

Information on the national laws, regulations and administrative provisions governing the marketing requirements referred to in Article 5(1) of Regulation (EU) 2019/1156 (UCITS)

This information was last modified on March 21, 2022.

This page contains information on the national laws, regulations and administrative provisions governing the marketing requirements referred to in Article 5(1) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019 on facilitating cross-border distribution of collective investment undertakings. It consists of requirements on marketing in the Republic of Slovenia on cross-border basis, including also the form of summaries referred to in Article 1(3) of Commission Implementing Regulation (EU) 2021/955.

Marketing requirements for UCITS

Applicable national laws, regulations and administrative provisions governing the marketing requirements for UCITS in the Republic of Slovenia:

- [Investment Funds and Management Companies Act](#) [SI] (hereinafter: ZISDU-3)
- [Decision on the method of and conditions for marketing units of investment funds](#) [SI]
- [Decision on reporting by management companies and EU management companies](#) [SI] (hereinafter: Reporting Decision)
- [Decision on announcements and direct information for unit holders](#) (hereinafter: Decision on announcements)
- [Guidance Notice on marketing of units of UCITS in the Republic of Slovenia](#) [EN] (hereinafter: UCITS Guidance Notice) (for informative purposes only, document with no legal value)

(a) format and content of marketing material, including identification of the information and documents to be notified to the competent authority prior to beginning of marketing

Format and content of marketing material

Marketing communications made to investors in relation to the UCITS shall be clearly identifiable as such, accurate, clear and not misleading in relation to regulation (EU) 2019/1156.

Information and documents to be notified to the Securities Market Agency (SMA) prior to beginning of marketing

Following documents and information must be **notified to the SMA**:

- the key investor information document;
- the annual report for the end of each financial year;
- the half-yearly report;
- the prospectus;
- the fund rules or articles of association.

All the documents except the key investor information document referred to in Section 78(1) of the Directive 2009/65/EC, must be in Slovene or English language. The key investor information document must be translated in Slovene.

(b) verification of marketing communications by the competent authority

Prior notification to the SMA of the marketing communications that the EU management company intends to use in the context of dealing with investors in the Republic of Slovenia is not required. The SMA may assess the appropriateness of marketing communications in its ongoing supervision.

(c) reporting obligations in relation to marketing

Reporting to SMA

Reporting obligations of the EU management company is set forth in section III. of the Reporting Decision.

Article 16 of the Reporting Decision sets forth that the EU management company must report on the fulfillment of marketing conditions referred to in Article 137 of ZISDU-3 as part of notifying the SMA of changes to the information contained in the original notification according to Article 139 ZISDU-3 to the following e-mail address: updates.ucits@a-tvp.si.

Article 17(1) of the Reporting Decision sets forth a EU management company shall report on its operations *through the branch* no later than the eighth day of the month:

1. on internal acts relating to the rules of conduct referred to in 2.2.2. subsection of ZISDU-3;
2. aggregate data on net payments of residents of the Republic of Slovenia in the previous month and data on investments of residents of the Republic of Slovenia in units of EU UCITS marketed in the Republic of Slovenia as at the last accounting day of the previous month.

Information and documents available to the public

Following **documents** and information must be published in the Republic of Slovenia:

- the key investor information;
- the annual report for the end of each financial year;
- the half-yearly report;
- the prospectus;
- the fund rules or articles of association;
- the issue and redemption prices of the units; and
- other documents and information which are required to be published in the EU UCITS home Member State.

All the documents except the key investor information document referred to in Section 78(1) of the Directive 2009/65/EC, must be in Slovene or English language. The key investor information document must be translated in Slovene.

Regarding the manner in which the information and documents on EU UCITS are provided to investors in the Republic of Slovenia Article 217 of the ZISDU-3 shall apply. The manner of providing the information and documents should be the same as the ZISDU-3 prescribes for domestic UCITS. The manner depends on the materiality of the information and is prescribed by the Decision on announcements.

According to the Article 5 of the Decision on announcements, the management company with its registered office in another Member State providing EU UCITS marketing services in the Republic of Slovenia (hereinafter: EU management company) should publish the issue, sale, repurchase or redemption prices of units of EU UCITS on its webpage.

According to the Article 9 of the Decision on announcements, the EU management

company should announce the information on facts and circumstances related to UCITS if applicable on its webpage. If an event is likely to significantly affect the NAV of the UCITS or if the Decision on announcements explicitly specifies the announcement of specific events, the EU Management company should publish information on the event also in the daily newspaper sold in the Republic of Slovenia. If pursuant unit holders have been informed on the event directly, publication in the newspaper is not necessary.

When pursuant to the Slovene legislation a EU management company should address the information directly to the unit holder, the information should be sent in paper form, while sending on another durable medium other than paper is allowed only if that is the usual method of exchanging information between the EU management company and the unit holder and if the latter has agreed that he/she wishes to receive the information in such way. When the EU management company can prove that the unit holder has permanent access to the web, sending information to the holder's e-mail address is considered as a usual method of exchanging information between the management company and the unit holder. The unit holder is considered to have permanent access to the web if he/she has sent to the EU management company his/her e-mail address for exchange of information. When the information needs to have attachments or the unit holder has required additional documentation and information from the EU management company, the latter should be sent to him/her according to the prescribed method.

(d) passporting regime

Pursuant to Article 138(1) of ZISDU-3 an EU management company may start to market units of EU UCITS in the Republic of Slovenia on the day the competent supervisory authority of the Member State notifies the EU management company that the notification file referred to in Article 4 of Commission Regulation (EU) No 584/2010 has been transmitted to the SMA.

Further instructions are available in UCITS Guidance Notice.

(e) de-notification of arrangements made for marketing

The de-notification of a European Passport for the offering of units in a EU UCITS in the Republic of Slovenia must meet the requirements of Article 93a(1) UCITS Directive which are implemented in Article 139.a of ZISDU-3.

(f) other rules governing the marketing of UCITS applicable within the jurisdiction of the competent authority

Regarding marketing of units of UCITS in the Republic of Slovenia, Article 137 of ZISDU-3 (Chapter 4.1.2.) and the Decision on the Terms and Conditions for Marketing of Investment Fund units shall be respected.

Other requirements

In addition to the provisions referred to above, which are set out specifically for the marketing of UCITS, there may be other legal provisions that may apply when marketing them in the Republic of Slovenia, although they are not specifically designed for the marketing of UCITS, depending on the individual situation of those involved in the marketing of units of UCITS. Marketing in the Republic of Slovenia may trigger the application of other requirements, such as requirements on obligations, consumer protection, settlement of consumer disputes and anti-money laundering.

Disclaimer: The following is a non-exhaustive list of national laws that could be applicable and the SMA is not liable for any omission in that list. Supervision of the requirements deriving from these laws is not under the supervision of the SMA. The applicability of these

requirements, and any other legal requirements, should be assessed before marketing or investing in a UCITS. Where uncertainty exists, those marketing or investing in UCITS should obtain independent advice as to the applicable requirements to their individual situation.

- [Obligations Code](#) [SI]
- [Consumer Protection Act](#) [SI]
- [Consumer Protection against Unfair Commercial Practices Act](#) [SI]
- [Out-of-Court Settlement of Consumer Disputes Act](#) [SI]
- [Prevention of Money Laundering and Terrorist Financing Act](#) [SI]

Disclaimer: The SMA has taken reasonable care to ensure that the information on the national provisions governing the marketing requirements for UCITS in the Republic of Slovenia included on this webpage is up-to-date and complete. The SMA is not responsible for maintaining external websites and is not liable for any error or omission on any external website to which hyperlinks are provided on this webpage.