

23
DECREE
of Národná banka Slovenska
of 9 December 2014
laying down national discretions for institutions under a separate regulation

In accordance with Article 114b(3) of Act No 483/2001 Coll. on banks and on amendments to certain laws, as amended by Act No 213/2014 Coll., and in accordance with Article 160a(3) of Act No 566/2001 Coll. on securities and investment services and on amendments to certain laws (the Securities Act), as amended by Act No 213/2014 Coll., Národná banka Slovenska stipulates as follows:

Article 1

For the purposes of exercising a national discretion in accordance with Article 89(1)(b) of a separate regulation¹, ‘an undertaking that is not a financial sector entity’ means a payment system operator² which is not a provider of payment services, or a foundation³.

Article 2

For the purposes of exercising a national discretion in accordance with the second subparagraph of Article 89(3) of a separate regulation¹, the requirements specified in the second subparagraph of Article 89(3)(b) of a separate regulation¹ shall apply.

Article 3

For the purposes of exercising a national discretion in accordance with Article 178(2)(d) of a separate regulation¹, the materiality threshold of a credit obligation past due shall be:

- a) at least €250 for exposures referred to in Article 147(2)(c) of a separate regulation¹;
- b) at least €50 for exposures referred to in Article 147(2)(d) of a separate regulation¹.

Article 4

For the purposes of exercising a national discretion in accordance with the third subparagraph of Article 395(1) of a separate regulation¹, the limit shall be:

- a) €125 million, until 31 December 2014;
- b) €100 million, from 1 January 2015 to 31 December 2015;
- c) €75 million, from 1 January 2016 to 31 December 2016;
- d) €50 million, from 1 January 2017.

Article 5

For the purposes of exercising a national discretion in accordance with Article 400(2)(c) of a separate regulation¹, when applying limits to large exposures referred to in Article 395(1) of a separate regulation¹, the lower of the following exposure amounts shall be exempted:

¹ 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).

² Article 45(3)(b) and (c) and Article 57 of Act No 492/2009 Coll. on payment services and on amendments to certain laws, as amended by Act No 394/2011 Coll.

³ Act No 34/2002 Coll. on foundations and on amendments to the Civil Code, as amended.

- a) the exposure to a group of connected clients comprising the institution's parent undertaking and other subsidiaries of that parent company, but not the institution's own subsidiaries;
- b) the exposure to a group of connected clients comprising the institution's subsidiaries.

Article 6

For the purposes of exercising a national discretion in accordance with Article 465(2) of a separate regulation¹, the Common Equity Tier 1 capital ratio shall be set at 4.5% and the Tier 1 capital ratio shall be set at 6%.

Article 7

For the purposes of exercising a national discretion in accordance with Article 467(3) of a separate regulation¹, the percentage of included unrealised losses referred to in Article 467(2) of a separate regulation¹, shall be set at 100%.

Article 8

For the purposes of exercising a national discretion in accordance with Article 468(3) of a separate regulation¹, the percentage of included unrealised gains referred to in the second subparagraph of Article 467(2) of a separate regulation¹, shall be set at 100%.

Article 9

For the purposes of exercising a national discretion in accordance with Article 478(3) of a separate regulation¹, the percentage deduction referred to in Article 478(1)(a) of a separate regulation¹, shall be set at 50% and the percentage deduction referred to in Article 478(1)(b) to (d) of a separate regulation¹ shall be set at 100%.

Article 10

For the purposes of exercising a national discretion in accordance with Article 479(4) of a separate regulation¹, the percentage of instruments and items referred to in Article 479(3) of a separate regulation¹, shall be set at 0%.

Article 11

For the purposes of exercising a national discretion in accordance with Article 480(3) of a separate regulation¹, the value of the applicable factor referred to in Article 480(2) of a separate regulation¹, shall be set at 1.

Article 12

For the purposes of exercising a national discretion in accordance with Article 481(1) of a separate regulation¹, the percentage of additional filters and deductions referred to in Article 481(3) of a separate regulation¹ for the item reducing the amount of Common Equity Tier 1 capital shall be set at 0%.

Article 13

For the purposes of exercising a national discretion in accordance with Article 481(2) of a separate regulation¹, the applicable percentage referred to in Article 481(4) of a separate regulation¹ shall be set at 0%.

Article 14

For the purposes of exercising a national discretion in accordance with Article 486(6) of a separate regulation¹, the applicable percentages referred to in Article 486(5) of a separate regulation¹, shall be set as follows:

- a) 60%, until 31 December 2014;
- b) 40%, from 1 January 2015 to 31 December 2015;
- c) 20%, from 1 January 2016 to 31 December 2016;
- d) 0%, from 1 January 2017 to 31 December 2021.

Article 15

For the purposes of exercising a national discretion in accordance with Article 500(5) of a separate regulation¹, the requirement specified in Article 500(1)(b) of a separate regulation¹ shall not be applied.

Article 16

This Decree repeals Decree No 4/2007 of Národná banka Slovenska of 13 March 2007 on banks' own funds and banks' capital requirements and on investment firms' own funds and investment firms' capital requirements (Notification No 121/2007 Coll.), as amended by Decree No 10/2007 (Notification No 420/2007 Coll.), Decree No 17/2008 (Notification No 443/2008 Coll.), Decree No 12/2010 (Notification No 279/2010 Coll.), Decree No 3/2011 (Notification No 145/2011 Coll.) and Decree No 1/2012 (Notification No 9/2012 Coll.).

Article 17

This Decree shall enter into force on 31 December 2014.

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