



OPINION OF THE EUROPEAN CENTRAL BANK
of 20 June 2007
at the request of the Slovenian Ministry of Justice
on a draft law amending the Law on payment transactions
(CON/2007/18)

Introduction and legal basis

On 1 June 2007 the European Central Bank (ECB) received a request from the Slovenian Ministry of Justice for an opinion on a draft law amending the Law on payment transactions (hereinafter the ‘draft law’).

The ECB’s competence to deliver an opinion is based on Article 105(4) of the Treaty establishing the European Community and the fifth indent of Article 2(1) of Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions¹, as the draft law relates to payment and settlement systems. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

1. Purpose of the draft law

The draft law amends Article 29 of the Law on payment transactions concerning access to data in the register of transaction accounts. The main aim of the proposed amendments is to eliminate an administrative barrier. In addition, it is intended to accelerate enforcement proceedings and cut costs by facilitating direct court access to data in the register of transaction accounts. First, by amending Article 29(3), the draft law provides that, during judicial proceedings, the courts may access the register of transaction accounts by the name, surname and address of the holder of transaction account, but without having to state the tax number. The waiver of the tax number related information for courts is expected to spare additional queries to courts and accelerate enforcement proceedings. Second, the proposed amendment to Article 29(5) provides that the courts, as opposed to other State authorities and holders of public office with which Banka Slovenije may conclude a contract on direct electronic access to data in the register of transaction accounts, will be entitled to directly access data in the register. Both amendments should accelerate enforcement proceedings and alleviate the courts’ workload.

¹ OJ L 189, 3.7.1998, p. 42.

2. General observations

The ECB welcomes the draft law, which is expected to reinforce and accelerate court enforcement proceedings by facilitating access to data on natural persons in the register of transaction accounts. The ECB also expects that these amendments will not affect the protection of personal data for natural transaction account holders. Therefore, the ECB has no objections to the text of the draft law.

This opinion will be published on the ECB's website.

Done at Frankfurt am Main, 20 June 2007.

[signed]

The President of the ECB

Jean-Claude TRICHET