a bearer deposit. Upon the opening of a trust account, the bank shall inform the persons authorised to manage the trust account of their duty to submit information on the actual beneficiaries in due time.

(6) The funds in a trust account which, on the basis of a regulation, are at the disposal of a particular person as a representative or manager for the account of a community which has been established on the basis of a regulation and does not have a legal personality shall be deemed to be the claim of the community up to the level of coverage referred to in paragraph 1 of Article 10 of this Article, notwithstanding the preceding paragraph.

Article 8 (Unavailable deposit)

(1) "Unavailable deposit" shall mean a deposit that is due and payable but has not been paid by a bank because the Bank of Slovenia has made a ruling that deposits with the bank are unavailable, which has the effect of revoking the rights of depositors to make claims against the bank.

(2) The Bank of Slovenia shall decide on the unavailability of deposits in a bank by way of a decision on the unavailability of deposits. The issuance of a decision on the unavailability of deposits shall be subject to the rules on the procedure for issuing a decision in the procedure for the resolution and compulsory winding-up of a bank in accordance with the law governing the resolution and compulsory winding-up of banks.

(3) The Bank of Slovenia shall issue a decision on the unavailability of deposits in a bank within five working days from the date it establishes the following:

1. that the bank is collapsing and, therefore, is and will be unable to repay deposits, which means that circumstances exist on the basis of which measures for the resolution or compulsory winding-up of a bank shall be taken with regard to the bank in accordance with the law governing the resolution and compulsory winding-up of banks, and
2. that, in the resolution or compulsory winding-up proceedings, no measures to preserve depositors' access to guaranteed deposits will be applied in respect of the bank.

(4) The Bank of Slovenia shall, within the time limit referred to in the preceding paragraph, issue a decision on the unavailability of deposits in an EU branch if the EU branch has failed to repay deposits which are due and payable in accordance with the applicable legal or contractual conditions because:

1. the competent supervisory authority or a third-country court has made a ruling that deposits in a third-country bank have become unavailable, which has the effect of suspending or revoking the rights of depositors to make claims against the third-country bank, or
2. the Bank of Slovenia has established, in respect of an EU branch, that there are grounds for the withdrawal of the authorisation to establish an EU branch in the Republic of Slovenia in accordance with the law governing banking and that the EU branch is and will be unable to repay deposits, which has the effect of revoking the rights of depositors to make claims against the EU branch or the third-country bank.

(5) Notwithstanding point 2 of the preceding paragraph, in the event that, in accordance with the law governing banking, a third-country bank has deposited a certain amount of money or other appropriate financial collateral in the Republic of Slovenia as a guarantee for the settlement of liabilities arising from transactions concluded by a branch in the Republic of Slovenia, the Bank of Slovenia shall issue a decision on the unavailability of deposits in the EU branch only if it assesses that the guarantee is insufficient for the repayment of the liabilities of the EU branch, i.e. the guaranteed deposits held with that EU branch.

(6) Immediately after issuing a decision on the unavailability of deposits referred to in paragraph (3) or (4) of this Article, the Bank of Slovenia shall submit the decision to the Agency of the Republic of Slovenia for Public Legal Records and Related Services (hereinafter: AJPES), which shall, on the same day, publish it on its website. Deposits shall be deemed to be unavailable as of the date when the decision on the unavailability of deposits is published on the AJPES website. The date of publication of the decision on the AJPES website shall be deemed to be the reference date for the exercise of rights arising from the guarantee within the deposit guarantee scheme (hereinafter: the cut-off date for the calculation of the guarantee).

(7) The Bank of Slovenia shall publish a decision on the unavailability of deposits on its website and in at least two daily newspapers with national circulation.

2. DEPOSIT GUARANTEE

2.1. *General rules on a deposit guarantee*

Article 9 (Eligible deposit)

(1) "Eligible deposit" shall mean any deposit in a bank unless it is excluded from the deposit guarantee scheme in accordance with paragraph (3) of this Article.

(2) A depositor shall be eligible for the repayment of the guaranteed deposit in a bank under the deposit guarantee scheme as of the cut-off date for the calculation of the guarantee.

(3) The deposit guarantee scheme shall not cover the deposits of the following depositors:

1. deposits in bearer form, including deposits for which the bank has not obtained the requisite information for the identification of the actual beneficiaries by the cut-off date for the calculation of the guarantee;
2. deposits by banks and investment firms and other financial institutions made on their behalf and for their account;
3. deposits by insurance undertakings, reinsurance undertakings and insurance holding companies;
4. deposits by collective investment undertakings, including investment undertakings of the closed-ended type;
5. deposits by pension funds and pension companies;
6. deposits by states and central banks and deposits of entities that are direct or indirect users of the state budget;
7. deposits by local communities and deposits by direct and indirect users of the budgets of local communities.

(4) Notwithstanding other provisions of this Act, the deposits referred to in points (4) and (5) of the preceding paragraph shall not be treated as joint or trust accounts for the direct beneficiaries.

(5) Deposits held with a Member State bank which performs services, either directly or through a branch, in the Republic of Slovenia in accordance with the law governing banking shall be eligible for coverage under the deposit guarantee scheme in that Member State. A Member State bank which is authorised to provide mutually recognised financial services, either directly or through a branch, in the Republic of Slovenia in accordance with the law governing banking may accept deposits in the territory of the Republic of Slovenia provided that it is a member of the deposit guarantee scheme in that Member State.

(6) Deposits held with an EU branch shall be guaranteed in accordance with the regulations that apply to the deposit guarantee scheme in the third country, except where the EU branch is included in the deposit guarantee scheme in accordance with Article 54 of this Act.

Article 10 (Guaranteed deposit)

(1) A guaranteed deposit shall mean an eligible deposit up to the amount of this deposit as at the cut-off date for the calculation of the guarantee, including all accrued interest up to that date, but not exceeding EUR 100,000.

(2) In addition to the coverage level referred to in the preceding paragraph, a depositor's claims against a bank arising in relation to credit balances that are a direct result of the following shall be covered by the deposit guarantee scheme above EUR 100,000 under the conditions referred to in paragraph (3) of this Article:

1. the purchase or sale of residential real estate, including the subsidy for young family first-time home seekers under the law governing the National Housing Saving Scheme;
2. payouts from social insurance, health insurance or life insurance in accordance with the regulations governing social insurance, health insurance or life insurance;
3. disability benefit payments in accordance with the regulations governing disability insurance or the regulations governing the care of mentally and physically handicapped persons;
4. payments of compensation in connection with committed criminal offences;
5. payments of cash assistance to individuals for natural and other disasters in accordance with regulations, with the exception of cash assistance paid in connection with business activities;
6. payments of compensation for wrongful conviction and detainment in accordance with the law governing the criminal procedure, cash compensation for non-pecuniary damage received in accordance with the law governing the protection of the right to a trial without undue delay, and compensation for victims of crime in accordance with the law governing compensation granted to crime victims, with the exception of compensation for the loss of earnings;
7. payouts from property insurance for damage to personal property;
8. payments of a solidarity benefit and similar assistance in the event of death, maintenance payments on the basis of a court ruling or maintenance agreement concluded in accordance with regulations, and maintenance compensation paid in accordance with the law;
9. payment of severance pay upon retirement or the termination of an employment contract for business reasons.

(3) The coverage referred to in the preceding paragraph shall be guaranteed by the deposit guarantee scheme six months from the date on which a depositor acquired a claim against a bank. A depositor who makes a claim for repayment of a guaranteed deposit in an amount exceeding EUR 100,000 shall make this claim separately and shall submit to the deposit guarantee scheme an explanation and evidence, if any, justifying the reasons referred to in the preceding paragraph.

(4) The calculation of the amount of the guaranteed deposit to be repaid to a depositor shall not take into account the depositor's liabilities to the bank, except where the depositor's liabilities to the bank fall due for payment before or on the cut-off date for the calculation of the guarantee and may be offset against the depositor's claim for the repayment of the guaranteed deposit in accordance with applicable contracts or regulations that apply to the bank.

