

233/2009 Coll.

DECREE

of 21 July 2009

on Applications, Approval of Persons and the Manner of Proving Professional Qualifications, Trustworthiness and Experience of Persons

as amended by Decree No. 192/2011 Coll.

as amended by Decree No. 58/2012 Coll.

as amended by Decree No. 372/2012 Coll.

as amended by Decree No. 248/2013 Coll.

The Czech National Bank stipulates pursuant to Article 4(8), Article 5(5), Article 20(4) and Article 26g(6) of Act No. 21/1992 Coll., on Banks, as amended (hereinafter the “Act on Banks”), pursuant to Article 2a(1) and (9), Article 2b(4) and Article 25f(8) of Act No. 87/1995 Coll., on Credit Unions and Certain Related Measures and on the Amendment to Act No. 586/1992 Coll. of the Czech National Council, on Income Taxes, as amended, as amended (hereinafter the “Act on Credit Unions”), pursuant to Article 199(2) of Act No. 256/2004 Coll., on Capital Market Undertakings, as amended by Act No. 139/2011 Coll., the following to implement Article 7(2), Article 10(4), Article 10d(4), Article 19(2), Article 20(2), Article 28(3), Article 30(6), Article 32c(8), Article 38(2), Article 39(5), Article 43(4), Article 45(2), Article 46(2), Article 47(1), Article 90a(3), Article 103(3), Article 104a(1), Article 106(2), Article 107(2), Article 155a(2) and Article 198(3) of Act No. 256/2004 Coll., on Capital Market Undertakings, as amended by Act No. 241/2013 Coll. (hereinafter the “Capital Market Undertakings Act”), pursuant to Article 170 of Act No. 427/2011 Coll., on Supplementary Pension Savings, as amended by Act No. 399/2012 Coll., the following to implement Article 33(3), Article 35(5), Article 39(4), Article 44(1), Article 65(1), Article 69(4), Article 81, Article 82(1), Article 96(5), Article 97(8)(c), Article 109(6), Article 111(2) and Article 113(8) of Act No. 427/2011 Coll., on Supplementary Pension Savings (hereinafter the “Act on Supplementary Pension Savings”), and pursuant to Article 110 of Act No. 426/2011 Coll., on Retirement Savings, as amended by Act No. 399/2012 Coll., the following to implement Article 26(5), Article 45(8), Article 58(6) and Article 61(4) of Act No. 426/2011 Coll., on Retirement Savings (hereinafter the “Act on Retirement Savings”):

PART ONE

GENERAL PROVISIONS

Article 1

Subject of Regulation

(1) This Decree stipulates the specimens of application forms and the content of their annexes, if an applicant applies for

- a) a banking licence for a bank having its registered office in the Czech Republic (hereinafter a “licence for a bank”), a banking licence for a foreign bank from a country other than a Member State that intends to establish a branch in the territory of the Czech Republic (hereinafter a “licence for a branch of a bank from a country other than a Member State”);
- b) an authorization to establish and operate a credit union (hereinafter an “authorization for a credit union”);
- c) an authorization to perform the activities of an investment firm, to perform the activities of an operator of a regulated market, to perform the activities of a central depository, to operate a settlement system with irrevocability of settlement (hereinafter a “settlement system”), to perform the activities of a central counterparty, to provide investment services through a branch of a foreign entity having its registered office in a country other than a Member State;
- d) an authorization to perform the activities of a pension management company;
- e) a prior consent to the performance of the duties of a senior officer;
- f) a consent to the acquisition of or increase in a qualified holding in a legal entity that is a bank, a credit union, an investment firm, an operator of a regulated market, a central depository, a central counterparty, a pension management company (hereinafter a “regulated legal entity”), or a consent to control such entities;
- g) a permit to transform a company, or a permit to conclude an agreement on the transfer, pledge or lease of a company’s enterprise;
- h) registration of an investment intermediary and of its activities;
- i) an entry in the list of tied agents, liquidators and forced administrator;
- j) registration of further business activities;
- k) an authorization to establish a participation pension fund or pension funds;
- l) a permit to transfer the management of all participation pension funds or pension funds to another pension management company;
- m) a permit to merge participation pension funds or pension funds by acquisition;
- n) approval of the statute of a participation pension fund or of a pension fund and of changes therein;
- o) approval of a change of the depository; or
- p) revocation of an authorization to perform the activities of a pension management company, or revocation of an authorization to establish a participation pension fund.

