

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

Pursuant to the fourth paragraph of Article 136 and the fourth paragraph of Article 14 of the Resolution and Compulsory Winding-Up of Banks Act (Official Gazette of the Republic of Slovenia, No. 44/16) and the first paragraph of Article 31 of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 [official consolidated version] and 59/11), the Governing Board of the Bank of Slovenia hereby issues the following

**REGULATION**

**ON THE CALCULATION OF EU BRANCHES' CONTRIBUTIONS FOR THE PURPOSES OF RESOLUTION AND ANNUAL FEES IN CONNECTION WITH RESOLUTION AND COMPULSORY WINDING-UP**

**1. GENERAL PROVISIONS**

**Article 1  
(content of regulation)**

This regulation sets out the detailed rules for the calculation of:

1. annual and extraordinary contributions for the purposes of resolution under the terms and conditions set out by 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 of 30 July 2014, p 1; hereinafter: Regulation (EU) No 806/2014), and the Resolution and Compulsory Winding-Up of Banks Act (Official Gazette of the Republic of Slovenia, No. 44/16; hereinafter: the ZRPPB), and
2. the annual fee charged by the Bank of Slovenia to banks and EU branches in connection with the exercise of the powers and tasks exercised by the Bank of Slovenia with regard to resolution and compulsory winding-up pursuant to Regulation (EU) No 806/2014 and the ZRPPB.

**Article 2  
(definition of terms)**

(1) The following abbreviated titles of EU regulations are used in this regulation:

- (a) Commission Delegated Regulation (EU) No 2015/63 is Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements (OJ L 11 of 17 January 2015, p 44); and
- (b) Regulation (EU) No 575/2013 is Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176 of 27 June 2013, p 1).

(2) The terms used in this regulation shall have the same meanings as in the ZRPPB, Commission Delegated Regulation (EU) No 2015/63, the Banking Act (Official Gazette of the Republic of Slovenia, Nos. 25/15 and 44/16 [ZRPPB]; hereinafter: the ZBan-2) and Regulation (EU) No 575/2013, and in regulations issued on their basis.

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

**2. CALCULATION OF EU BRANCHES' CONTRIBUTIONS FOR RESOLUTION**

**Article 3**  
**(calculation of *ex-ante* contributions)**

- (1) The annual *ex-ante* contribution of an EU branch is a lump sum in the amount of EUR 15,000.
- (2) In individual cases the Bank of Slovenia may stipulate a different amount of the *ex-ante* contribution for an EU branch, having regard for the circumstances set out in the third paragraph of Article 136 of the ZRPPB.
- (2) If the institution is being newly supervised for only a certain part of a contribution period, its partial annual contribution shall be collected together with the annual contribution for the subsequent contribution period.

**Article 4**  
**(calculation of extraordinary *ex-post* contributions)**

- (1) In the event of the need for payment of extraordinary *ex-post* contributions, the amount of the extraordinary *ex-post* contribution of an EU branch is calculated having regard for the ratio of the amount of the annual contribution paid by the EU branch to the total amount of the annual contributions of all banks and EU branches.
- (2) The extraordinary contributions in an individual year may not exceed three times the amount of the annual contribution.

**3. ANNUAL FEE IN CONNECTION WITH RESOLUTION AND COMPULSORY WINDING-UP**

**Article 5**  
**(calculation of annual fee)**

(1) For the purpose of calculating the annual fee, the Bank of Slovenia shall calculate the total amount of the annual fee on the basis of the costs actually incurred in connection with the powers and tasks exercised by the Bank of Slovenia with regard to resolution and compulsory winding-up pursuant to Regulation (EU) No 806/2014 and the ZRPPB in the individual year for which the fee is being charged. The total amount of the annual fee in an individual financial year shall not exceed the Bank of Slovenia's actual costs in the year in question. The actual costs encompass the Bank of Slovenia's direct and indirect costs in connection with the exercise of powers and tasks with regard to resolution and compulsory winding-up pursuant to Regulation (EU) No 806/2014 and the ZRPPB. The determination of the Bank of Slovenia's actual costs shall not take account of costs incurred by the Bank of Slovenia in connection with specific resolution or compulsory winding-up proceedings.

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(2) The fixed portion of the total annual fee is 20% of the total amount of the annual fee, and the variable portion is 80%.

(3) The amount of the annual fee of a mandatory fee-payer for an individual year is the sum of the fixed portion and the variable portion, which is calculated for the fee-payer in accordance with the fourth to sixth paragraphs of this article.

(4) The fixed portion of the annual fee of a fee-payer is calculated by dividing the fixed portion of the total annual fee by the total number of banks and EU branches.

(5) The variable portion of the annual fee is calculated for all fee-payers by dividing the variable portion of the total annual fee between banks and EU branches according to their shares of the banking system's total assets. The calculation of this portion of the annual fee for an individual year shall take account of total assets as at the final day of the previous year.

(6) In cases of status changes referred to in Article 105 of the ZBan-2, the annual fee for an individual year is calculated having regard *mutatis mutandis* for the situation after the fee-payer's status change.

**Article 6  
(notification of fee-payer upon issue of invoice)**

By the deadlines set out in the third paragraph of Article 14 of the ZRPPB, the Bank of Slovenia shall issue an individual fee-payer with an invoice stipulating the amount of the forecast or actual costs of resolution and compulsory winding-up, the amount of the total annual fee and the amount to be paid by the fee-payer.

**4. TRANSITIONAL AND FINAL PROVISIONS**

**Article 7  
(entry into force)**

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

Ljubljana, 13 September 2016

Dr Mejra Festić  
Deputy-President,  
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