(5) Prior to concluding a contract with a depositor, a bank shall inform the depositor that the liabilities under the contract may be offset against the depositor's claim for the repayment of the guaranteed deposit.

Article 11

(Informing depositors on a regular basis)

(1) A bank shall provide information on the deposit guarantee scheme in which the bank or its branches in third countries participate, including the amount and the scope of coverage guaranteed by the deposit guarantee scheme, the deposits that are not eligible for coverage, the time limit for the repayment of the guaranteed deposit, the currency of the repayment, and the contact data of the deposit guarantee scheme. The Bank of Slovenia shall prescribe the detailed content of the information on the deposit guarantee scheme.

(2) A bank shall publish the information referred to in the preceding paragraph on its website and in a conspicuous place on all premises where it does business with its clients.

(3) A bank shall ensure that the information referred to in paragraph (1) of this Article is published in the Slovenian language and, in regions where the Italian or Hungarian national community lives, in the Italian or Hungarian language. If a bank has established a branch in another Member State or a third country, information regarding the operation of the branch of the bank shall also be published in the official language of that country.

(4) If a bank and a depositor agree on the use of a particular language upon the conclusion of a contract, the bank shall, notwithstanding the preceding paragraph, provide the information referred to in paragraph (1) of this Article to the depositor in the language agreed upon by the parties.

(5) In addition to publishing the information referred to in paragraph (1) of this Article, a bank shall provide the aforementioned information to a depositor before the conclusion of a deposit contract, and the depositor shall confirm, in the form agreed upon for the conclusion of the contract, that such information has been provided to him or her. At the request of the depositor, the bank shall provide the information in writing.

(6) A bank shall provide the information referred to in paragraph (1) of this Article to depositors at least once a year. A regular bank statement detailing a depositor's claim against the bank, which the bank sends to a depositor as part of its regular operations, shall also include information on whether the claim in question is eligible for coverage under the deposit guarantee scheme and a reference to the website containing the information referred to in paragraph (1) of this Article.

Article 12
(Specific advertising conditions)

(1) When advertising the services of its branch in a third country, a bank may include only the information referred to in paragraph (1) of the preceding Article in respect of the branch's membership of the deposit guarantee scheme in the third country, which is limited to the designation of the deposit guarantee scheme, which provides a guarantee for a particular product, and additional information that is required in accordance with the regulations applicable in that third country.

(2) The additional information referred to in the preceding paragraph may contain the actual description of the functioning of the deposit guarantee scheme and may not contain a reference to any unlimited coverage that is guaranteed under the deposit guarantee scheme in the third country.

Article 13
(Informing depositors in the event of a bank merger)

(1) In the event of a bank merger, depositors whose aggregate deposit exceeds the guaranteed coverage level as a result of the bank merger shall, notwithstanding the contractual provisions and without incurring any costs, request that the bank repay the eligible deposit, together with any interest and other benefits that have accrued up to the date of the repayment of the deposit.

(2) Each participating bank shall, at least one month before the planned merger, notify its depositors in writing of the aforementioned change and instruct them that the deposits held by a depositor with the participating banks will be aggregated as a result of the merger and that the aggregate deposit might exceed the guaranteed coverage level. Notwithstanding the preceding sentence, the Bank of Slovenia may, in the event of the resolution of a bank, allow the bank to send a notice of the merger to depositors immediately before the merger in order to protect professional secrecy or financial stability.

(3) A depositor whose aggregate deposit exceeds the guaranteed coverage level as a result of the bank merger may claim repayment as referred to in paragraph (1) of this Article within three months of receiving the notice referred to in the preceding paragraph. A depositor shall be deemed to have received the notice referred to in the preceding paragraph on the fifth day following the date of it being sent stated in the notice.

(4) This Article shall also apply, *mutatis mutandis*, in the event of other changes in banking that in any way affect the amount of an aggregate deposit.

Article 14
(Informing depositors of a branch of a Member State bank and of an EU branch)

(1) In the course of its operation in the Republic of Slovenia, a Member State bank shall provide information on the deposit guarantee scheme established in that Member State at least to the extent provided in Articles 11, 12 and 13 of this Act.

(2) On its website, when advertising, and on all premises where it does business with its clients, an EU branch shall indicate in which deposit guarantee scheme it participates and provide information on the deposit guarantee scheme at least to the extent provided in Articles 11, 12 and 13 of this Act.

2.2. Enforcement of a deposit guarantee

Article 15 (Repayment of guaranteed deposits)

(1) The repayment of guaranteed deposits under the deposit guarantee scheme shall be made by means of a transfer of funds for the repayment to a bank which shall be determined by the Bank of Slovenia in accordance with this Act and through which depositors shall obtain access to their guaranteed deposits (hereinafter: a repayment bank).

(2) The funds for the repayment of guaranteed deposits shall be deemed to be a non-interest bearing demand deposit of a depositor at a repayment bank. Within six months of receipt of the funds, the repayment bank shall be entitled to charge, against the repaid amount of the guaranteed deposit, the costs of administering a demand deposit up to the maximum amount determined by the Bank of Slovenia. After six months, the repayment bank's market interest rates and charges for operating a demand deposit account shall apply to the demand deposit account.

(3) The Bank of Slovenia, as the operator of the deposit guarantee scheme, shall repay the guaranteed deposits *ex officio* in the manner and under the conditions laid down in this Act.

Article 16 (Notice of repayment of guaranteed deposits to depositors)

(1) The Bank of Slovenia and AJPES shall, at the latest within five working days of the cut-off date for the calculation of the guarantee, publish on their websites a notice of the repayment of guaranteed deposits to depositors. The notice shall be prepared by the Bank of Slovenia and shall include at least the following information:

1. the name of the repayment bank, i.e. the bank to which the funds for the repayment of guaranteed deposits to depositors will be transferred under the deposit guarantee scheme;
2. the date from which depositors will be able to access the repaid amount of their guaranteed deposits;
3. the currency of the repayment of the guaranteed deposits and the exchange rates at which claims in other currencies will be converted;
4. the minimum guaranteed deposit amount that will be repaid, taking into account the restrictions referred to in Article 19 of this Act;
5. the charges for operating a demand deposit account referred to in paragraph 2 of the preceding Article;
6. instructions to depositors on how to exercise their rights in connection with the guaranteed deposit; and
7. information for depositors with regard to registering their claims in bankruptcy proceedings.

(2) If a bank has established a branch in another Member State or a third country, the Bank of Slovenia shall also publish the notice referred to in the preceding paragraph in the official language of that country.

(3) If a bank accepts deposits in another Member State directly, i.e. without establishing a branch in that Member State, the information referred to in paragraph (1) of this Article shall also be provided to depositors in the language agreed upon by the bank and the depositor upon the conclusion of a deposit contract.

Article 17
(Time limit for the repayment of guaranteed deposits)

(1) Guaranteed deposits shall be repaid to depositors under the deposit guarantee scheme at the latest within seven working days of the cut-off date for the calculation of the guarantee.

(2) Notwithstanding the preceding paragraph, in the following cases the time limit for the repayment of guaranteed deposits shall be counted from the following dates:

1. when a depositor claims repayment of a guaranteed deposit that exceeds EUR 100,000 pursuant to paragraph (2) of Article 10 of this Act, the time limit shall be counted from the date when the depositor makes a claim with the repayment bank and provides an appropriate explanation and evidence for the enforcement of the guarantee;
2. when it is unclear on the basis of the available information whether the depositor has a right to repayment, the time limit shall be counted from the date when the depositor provides the relevant information on eligibility;
3. when a deposit is subject to restrictive measures which are imposed by the authorities of the Republic of Slovenia or the authorities of the European Union, another country or an international institution and which are binding on the Republic of Slovenia, the time limit shall be counted from the date when such measures cease to apply;
4. when a deposit is the subject of a legal dispute within judicial proceedings, the time limit shall be counted from the date when the settlement or the decision on the case becomes final;
5. when there are reasonable grounds to suspect that a deposit is connected with money laundering or the financing of terrorism, and appropriate investigative activities have been undertaken in this regard, the time limit shall be counted from the date when such investigative activities are concluded and no charge for a criminal offence has been filed or a charge of money laundering or a terrorist financing-related offence has been finally rejected.