(2) Further, this Decree stipulates

- a) the supporting documents proving the trustworthiness and experience of persons in executive managerial positions in a financial holding entity that comprises a bank or a credit union; and
- b) the documents and their annexes to prove the professional qualifications and trustworthiness of persons elected as members of the board of directors, control and credit committee, and of other persons proposed for executive managerial positions in a credit union.

Article 2

Definition of Terms

For the purposes of this Decree, the following definitions shall apply:

- a) *document on a business licence* means a full extract, or some other document, from the

register of entrepreneurs or from another register pursuant to some other legal regulation¹⁾, or from similar registers abroad, containing data valid at the time of the lodging of an application, including information on a motion for registration in the relevant register that has been filed, but not yet executed as at the day of the lodging of an application;

b) *financial statements* mean

1. the annual reports and financial statements either for the last 3 accounting periods or for the period during which the applicant has been carrying on business, if the latter period is shorter than 3 accounting periods; if the applicant is part of a consolidated group, the consolidated annual reports and financial statements for the same period shall also be submitted; if, pursuant to some other legal regulation²⁾, the financial statements must be verified by an auditor, the audited financial statements shall be submitted;
2. documents similar to the documents described in subparagraph 1 above, provided that a foreign legal entity or a foreign natural person operating a business is concerned; and
3. documents on the income earned for the last 3 years, assets and liabilities, provided that a natural person is concerned;

c) *document on having no criminal record issued by a foreign country* means a document similar to an extract from the Criminal Register³⁾, not more than 3 months old, issued by the foreign country

1. of which the natural person is a national, as well as by the foreign country where the natural person (has) resided for a period of more than 6 consecutive months during the last 3 years; and
2. where the legal entity has or during the last 3 years had its registered office, as well as by the foreign country where the legal entity has or during the last 3 years had a branch, if the laws of this country provide for criminal liability of legal entities;

d) *information on closely related persons*⁴⁾ means a list of persons that are closely related to the applicant, a description of the group's structure and of the manner of relatedness, including a graphic representation of relations among the individual closely related persons, including information on whether the laws of the country in the territory of which the group has close relations do not impede the conduct of supervision by the Czech National Bank; for persons closely related to the applicant, it shall also be specified their firm or corporate name, identification number or the date of incorporation and the registered office, provided that a legal entity is concerned; or their first name(s) and surname, birth number or, as the case may be, the date of birth and address of permanent residence or of the point of business, provided that a natural person is concerned; and also the lines of business of the individual closely related persons, including information on whether it is a person authorized by the supervisory authority of some other Member State of the European Union or of some other country constituting the European Economic Area to operate as a foreign entity performing activities similar to the activities of a bank, an electronic money institution, an insurance company,

¹⁾ For instance, Act No. 513/1991 Coll., the Commercial Code, as amended; Act No. 455/1991 Coll., on Trade and Entrepreneurial Activities (the Trades Act), as amended; Act No. 111/2009 Coll., on Basic Registers, as amended.

²⁾ Act No. 563/1991 Coll., on Accounting, as amended.

³⁾ Act No. 269/1994 Coll., on the Criminal Register, as amended.

⁴⁾ Article 4(6) of Act No. 21/1992 Coll., on Banks, as amended.

Article 1(9) of Act No. 87/1995 Coll., on Credit Unions and Certain Related Measures and on the Amendment to Act No. 586/1992 Coll. of the Czech National Council, on Income Taxes, as amended, as amended.