(3) In the cases referred to in point (4) and (5) of the preceding paragraph, repayments shall be made to persons who are entitled to funds from the deposit on the basis of a court settlement or a court ruling and to a guarantee under this Act.

(4) When a depositor is not autonomously entitled to access his or her deposit, the repayment under the deposit guarantee scheme shall be made at the latest within three months of the cut-off date for the calculation of the guarantee in such a way so as to ensure that the rights acquired in relation to the deposit are retained.

Article 18
(Currency of repayments)

(1) Repayments of guaranteed deposits under the deposit guarantee scheme shall be made in euros.

(2) If a depositor's claim against a bank which is taken into account in the determination of the guaranteed deposit referred to in Article 10 of this Act is denominated in a currency other than the euro, the claim shall be converted to euros at the exchange rate published by the Bank of Slovenia on the cut-off date for the calculation of the guarantee.

Article 19
(Special restrictions on the repayment of guaranteed deposits)

(1) The repayment of a guaranteed deposit under the deposit guarantee scheme shall not be made if no transaction relating to the deposit has been made in the 24 months before the cut-off date for the calculation of the guarantee and the value of the deposit is lower than the costs that would be incurred by the deposit guarantee scheme if such repayment was made.

(2) A depositor shall not be entitled to the repayment of a guaranteed deposit under the deposit guarantee scheme if the deposit has arisen out of transactions in connection with which there has been a conviction by final judgment for the criminal offence of money laundering or terrorist financing.

Article 20

(Legal remedies and the statute of limitations for claims against the deposit guarantee scheme)

(1) If the repayment bank does not repay a depositor his or her guaranteed deposit, the depositor may bring a claim before a court of general jurisdiction against the deposit guarantee scheme on the basis of entitlement to the guarantee under the scheme or with regard to the amount of the guaranteed deposit repaid to the depositor.

(2) The claim referred to in the preceding paragraph shall become statute-barred five years after the publication of a notice in accordance with Article 16 of this Act, except in the cases referred to in points (3), (4) and (5) of paragraph (2) of Article 17 of this Act, where the claim shall become statute-barred five years after the date when the measures cease to apply or the date when the settlement or the decision on the case becomes final.

(3) The deposit guarantee scheme shall enable depositors to settle disputes regarding the claims referred to in paragraph (1) of this Article out of court before an independent entity authorised by the Bank of Slovenia. (2) The Bank of Slovenia shall publish on its website information on the institution authorised to settle disputes, the form and composition of the body that decides on disputes within the authorised entity, and the method and procedure for decision-making by this body. This information shall also be published by the repayment bank in a conspicuous place on all premises where it does business with its clients.

3. OPERATION OF THE DEPOSIT GUARANTEE SCHEME

3.1 General rules on the operation of the deposit guarantee scheme

Article 21

(Operation of the deposit guarantee scheme)

(1) The Bank of Slovenia shall operate the deposit guarantee scheme in accordance with this Act.

- (2) The operation of the deposit guarantee scheme shall involve:
1. the establishment and management of a deposit guarantee fund, including the exercise of powers to set the fund's target level and the annual fee for the operation of the deposit guarantee scheme;
 2. the exercise of powers to collect banks' regular and extraordinary contributions to the deposit guarantee fund and to enter into agreements on other forms of financing the fund;

3. putting in place, vetting and updating the procedures and arrangements for the repayment of guaranteed deposits, including stress testing;
4. carrying out activities for using the deposit guarantee fund to finance resolution and compulsory winding-up measures, which are implemented in accordance with the regulations on the resolution and winding-up of banks and ensure that depositors maintain access to guaranteed deposits;
5. conducting supervision of members of the deposit guarantee scheme with regard to fulfilment of the obligations of membership of the deposit guarantee scheme.

(3) The Bank of Slovenia shall publish on its website all relevant information regarding the deposit guarantee scheme applicable in the Republic of Slovenia, in particular, information on the procedure and conditions for enforcing a deposit guarantee.

(4) The Bank of Slovenia shall draw up an annual report on the activities of the operation of the deposit guarantee scheme and shall publish it on its website.

Article 22

(Collecting and processing of information for the purposes of operating the deposit guarantee scheme)

(1) For the purposes of operating the deposit guarantee scheme, the Bank of Slovenia shall have the authority and responsibility to collect and process information about all facts and circumstances relating to a bank and individual depositors, including personal data obtained in connection with the performance of its tasks and responsibilities laid down in this Act.

(2) National authorities, authorities of self-governing local communities and bearers of public authority shall be obliged to provide the Bank of Slovenia, on request, any data and information required by the Bank of Slovenia to perform the tasks and responsibilities under this Act. The data and information referred to in this paragraph shall be provided to the Bank of Slovenia free of charge.

(3) The Bank of Slovenia shall be exempt from the payment of court and administrative fees for the data and information obtained from registers and records kept by the courts or other national authorities or bearers of public authority, or from the payment of any other expenses charged in connection with the provision of such data and information.

(4) The information referred to in paragraphs (1) to (3) of this Article shall be the following data on depositors, including personal data:

1. data a bank is required to obtain under the law governing the prevention of money laundering and terrorist financing when establishing a business relationship for the purposes of determining and verifying the identity of a natural person or his or her statutory representative or for the purposes of determining and verifying the identity of a legal person;
2. data on transactions taken into account in determining a depositor's deposit, eligible deposit and guaranteed deposit in accordance with this Act;
3. other data required by the Bank of Slovenia to decide on the entitlement of a depositor to the guarantee with regard to the depositor's claim referred to in paragraph (3) of Article 10 of this Act.

(5) The data referred to in this Article may only be used for the purposes of repaying guaranteed deposits, verifying the functioning of the deposit guarantee scheme pursuant to Article 45 of this Act and imposing supervisory measures.

Article 23
(Reporting by banks for the deposit guarantee scheme)

(1) On request, a bank shall report to the Bank of Slovenia the data on depositors and deposits, with the exception of personal data, required by the Bank of Slovenia, for the purpose of operating the deposit guarantee scheme and preparing for the repayment of guaranteed deposits.

(2) The Bank of Slovenia shall define in detail the content, scope and manner of and time limits for the processing and provision of the data referred to in this Article by way of an implementing regulation.

Article 24
(Annual fee for the operation of the deposit guarantee scheme)

(1) Banks shall pay to the Bank of Slovenia their proportional share of the annual fee for the operation of the deposit guarantee scheme, subject to the criteria referred to in paragraph (3) of Article 31 of this Act.

(2) The fee referred to in the preceding paragraph shall be set by the Bank of Slovenia at such an amount that the total of all fees to be paid by the members of the deposit guarantee scheme does not exceed the actual costs incurred by the Bank of Slovenia in a particular year in relation to the operation of the deposit guarantee scheme, less the costs of management of the deposit guarantee fund, which are covered directly by funds from the deposit guarantee fund under this Act.

(3) The Bank of Slovenia shall issue an invoice for the payment of the annual fee by 30 June for the previous year, taking into account the actual costs in the past year.

(4) If a bank does not pay the fee referred to in paragraph (1) of this Article within 15 days of receipt of the invoice, the Bank of Slovenia shall impose the payment on the bank by way of a decision.

(5) The Bank of Slovenia shall lay down more detailed rules for setting the fee referred to in paragraph (1) of this Article and for proportionally dividing the annual fee among the banks by way of an implementing regulation.

Article 25
(Responsibility for the performance of tasks and the exercise of powers in relation to the operation of the deposit guarantee scheme)

(1) In implementing tasks and exercising powers on the basis of this Act, the Bank of Slovenia and the persons who act on its behalf or under powers delegated thereby shall act with the diligence of a 'good expert'.

(2) The Bank of Slovenia and other persons who act on its behalf or under powers delegated thereby shall be deemed to have acted with the appropriate diligence in exercising their powers under this Act if, taking into account the facts and circumstances at the time of their actions, they can justifiably state that the conditions for exercising powers in accordance with this Act have been met.

(3) The Bank of Slovenia shall be liable for any damage caused to third parties in connection with the actions of the Bank of Slovenia or the actions of persons who, in implementing tasks and exercising powers under this Act, acted on its behalf or under

powers delegated thereby due to failure to comply with the obligations referred to in paragraph (1) of this Article. The Bank of Slovenia shall be responsible for the actions of persons who, in exercising the powers of the Bank of Slovenia in accordance with this Act, acted on the basis of powers delegated by the Bank of Slovenia in accordance with the rules governing the liability of employers for damage caused to third parties by employees during or in connection with their work.

(4) If damage is caused due to the activities of a person who was working on behalf of the Bank of Slovenia or under powers delegated thereby, the injured party may seek compensation for damage exclusively from the Bank of Slovenia, notwithstanding the provisions of other acts.

3.2. Deposit guarantee fund

Article 26 (Deposit guarantee fund)

(1) The Bank of Slovenia shall, as part of the operation of the deposit guarantee scheme, establish a deposit guarantee fund (hereinafter: the fund), which shall be managed separately from the other assets of the Bank of Slovenia and assets managed by the Bank of Slovenia.

(2) The assets of the fund shall be the assets referred to in paragraph (1) of Article 30 of this Act and other assets if this or another Act provides that certain assets shall be regarded as the assets of the fund.

(3) The fund shall not have a legal personality; however, the assets that constitute the fund may be an independent holder of rights and obligations and participate as a party to judicial proceedings.

(4) The fund shall be liable for its obligations with all of the assets that constitute the fund.

(5) The fund shall be entered in the Slovenian Business Register.

Article 27 (Management of the fund)

(1) The fund shall be managed by the Bank of Slovenia, which shall make decisions on its operation and represent it vis-à-vis third parties. The provisions of the law governing the Bank of Slovenia shall apply to the Bank of Slovenia's decision-making with regard to the operation and representation of the fund.

(2) With regard to the management of the fund, the Bank of Slovenia shall have the following responsibilities, in particular:

1. setting the fund's target level and determining and collecting the banks' regular contributions and payment commitments to reach the fund's target level;
2. determining and collecting the banks' extraordinary contributions to fulfil the obligations of the fund;
3. defining the investment policy for the assets of the fund and investing the assets of the fund;
4. entering into agreements on other forms of financing the fund;

5. entering into agreements on the lending of funds with the deposit guarantee schemes of other Member States.

(3) Under the conditions laid down in this Act, the fund's assets may be used for the following purposes:

1. the repayment of guaranteed deposits;
2. financing resolution and compulsory winding-up measures to ensure that depositors maintain access to guaranteed deposits in accordance with the regulations on the resolution and winding-up of banks;
3. covering costs relating to the repayment of guaranteed deposits;
4. covering the costs of managing the fund;
5. covering the costs of borrowing referred to in points (3) and (4) of paragraph (1) of Article 30 of this Act.

(4) The Bank of Slovenia shall manage the fund's assets separately from other assets of the Bank of Slovenia and separately from other assets managed by the Bank of Slovenia on behalf of other persons in accordance with regulations. The Bank of Slovenia shall assume no liability for the fund's liabilities.

(5) The costs incurred by the Bank of Slovenia with regard to the management of the fund shall be covered by the fund's assets. The costs of the management of the fund charged by the Bank of Slovenia shall not exceed the actual costs of management.

Article 28 (The fund's target level)

(1) The Bank of Slovenia shall, by way of an implementing regulation, define the fund's target level as a percentage of the total amount of all guaranteed deposits in the Republic of Slovenia.

(1) The Bank of Slovenia shall set the target level of the fund, taking into account the principle of proportionality such that the fund has sufficient assets, including the available sources of financing (hereinafter: the fund's available financial means), for the potential repayment of guaranteed deposits under the deposit guarantee scheme under this Act.

(3) The target level referred to in paragraph (1) of this Article shall be set at a minimum of 0.8% of the total amount of all guaranteed deposits in the Republic of Slovenia.

Article 29 (Reaching the fund's target level)

(1) The fund's target level determined pursuant to the preceding Article shall be reached by means of the fund's assets less its liabilities.

(2) If the conditions in the financial markets are stable and the fund has sufficient available financial means, the Bank of Slovenia shall, taking into account the objectives of the deposit guarantee scheme, decide whether the fund's target level will also be reached through the banks' legal commitments to pay a particular amount to the fund (hereinafter: payment commitments).

(3) Payment commitments shall be fully protected to the benefit of the fund by appropriate assets. The payment of an amount on the basis of a payment commitment shall be a deferred payment of a bank's regular contribution. The total share of payment commitments shall not exceed 30% of the total amount of the fund's available financial

means to be taken into account in order to reach the fund's target level. The Bank of Slovenia shall, treating all banks within a group of banks equally, define in detail payment commitments and assets that are deemed to be appropriate collateral for a bank's payment commitments, taking into account the low risk and the free availability of assets.

(4) For the purposes of verifying whether the target level has been reached in a particular year, in calculating the total amount of all guaranteed deposits in the Republic of Slovenia, the Bank of Slovenia shall take into account the average of the monthly values of the guaranteed deposits at banks in the previous year.

(5) If the target level referred to in paragraph (1) of the preceding Article has already been reached and, due to the use of the fund's assets or the raising of the target level, the fund's assets in the current year do not suffice to reach at least two-thirds of the target level, the regular contribution referred to in Article 31 of this Act shall be set at a level allowing the target level to be reached at the latest within six years.

3.2.1. Financing of the deposit guarantee fund

Article 30 (Sources of financing of the fund)

- (1) The financing of the fund shall be provided through:
1. regular and extraordinary contributions of banks;
 2. income from the fund's investments;
 3. borrowing in the market, in particular through the issue of bonds, and
 4. the acquisition of loans from other sources in accordance with this Act.

(2) The banks that ensure the financing of the fund through regular and extraordinary contributions in accordance with this Act shall not be entitled to enforce claims for the refund of the contributions paid, except in the case referred to in Article 33 of this Act.

(3) If, on the basis of the sources referred to in paragraph (1) of this Article and under Article 35 of this Act, the fund is unable to provide sufficient funds in due time to comply with its obligations under this Act, the remainder of the funds shall be temporarily provided by the Republic of Slovenia in the form of a short-term loan on the basis of a proposal by the Bank of Slovenia. A short-term loan agreement shall be concluded between a responsible person of the Bank of Slovenia on behalf of and for the account of the fund and the Republic of Slovenia, whereby the interest rate and the cost of the loan shall be determined at least in the amount of the interest rate and the level of the cost of borrowing at which the Republic of Slovenia could borrow during the provision of the short-term loan.

(4) 80% of the fund's assets referred to in paragraph (1) of this Article shall be used for the repayment of the short-term loan, interest and costs referred to in the preceding paragraph until such short-term loan, interest and costs are repaid in full.

(5) The Republic of Slovenia shall provide assets for the purpose referred to in paragraph (3) of this Article by way of additional borrowing in the manner laid down in the law governing the implementation of the Republic of Slovenia's budget for a particular year.