Article 3(j) of Act No. 427/2011 Coll., on Supplementary Pension Savings.

a reinsurance company, a management company or a provider of investment services, or whether it is the controlling person of such an entity;

- e) *business plan* means an actually intended plan for the first 3 accounting periods of activities, based on realistic economic calculations, to the extent of the data that is to be contained in financial statements pursuant to some other legal regulation²⁾, along with comments on the individual items of the plan, always containing the fundamental assumptions that the business plan is based on and a description of the manner of ensuring the individual activities performed pursuant to the applicable legal regulation;
- f) *original counterpart* means the original copy of a deed or an officially verified copy of a deed;
- g) *strategic plan* means the plan of an applicant who applies for a consent to the acquisition of or increase in a qualified holding in a regulated legal entity, or for a consent to control the same, as regards
 1. the period for which the qualified holding is to be held;
 2. estimated changes in the extent of the qualified holding in the short term and in the long term;
 3. the estimated degree of involvement in the strategic management of the regulated legal entity;
 4. any potential support for the regulated legal entity using the applicant's own additional funds, if necessary for the development of activities or for the maintenance of operations;
 5. agreements with other partners or members of the regulated legal entity; and
 6. if the qualified holding exceeds 20 % of the registered capital or voting rights of the regulated legal entity, also as regards the development of the activities of the regulated legal entity with respect to the existing business plan, the profit distribution and/or loss settlement policy, including the dividend policy, the manner of financing the further development of the regulated legal entity, the management and control system, and any potential personnel changes and changes in the strategic development of the regulated legal entity;
- h) *information on professional experience* means
 1. information on the type of professional experience;
 2. an identification of the entity where the professional experience has been or was obtained;
 3. the designation of the working assignment and, if the experience is relevant to activities on the financial market, also a description of the activities performed;
 4. a specification of the period of time during which the activities pursuant to subparagraph 3 above have been or were performed; and
 5. a consent to the performance of the working assignment required pursuant to other legal regulations, if such a consent was necessary;
- i) *information on education* means
 1. the name and category or type of educational institution, the learning programme, the learning programme's focus (field of study), the learning programme's duration, the manner and date of the learning programme's completion and any academic degrees obtained; and
 2. a summary of training courses, short-term attachments and learning stays relevant to activities on the financial market, including their year of completion, focus, duration and

any academic degrees obtained;

- j) *senior officer* means a person specified in
1. Article 2(1)(a) of the Capital Market Undertakings Act;
 2. Article 4(5)(e) or Article 5(4)(c) of the Act on Banks;
 3. Article 2a(4)(b) of the Act on Credit Unions;
 4. Article 3(g) of the Act on Supplementary Pension Savings; and
 5. Article 3(e) of the Act on Retirement Savings;
- k) *person that is a regulated entity on the financial market* means a legal entity that has its registered office in a Member State, that performs the activities of a bank, an investment firm, a management company, an investment fund, a pension management company, an insurance company, a reinsurance company, a payment institution, an electronic money institution, or some other regulated activities on the financial market, and that is subject to supervision by the competent authority of the Member State in the country where it has its registered office.

PART TWO

CHAPTER I

ENTRY TO THE SECTOR

Article 3

(1) An application for a licence for a bank pursuant to Article 4(8) of the Act on Banks, and an application for an authorization for a credit union pursuant to Article 2a(1) of the Act on Credit Unions, shall be lodged on the form a specimen of which is given in Annex No. 1 to this Decree.

(2) An application for an authorization pursuant to Article 7(2), Article 38(2), Article 90a(3), Article 103(3) **and Article 192b(2)** of the Capital Market Undertakings Act shall be lodged on the form a specimen of which is given in Annex No. 2 to this Decree.

(3) An application for an authorization pursuant to Article 33(3) of the Act on Supplementary Pension Savings shall be lodged on the form a specimen of which is given in Annex No. 2b to this Decree.

(4) An applicant to whom a licence or authorization pursuant to paragraphs 1 to **3** above is to be granted shall lodge the application together with the annexes pursuant to Article 4 hereof, unless this Decree further stipulates otherwise.