Article 31 (Regular contributions)

(1) Banks shall pay regular contributions to the fund in order to reach the fund's target level and provide assets for financing the fund's commitments referred to in points (3) and (4) of paragraph (1) of the preceding Article. Banks' regular contributions shall be paid in the form of an annual contribution, which the banks shall pay every calendar year until the fund's target level is reached.

(2) The Bank of Slovenia shall set the banks' regular annual contribution by way of a decision so that the target level is gradually reached in accordance with Article 29 of this Act, taking due account of the phase of the business cycle and the impact procyclical contributions may have on the setting of regular annual contributions.

(3) The Bank of Slovenia shall set the regular annual contribution of a particular bank on the basis of the amount of the guaranteed deposits of that bank in relation to the total guaranteed deposits of all banks, taking into account the bank's risk profile.

(4) Notwithstanding the preceding paragraph, taking into account the principle of the equal treatment of banks within the same group of banks, the Bank of Slovenia may decide that a regular annual contribution for banks with a low-risk business model be set independently of the extent of the guaranteed deposits of these banks.

(5) The Bank of Slovenia shall, by way of an implementing regulation, define detailed rules for the calculation of regular contributions, taking due account of the proposals of the European Central Bank regarding the exercise of its powers and the carrying out of tasks relating to the prudential supervision of credit institutions in accordance with 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) (hereinafter: Regulation (EU) No 1024/2013).

Article 32 **(Extraordinary contributions)**

(1) If the available financial means of the fund are insufficient for the repayment of guaranteed deposits in accordance with this Act or for the repayment of other liabilities of the fund, the Bank of Slovenia shall, by way of a decision, impose on banks an obligation to pay extraordinary contributions to the fund.

(2) The provisions of the preceding Article shall apply, *mutatis mutandis*, to the calculation of extraordinary contributions, unless otherwise provided in this Article.

(3) An extraordinary contribution to be paid by a particular bank per year may not exceed 0.5% of its guaranteed deposits taken into account in the calculation of the bank's contributions in that year. In extraordinary circumstances, the Bank of Slovenia may require that banks pay higher extraordinary contributions, which shall not exceed 1% of the guaranteed deposits of a particular bank.

(4) The Bank of Slovenia or the European Central Bank, whenever the latter is responsible for exercising its powers and carrying out tasks relating to prudential supervision of credit institutions in accordance with Regulation (EU) No 1024/2013, may defer, in whole or in part, a bank's payment of extraordinary contributions if such payment would jeopardise the liquidity or solvency of the bank. Such deferral shall be granted for a maximum of six months and may be renewed after the expiry of this time limit, each time for a maximum of six months, provided that there still exist reasons for the deferral of the bank's payment of the extraordinary contributions.

Article 33
(Reimbursement from the fund)

(1) If for three consecutive years the fund's investments exceed the fund's target level determined pursuant to Article 28 of this Act by more than 10% of the average target amount in these years, the Bank of Slovenia shall decide, provided that this does not jeopardise the fund's objectives, that the amount by which investments exceed 110% of the average target amount of the fund's available financial means in the last three years is liquidated and paid to the banks.

(2) The banks shall be entitled to the reimbursement of a proportionate share of the funds, depending on the share of the regular contribution they would have to pay to the fund with respect to the calendar year in which the Bank of Slovenia adopted a decision referred to in the preceding paragraph.

Article 34
(Borrowing)

(1) In order to comply with its obligations under this Act, the fund may obtain short-term financing in the market, particularly by issuing bonds and other debt instruments.

(2) For the purposes of the repayment of guaranteed deposits in accordance with this Act, the fund may also borrow from the deposit guarantee scheme of another Member State.

(3) The funds for the repayment of the amounts borrowed as referred to in paragraphs (1) and (2) of this Article shall be provided by means of banks' regular and extraordinary contributions, taking into account the possibilities for reaching the fund's target level as soon as possible.

Article 35
(Emergency liquidity facility)

(1) The Bank of Slovenia may grant an emergency liquidity facility to the fund if, taking into account the situation in financial markets and the structure of the fund's assets, the fund is unable to provide, in due time and without incurring disproportionate loss, the necessary liquidity for the repayment of its liabilities under this Act, which in turn may jeopardise the stability of the financial system.

(2) Subject to Article 123 of the Treaty on the Functioning of the European Union, a liquidity facility may be granted only if the following conditions are met:

1. the loan is granted as a short-term loan;
2. the loan is based on appropriate collateral to the benefit of the Bank of Slovenia.

3.2.2. (Investment of the fund's assets)

Article 36
(Investment policy for the assets of the fund)

(1) The Bank of Slovenia shall define the investment policy for the fund's assets, taking into account the diversity of low-risk investments and ensuring the adequate

availability of the fund's investments for the purpose of the repayment of guaranteed deposits.

(2) Low-risk investments shall be investments falling into the first or second categories referred to in Table 1 of Article 336 of Regulation (EU) No 575/2013 or any assets which are considered to be similarly safe and liquid by the Bank of Slovenia as the deposit guarantee authority and the competent authority under the law governing banking.

(3) The investment policy shall be published on the Bank of Slovenia's website.

Article 37 **(Loans granted to other deposit guarantee schemes)**

(1) The fund may, within its available financial means, grant a loan to the deposit guarantee scheme of another Member State, provided that the following conditions are met:

1. the deposit guarantee scheme of the Member State is unable, despite the requirement regarding the payment of extraordinary contributions by members in accordance with the national legislation of that Member State transposing Directive 2014/49/EU, to fulfil its obligations towards depositors who are entitled to their guaranteed deposits due to a lack of available financial means;
2. the deposit guarantee scheme of the Member State undertakes to use the borrowed funds for the repayment of guaranteed deposits in accordance with the national legislation of that Member State transposing Directive 2014/49/EU;
3. the deposit guarantee scheme of the Member State is not currently under obligation to repay a loan to other deposit guarantee schemes;
4. the fund has no obligation to repay a loan to the Republic of Slovenia;
5. the deposit guarantee scheme of the Member State specifies the amount of the loan requested, whereby the total amount lent may not exceed 0.5% of the guaranteed deposits under that deposit guarantee scheme; and
6. the deposit guarantee scheme of the Member State informs the European Banking Authority of the amount of the loan requested, stating that the conditions set out in this paragraph are fulfilled.

(2) The fund shall grant a loan referred to in the preceding paragraph subject to the following conditions:

1. the loan shall be repaid within a maximum of five years; it may be repaid in instalments due at least once a year; interest shall be paid upon the repayment of the principal; and
2. the interest rate on the loan shall be at least equivalent to the marginal lending facility rate of the European Central Bank during the credit period.

(3) If the Bank of Slovenia has granted a loan to the deposit guarantee scheme of a Member State under the conditions referred to in this Article, it shall inform the European Banking Authority thereof, stating the initial interest rate and the loan repayment period.

Article 38 **(Subrogation regarding the repayment of guaranteed deposits)**

(1) When the deposit guarantee scheme repays a guaranteed deposit from the fund, a depositor's claim against a bank for an amount equal to the repaid amount shall be transferred to the fund.

(2) The deposit guarantee scheme shall be subrogated to all rights which the depositor may have against the bank under the legal and contractual arrangements to the

extent of the transferred claim. A depositor who has been repaid his guaranteed deposit from the fund may only make a claim against the bank in respect of his eligible deposit for amounts exceeding the repaid amount of the guaranteed deposit.

Article 39
(Claims made by the fund in resolution and winding-up proceedings)

(1) The deposit guarantee scheme shall make a claim against a bank that is in resolution or compulsory winding-up proceedings for the repayment of amounts that are to be paid from the fund in accordance with the regulations on the resolution and winding-up of banks with a view to financing measures for the resolution or compulsory winding-up of that bank in order to maintain depositors' access to guaranteed deposits.

(2) In the compulsory winding-up of a bank, the claims referred to in the preceding paragraph shall be treated in the same order of priority for repayment from the bank's assets as claims for the repayment of depositors' guaranteed deposits.