Article 4

(1) Annexes containing basic information on the applicant and information relating to the applicant's activities shall include

- a) the original counterpart of the applicable and unabridged text of the founding documents;
- b) the original counterpart of a document on a business licence [Article 2(a) hereof];
- c) original counterparts of documents on the origin of the initial capital or registered capital or, as the case may be, of other financial resources of the applicant, and on the extent to which

the registered capital has been paid up, unless such information is obvious from the document on a business licence;

- d) financial statements [Article 2(b) hereof];
- e) a list of proposals to declare any resolutions of a general meeting invalid, where the court proceedings have not been concluded through a final decision by the day of the lodging of the application, if any such proposals have been raised and if they might have a significant effect on the further operation of the company;
- f) **the form a specimen of which is given in Annex No. 4 to this Decree, parts B and D, which is to be signed by the applicant; and**
- g) **a document on having no criminal record issued by a foreign country.**

(2) Annexes containing information on the applicant's senior officers shall include

- a) the form pursuant to Annex No. 3 to this Decree, provided that an applicant pursuant to Article 3(2), (3) and (4) is concerned; or the form pursuant to Annex No. 4 to this Decree, provided that an applicant pursuant to Article 3(1) is concerned; which is to be completed and signed by each of the applicant's senior officers;
- b) a curriculum vitae of each of the applicant's senior officers, containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof]; and
- c) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for each of the applicant's senior officers.

(3) Annexes containing information on persons with a qualified holding in the applicant and on persons closely related to the applicant shall include

- a) a list of persons with a qualified holding in the applicant and of persons that have a qualified holding in the applicant through acting in concert with another person, including a graphic representation of relations among these persons, including information⁵⁾ on such persons with a specification of the extent of interest or other form of participation in the applicant, and in relation to persons acting in concert also the fact on the basis of which they do act in concert, and the form a specimen of which is given in Annex No. 13 to this Decree, which is to be completed and signed by each of the persons contained in the aforementioned list;
- b) a list of persons who are the statutory body or members of the statutory body of the legal entity specified in subparagraph a) above, including a specification of the positions held by such persons, and the form a specimen of which is given in Annex No. 4 to this Decree, item 1 and part D, which is to be completed and signed for every such natural person;
- c) **the form a specimen of which is given in Annex No. 4 to this Decree, parts B and D,**

⁵⁾ Article 2(1)(j) of Act No. 256/2004 Coll., as amended.
Article 20(16) of Act No. 21/1992 Coll., as amended.
Article 2b(13) of Act No. 87/1995 Coll., as amended.
Article 2(1)(m) of Act No. 189/2004 Coll., on Collective Investment, as amended.
Article 3(f) of Act No. 427/2011 Coll., on Supplementary Pension Savings.
Article 3(l) of Act No. 426/2011 Coll., on Retirement Savings.

which is to be signed by each person with a qualified holding in the applicant and by each person that has a qualified holding in the applicant through acting in concert with another person;

- d) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for each of the persons specified in subparagraph a) above and for each person that is the statutory body or a member of the statutory body of the legal entity specified in subparagraph a) above;
- e) the original counterpart of a document on a business licence [Article 2(a) hereof] for each of the persons specified in subparagraph a) above;
- f) financial statements [Article 2(b) hereof] for each of the persons specified in subparagraph a) above;
- g) information on persons closely related to the applicant [Article 2(d) hereof];
- h) the original counterpart of a written statement of the authority that conducts supervision of the person with a qualified holding in the applicant in the country where the person has its registered office, regarding this person's intention to participate in property terms in the business activities of a regulated legal entity in the Czech Republic, if the person with a qualified holding in the applicant is a person having its registered office outside the territory of a Member State and if the person is subject to such supervision in the country where it has its registered office; and
- i) an agreement on the basis of which the person specified in subparagraph a) above is to become the controlling entity of the applicant, if such an agreement has been entered into, or a draft of such an agreement.

(4) If the person with a qualified holding in the applicant is a person that is a regulated entity on the financial market, the applicant shall not enclose the annexes pursuant to subparagraphs b) to d) and f) to h) of paragraph 3 above.