Article 40
(The fund's financial statements)

(1) At the end of the financial year, the Bank of Slovenia shall draw up separate financial statements for the fund, which shall be audited by a certified auditor.

(2) The audited financial statements shall be part of the annual report of the Bank of Slovenia referred to in paragraph (4) of Article 21 of this Act.

3.3. Establishing conditions for the repayment of guaranteed deposits

Article 41
(Conclusion of an agreement with repayment banks)

(1) As part of the operation of the deposit guarantee scheme, the Bank of Slovenia shall conclude an agreement with one or more banks that meet the personnel, organisational and technical conditions for carrying out tasks relating to the repayment of guaranteed deposits in accordance with the provisions of this Act (hereinafter: a potential repayment bank) on the performance of the tasks of a repayment bank.

(2) The Bank of Slovenia shall ensure that potential repayment banks satisfy, either individually or jointly, the following criteria:

1. the adequate distribution of branch offices throughout the territory of the Republic of Slovenia;
2. the organisational capacity of branch offices to cope with the increased volume of business with customers;
3. the availability of personnel and the professional competence of personnel to work in normal and emergency conditions; and
4. technical capabilities, i.e. hardware and software, to ensure that depositors have unhindered access to the repaid amount of their guaranteed deposits.

(3) An agreement referred to in paragraph (1) of this Article shall specify the requirements to be met by a potential repayment bank during the time of readiness and in the event of the repayment of guaranteed deposits.

(4) A potential repayment bank is entitled to the reimbursement of actual costs incurred in connection with setting up and maintaining readiness to perform tasks related to the repayment of guaranteed deposits. The costs of a potential repayment bank shall be covered by the annual fee referred to in Article 24 of this Act.

Article 42
(Preparations by a repayment bank for the repayment of guaranteed deposits)

(1) In the event of the repayment of guaranteed deposits, the deposit guarantee scheme shall determine one or more repayment banks. The deposit guarantee scheme shall inform depositors of the selection of repayment banks by way of a notice referred to in Article 16 of this Act.

(2) The deposit guarantee scheme shall provide repayment banks with the following:

1. funds for the repayment of guaranteed deposits by using the fund's sources of financing;
2. information on guaranteed deposits and depositors who are entitled to access their guaranteed deposits; and
3. instructions for ensuring depositors access to the repaid amount of their guaranteed deposits.

(3) A repayment bank may use the funds and information referred to in the preceding paragraph solely for the purpose of ensuring that depositors have access to the repaid amount of their guaranteed deposits.

(4) After receiving the funds and information referred to in paragraph (2) of this Article, a repayment bank shall ensure that depositors have access to the repaid amount of their guaranteed deposits.

(5) Within six months of receipt of the funds referred to in paragraph (2) of this Article, a repayment bank shall be entitled to the reimbursement of costs associated with ensuring that depositors have access to the repaid amount of their guaranteed deposits, which shall be determined by the Bank of Slovenia and shall take account of the actual costs of administering a demand deposit at the repayment bank.

Article 43
(IT capability of a bank)

(1) A bank shall provide an appropriate IT system that will at all times enable access to the information referred to in paragraph (4) of Article 22 of this Act, which is required for the repayment of guaranteed deposits and for the testing purposes referred to in paragraph (2) of Article 45 of this Act.

(2) A bank shall at all times be able to provide the information referred to in the preceding paragraph and submit it immediately to the Bank of Slovenia on request.

3.4. Additional powers and obligations of the Bank of Slovenia regarding the operation of the deposit guarantee scheme

Article 44
(Confidentiality of data and information)

(1) All data on depositors held by the Bank of Slovenia for the purpose of operating the deposit guarantee scheme shall be confidential.

(2) The Bank of Slovenia shall safeguard as confidential the data referred to in the preceding paragraph and shall not disclose such data to any other person or national authority, except in the form of a summary from which individual banks or depositors to whom such confidential data relate cannot be identified.

(3) Bank of Slovenia employees and other persons who act or have acted under the authority of the Bank of Slovenia shall safeguard as confidential all information obtained during the performance of tasks for the Bank of Slovenia in connection with the latter's tasks and powers relating to the operation of the deposit guarantee scheme, and shall not disclose such information to another person or national authority, unless otherwise provided by law.

(4) The prohibition referred to in paragraphs (2) and (3) of this Article shall not apply to the exchange of information between the Bank of Slovenia and authorised external service providers who, under the authority of the Bank of Slovenia, carry out individual tasks relating to the operation of the deposit guarantee scheme in accordance with this Act, provided that these providers ensure the appropriate protection of confidential information.

(5) The Bank of Slovenia shall also safeguard as confidential all information on individual members of the deposit guarantee scheme obtained from a particular member or other persons during the performance of tasks and the exercise of powers under this Act or produced by the Bank of Slovenia for the performance of tasks under this Act. The protection of confidential information on individual members of the deposit guarantee scheme shall be subject to the provisions of the law governing banking relating to the protection of confidential information, unless otherwise provided by law.

(6) The obligation to safeguard the confidential data and information referred to in this Article shall also apply to data and information obtained by the Bank of Slovenia or the persons referred to in paragraph (3) of this Article in the exchange of information with deposit guarantee authorities of other Member States or third countries and the European Banking Authority, supervisory authorities of the Republic of Slovenia or competent authorities of other Member States, including the European Central Bank, whenever the latter exercises the powers of a competent authority in accordance with Regulation (EU) No 575/2013.

(7) The Bank of Slovenia shall process personal data obtained in the performance of tasks and the exercise of powers laid down in this Act in accordance with the law governing the protection of personal data and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Article 45

(Regular verification of the functioning of the deposit guarantee scheme)

(1) The Bank of Slovenia shall regularly verify the appropriateness of the organisation and functioning of the deposit guarantee scheme and its compliance with the provisions of this Act.

(2) For the purposes referred to in the preceding paragraph, the Bank of Slovenia shall, every three years, conduct testing to verify the functioning of the deposit guarantee scheme in practice and the appropriateness of procedures for compliance with the obligations of the deposit guarantee scheme.

(3) The ministry responsible for finance, members of the deposit guarantee scheme and the deposit guarantee schemes of Member States or third countries shall participate in carrying out the testing referred to in the preceding paragraph.

(4) Entities that participate in the testing referred to in paragraph (2) of this Article shall safeguard as confidential all data, facts and circumstances obtained during testing and shall use them solely for the purpose of testing. Data shall be kept no longer than necessary for this purpose.

(5) Notwithstanding the preceding paragraph and other provisions of this Act on the protection of the confidentiality of data, the Bank of Slovenia shall send the information regarding the testing of the deposit guarantee scheme, with the exception of personal data, to the European Banking Authority in accordance with 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, 15.12.2010, p. 12) (hereinafter: Regulation (EU) No 1093/2010).

Article 46 **(Application of rules on the procedure)**

(1) The provisions of the law governing banking relating to the process of decision-making by the Bank of Slovenia in individual cases shall apply to the procedure for the issuance of the decisions referred to in Articles 24, 31 and 32 of this Act, unless otherwise provided by this Act.

(2) No appeal shall be allowed against the decisions referred to in the preceding paragraph, which shall be enforceable once they have become final.

(3) If a bank does not fulfil its obligations on the basis of a decision referred to in paragraph (1) of this Article, the Bank of Slovenia shall, *ex officio*, propose that the decision be enforced by an authority responsible for tax collection in accordance with the tax enforcement procedure in accordance with the law governing the tax procedure, unless otherwise provided in this Article.

(4) On the basis of the proposal of the Bank of Slovenia, the authority responsible for tax collection shall issue an order for the enforcement of the decision referred to in paragraph (1) of this Article within 30 days at the latest.

(5) If an appeal has been lodged against the enforcement order of the authority responsible for tax collection, the provisions of the law governing the tax procedure on postponing, *ex officio*, a tax lien shall not apply.

Article 47 **(Supervision of banks' compliance with obligations in connection with the deposit guarantee scheme)**

(1) Banks' compliance with obligations in accordance with the provisions of this Act shall be supervised by the Bank of Slovenia.

(2) The provisions of the law governing banking on the exercise of supervision and supervisory measures shall apply to the supervision of banks referred to in the preceding paragraph.

Article 48
(Supervision of the operations of Member State banks regarding the deposit guarantee scheme)

The Bank of Slovenia shall exercise supervision of compliance with the requirements referred to in Article 14 of this Act by a Member State bank which performs services, either directly or through a branch, in the Republic of Slovenia. The provisions of the law governing banking on the supervision of the operations of a Member State bank in the Republic of Slovenia shall apply to the supervision of and supervisory measures against a Member State bank.

4. (CROSS-BORDER COOPERATION AND THE PERFORMANCE OF TASKS IN CONNECTION WITH THE DEPOSIT GUARANTEE SCHEME)

4.1. Cross-border cooperation in the European Union

Article 49
(Cooperation with other authorities and deposit guarantee schemes)

(1) With regard to the performance of tasks and the exercise of powers in connection with the deposit guarantee scheme, the Bank of Slovenia shall cooperate with the deposit guarantee authorities of other Member States, the resolution authorities in those Member States and other competent authorities of Member States responsible for the deposit guarantee scheme.

(2) Under the principle of reciprocity, the Bank of Slovenia may conclude agreements with the deposit guarantee authorities of other Member States in order to ensure the more effective performance of tasks and exercise of powers in connection with the deposit guarantee scheme and in procedures for the repayment of the guaranteed deposits that are eligible for a guarantee under other deposit guarantee schemes.

(3) The Bank of Slovenia shall inform the European Banking Authority of the agreements referred to in the preceding paragraph which it has concluded with the deposit guarantee authorities of the Member States in which a bank has established a branch. If the conclusion of an agreement is not possible or if there is doubt as to the interpretation of the concluded agreement, the Bank of Slovenia may refer the matter to the European Banking Authority in accordance with Article 19 of Regulation (EU) No 1093/2010.

(4) The absence of the agreements referred to in paragraph (2) of this Article shall not affect the implementation of the provisions of this Act with regard to the rights of depositors and banks.

(5) As part of cooperation under this Article, the Bank of Slovenia and the deposit guarantee authorities of other Member States shall exchange information on the operation of deposit guarantee schemes and their supervision and the data required to prepare for making repayments to depositors, including data for the identification of eligible deposits.

(6) The Bank of Slovenia shall, on request, provide the deposit guarantee authority of a Member State information necessary for the performance of its tasks in connection with the deposit guarantee scheme of the Member State. The Bank of Slovenia shall, on its own initiative, provide the deposit guarantee authority of a Member State information that is vital for the performance of its tasks in connection with the deposit guarantee scheme.

Information shall be considered vital when it might have a significant impact on the fulfilment of obligations in connection with the deposit guarantee scheme of another Member State.

Article 50
(Cooperation with other institutions of the European Union and international associations)

(1) The Bank of Slovenia shall cooperate with the institutions of the European Union and other international organisations for the purpose of exchanging information on the functioning of the deposit guarantee scheme.

(2) The Bank of Slovenia shall, by 31 March of the current year at the latest, inform the European Banking Authority of the total amount of guaranteed deposits and the amount held by the fund as at 31 December of the previous year.

4.2. Cooperation in the repayment of the guaranteed deposits of a branch of a Member State bank

Article 51
(Repayment of the guaranteed deposits of a branch of a Member State bank)

(1) The deposit guarantee scheme of the Republic of Slovenia shall, on request and on behalf of the deposit guarantee scheme of another Member State, repay the guaranteed deposits held with a branch of that Member State's bank in the Republic of Slovenia, provided that the deposit guarantee scheme of that Member State, which is responsible for guaranteeing deposits held with that branch, has provided the following:

1. funds in an amount equalling the amount of coverage for the guaranteed deposits to be repaid in the Republic of Slovenia, and
2. all the necessary information and instructions for the repayment of the guaranteed deposits of the branch.

(2) The provisions of this Act on the repayment of deposits guaranteed under this Act shall apply to the repayment of the guaranteed deposits referred to in the preceding paragraph.

(3) In the event of the repayment of the guaranteed deposits of a branch of a Member State bank in accordance with this Article, the deposit guarantee scheme of the Republic of Slovenia shall not be held liable for any damage caused to a third party due to errors in determining a depositor or the amount of coverage for a guaranteed deposit or in carrying out the instructions provided by the deposit guarantee scheme of that Member State regarding the repayment of the guaranteed deposits of the branch of the bank of that Member State.

(4) In the event of the repayment of the guaranteed deposits of a branch of a Member State bank in accordance with this Article, the deposit guarantee scheme of the Republic of Slovenia shall submit a claim for the reimbursement of all costs incurred in the repayment of the guaranteed deposits of the branch of the Member State bank with the deposit guarantee scheme of that Member State.

Article 52
(The transfer of paid contributions among deposit guarantee schemes)

(1) If a bank is reorganised in such a way that it ceases to be a member of the deposit guarantee scheme and joins the deposit guarantee scheme of another Member State, the contributions paid by that bank to the deposit guarantee scheme during the 12 months preceding the end of the membership, with the exception of extraordinary contributions, shall be transferred to the deposit guarantee scheme of which it has become a member.

(2) The preceding paragraph shall also apply, *mutatis mutandis*, to the reorganisation of a branch of a Member State bank into a bank established in the Republic of Slovenia.

(3) If a Member State bank is reorganised in such a way that it joins the deposit guarantee scheme of the Republic of Slovenia, the contributions paid by that bank to the deposit guarantee scheme of that Member State shall be transferred to the deposit guarantee scheme. Paragraph (1) of this Article shall apply, *mutatis mutandis*, to the transfer of contributions.

(4) In the event of a transfer of contributions between deposit guarantee schemes in accordance with this Article, all deposits held with a bank or its branch prior to the reorganisation shall be guaranteed under the new deposit guarantee scheme after the transfer.

(5) A bank shall inform its depositors of its intention to become a member of another deposit guarantee scheme at least one month before it becomes a member of such deposit guarantee scheme.

Article 53

(Providing information on the functioning of the deposit guarantee scheme)

(1) The deposit guarantee scheme of the Republic of Slovenia shall, on behalf of the deposit guarantee scheme of another Member State, inform the depositors concerned of a branch of that Member State's bank in the Republic of Slovenia.

(2) The deposit guarantee scheme of the Republic of Slovenia may request that the deposit guarantee scheme of another Member State submit correspondence received from depositors of a branch of a bank of that Member State in the Republic of Slovenia.

4.3. Guarantee of the deposits of an EU branch and cooperation with the deposit guarantee schemes of third countries

Article 54

(Inclusion of an EU branch in the deposit guarantee scheme of the Republic of Slovenia)

(1) The Bank of Slovenia shall request that, with respect to an EU branch in the Republic of Slovenia, a bank of a third country join, fully or to the extent required to supplement the guarantee, the deposit guarantee scheme of the Republic of Slovenia if the level of protection which the depositors of that EU branch enjoy under the deposit guarantee scheme of the third country is not equivalent to that provided by the deposit guarantee scheme of the Republic of Slovenia. In so doing, the Bank of Slovenia shall, in particular, take account of the level of coverage and the scope of protection provided by the deposit guarantee scheme of the third country.

(2) The coverage level and scope of protection for the deposits of an EU branch may not exceed the level and scope laid down in this Act.

(3) If the Bank of Slovenia requests that, with respect to an EU branch, a third-country bank join the deposit guarantee scheme of the Republic of Slovenia, the Bank of Slovenia shall specify the manner and scope of such joining.

(4) If the Bank of Slovenia requests that, with respect to an EU branch, a third-country bank join the deposit guarantee scheme of the Republic of Slovenia, the deposit guarantee scheme of the Republic of Slovenia shall guarantee the repayment of the guaranteed deposits of the EU branch to the extent to which the third-country bank participates in that deposit guarantee scheme with respect to that EU branch.

Article 55

(Cooperation with the deposit guarantee scheme of a third country)

(1) The Bank of Slovenia shall cooperate with the deposit-guarantee scheme of the third country in which a bank has a branch and with the deposit guarantee scheme of the third country in which a bank that has established an EU branch in the Republic of Slovenia has its head office.

(2) In the case referred to in the preceding paragraph, the Bank of Slovenia shall, under the principle of reciprocity, conclude an agreement with the deposit guarantee scheme defining the rules and procedures for the repayment of guaranteed deposits and the rules for the protection of the confidentiality of data regarding the performance of tasks and the exercise of powers in connection with the deposit guarantee scheme.

(3) As part of cooperation under this Article, the Bank of Slovenia and the deposit guarantee authorities of third countries shall exchange, in particular, information on the operation of the deposit guarantee schemes and their supervision and the data referred to in paragraph (4) of Article 22 of this Act.

(4) The exchange of information referred to in the preceding paragraph shall be admissible provided that a third country provides at least the level of protection of personal data that is equivalent to that provided by the law governing the protection of personal data, which shall be decided by the Information Commissioner for each individual country. The deposit guarantee authority of a third country may use the data referred to in the preceding paragraph solely for the purpose of the repayment of guaranteed deposits to depositors under the conditions laid down in this Act.

5. PENAL PROVISIONS

Article 56

(Fines for breaches by a bank)

(1) A fine from EUR 25,000 to 250,000 shall be imposed on a bank or an EU bank for the following offences:

1. failure to inform a depositor that the liabilities under the contract may be offset against the depositor's claim for the repayment of the guaranteed deposit (paragraph (5) of Article 10);
2. failure to publish information on the deposit guarantee scheme or publishing such information contrary to the law (paragraphs (2) and (3) of Article 11);

3. failure to provide a depositor with information on the deposit guarantee scheme prior to the conclusion of a deposit contract (paragraphs (4) and (5) of Article 11);
4. failure to provide a depositor with information on his or her deposit (paragraph (6) of Article 11);
5. advertising contrary to the law (Article 12);
6. failure to repay an eligible deposit at the request of a depositor (paragraph (1) of Article 13) or to inform depositors in writing of a merger and the possibility of exercising rights arising as a result of the merger (paragraph (2) of Article 13);
7. failure to report to the Bank of Slovenia data on depositors and deposits required by the Bank of Slovenia for the purpose of operating the deposit guarantee scheme (paragraph (1) of Article 23);
8. failure to pay, or failure to pay in due time, a regular contribution in accordance with a decision of the Bank of Slovenia (paragraph (1) of Article 31);
9. failure to pay, or failure to pay in due time, an extraordinary contribution in accordance with a decision of the Bank of Slovenia (paragraph (1) of Article 32);
10. failure to use the information and funds acquired for the repayment of guaranteed deposits solely for the purpose of ensuring that depositors have access to the repaid amount of their guaranteed deposits (paragraph (3) of Article 42);
11. failure to provide an appropriate information system to access data required for the repayment of guaranteed deposits (paragraph (1) of Article 43);
12. failure to inform its depositors, within the specified time limit, of its intention to become a member of another deposit guarantee scheme (paragraph (5) of Article 52).

(2) A fine of between EUR 800 and EUR 10,000 shall be imposed on the responsible person of a bank or of an EU branch for committing an offence referred to in the preceding paragraph.

Article 57 (Imposition of a fine in a fast-track procedure)

A fine in an amount exceeding the minimum fine under this Act may be imposed in a fast-track procedure for the offences referred to in this Act.

6. TRANSITIONAL PROVISIONS

Article 58 (Depositors' rights in connection with a change in the eligibility of deposits for the guarantee)

(1) If, after the entry into force of this Act, individual deposits are no longer eligible for the guarantee provided in the Banking Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 99/10 – official consolidated text, 52/11 – corr., 9/11 – ZPlaSS-B, 35/11, 59/11, 85/11, 48/12, 105/12, 56/13, 63/13 – ZS-K and 96/13) (hereinafter: the ZBan-1), a depositor may exercise the rights laid down in Article 13 of this Act against the bank.

(2) A bank shall inform a depositor within one month of the entry into force of this Act that his or her deposit is no longer eligible for a guarantee under the deposit guarantee scheme or that his or her deposit is not fully eligible for such guarantee.

Article 59 (Transitional provisions on the time limit for the repayment of guaranteed deposits)

(1) In respect of the time limit within which the repayment of guaranteed deposits shall be made under the deposit guarantee scheme, paragraph (1) of Article 17 of this Act shall apply as of 1 January 2024.

(2) For a transitional period up to 31 December 2023, the following time limits for the repayment of guaranteed deposits shall apply:

- until 31 December 2018, up to 20 working days;
- from 1 January 2019 to 31 December 2020, up to 15 working days;
- from 1 January 2021 to 31 December 2023, up to 10 working days.

(3) A depositor who is entitled to the repayment of a guaranteed deposit may, in the transitional periods up to 31 December 2023, file a claim with the deposit guarantee scheme for the early repayment of an appropriate amount of his or her guaranteed deposit to cover the cost of living in the amount of a minimum wage in the Republic of Slovenia.

(4) A depositor referred to in the preceding paragraph shall duly substantiate his or her claim and explain the urgency of the early repayment of the claimed amount, stating that no grounds exist provided in this Act that preclude the repayment of the guaranteed deposit. In his or her claim, the depositor shall indicate an account to which the claimed amount shall be transferred.

(5) On the basis of a depositor's claim referred to in paragraph (3) of this Article and taking into account the available information on the eligibility of the deposit for a guarantee under the deposit guarantee scheme, the deposit guarantee scheme shall repay an appropriate amount to the depositor within five working days after the claim for repayment has been filed, or shall, within the same time limit, for well-grounded reasons reject the claim for repayment and explain the reasons for which the repayment is not justified.

(6) The amount repaid pursuant to the preceding paragraph shall be deducted from the repayable amount of the depositor's guaranteed deposit.

(7) Article 20 of this Act shall apply to claims filed with respect to the early repayment of guaranteed deposits under this Article.

Article 60 **(The time limit for reaching the fund's minimum target level)**

Notwithstanding Article 28 of this Act, the Bank of Slovenia shall ensure that, by 3 July 2024 at the latest, the assets of the fund shall reach 0.8% of the total amount of all guaranteed deposits in the Republic of Slovenia.

Article 61 **(The issuance of documents)**

The Bank of Slovenia shall, within three months from the date of the entry into force of this Act, issue the documents referred to in paragraph (1) of Article 11, paragraph (2) of Article 23, paragraph (5) of Article 24, paragraph (1) of Article 28, paragraph (3) of Article 29 and paragraph (5) of Article 31 of this Act.

7. FINAL PROVISIONS

Article 62

(Repealed regulations)

(1) On the date of the entry into force of this Act, the following shall cease to be in force:

1. the provisions of Chapter 8 of the ZBan-1;
2. points 28 and 29 of paragraph (1) of Article 392 and point 2 of paragraph (1) of Article 393 of the ZBan-1.

(2) On the day of the entry into force of this Act, the Decision on the deposit guarantee scheme (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 97/10, 26/12, 75/12 and 29/13), issued on the basis of the ZBan-1, shall cease to be in force.

Article 63 (Entry into force)

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

No. 450-03/16-5/16
Ljubljana, 31 March 2016
EPA 1025-VII

National Assembly
of the Republic of Slovenia
Dr Milan Brglez, m.p.
President