(5) If the person with a qualified holding in the applicant is a person whose qualified holding in the applicant results from an indirect holding through a person that is a regulated entity on the financial market, the applicant

- a) shall not enclose the annexes pursuant to subparagraphs b) to d) and f) to h) of paragraph 3 above; and
- b) shall enclose the original counterpart of the final decision of the competent supervisory authority whereby this person was granted a consent to the acquisition of a qualified holding in the person that is a regulated entity on the financial market. Where no such decisions are issued by the competent supervisory authority, the applicant shall submit a statement of this authority to the effect that this person acquired a qualified holding in the person that is a regulated entity on the financial market with the authority's knowledge and in accordance with the laws of the country where the person that is a regulated entity on the financial market has its registered office.

CHAPTER II

BANK, CREDIT UNION AND BRANCH OF A FOREIGN BANK FROM A COUNTRY
OTHER THAN A MEMBER STATE

Article 5

Licence for a Bank and Authorization for a Credit Union

[Re: Article 4(8) of the Act on Banks, and Article 2a(1) of the Act on Credit Unions]

In the case of an application for a licence for a bank, or in the case of an application for an authorization for a credit union, the applicant shall proceed pursuant to Article 3(1) hereof and, in addition to the annexes specified in Article 4 hereof, the applicant shall also enclose the following annexes with the application

- a) the business plan [Article 2(e) hereof];
- b) a concept for the development of the activities of the bank or of the credit union, particularly with respect to the proposed business plan and with respect to its medium-term objectives;
- c) the proposed management and control system of the bank or of the credit union containing, in particular,
 1. a strategy in respect of the risk management;
 2. a strategy in respect of the capital and capital adequacy;
 3. a strategy in respect of the development of information systems;
 4. principles of an internal control system, including principles for the prevention of potential conflicts of interest and principles for compliance; and
 5. security principles, including security principles for information systems;
- d) the proposed organizational structure of the bank or of the credit union, containing information on the delimitation of responsibilities, powers, major information flows and relations among the bodies, employees and committees of the bank or of the credit union, if they are to be set up;
- e) a brief concept for the performance of the duties of a senior officer in the bank or in the credit union; and
- f) the proposed technical background for the performance of the individual activities and the estimated number of employees to ensure the planned activities of the bank or of the credit union; the term *technical background* shall mean, in particular, an adequate computer system, information system⁶⁾, accounting system and statistical record-keeping systems.

Licence for a Branch of a Foreign Bank from a Country Other Than a Member State

Article 6

[Re: Article 5(1) and (5) of the Act on Banks]

(1) In the case of an application for a licence for a branch of a bank from a country other than a Member State, the application shall be lodged on the form a specimen of which is given in

⁶⁾ Article 2(1)(j) of Decree No. 123/2007 Coll., on Prudential Rules for Banks, Credit Unions and Investment Firms.

Annex No. 5 to this Decree. The applicant shall lodge the application together with the annexes pursuant to paragraphs 2 to 6 below and pursuant to **Article 7 hereof**.

(2) Annexes containing basic information on the applicant shall include

- a) the original counterpart of a document on the applicant's business licence [Article 2(a) hereof];
- b) the original counterpart of a decision of the applicant's competent body regarding the intention to establish a branch in the Czech Republic;
- c) the original counterpart of a document attesting to the applicant's existence and actual registered office, and specifying who may act on behalf of the applicant and in what manner;
- d) original counterparts of documents on the origin of the funds provided for the activities of the branch;
- e) the applicant's audited financial statements [Article 2(b) hereof]; and
- f) documents attesting to the fact that the applicant observes capital requirements comparable to the capital requirements set out for banks pursuant to the Act on Banks and pursuant to the implementing legal regulation⁷⁾.

(3) Annexes containing information on persons who are the applicant's statutory body or members of the applicant's statutory body shall include

- a) a list of members of the applicant's statutory body;
- b) forms pursuant to Annex No. 4 to this Decree, which are to be completed and signed by the individual members of the applicant's statutory body;
- c) a curriculum vitae of each member of the applicant's statutory body, containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof]; and
- d) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for each member of the applicant's statutory body.

(4) Annexes containing information on persons with a qualified holding in the applicant and on persons closely related to the applicant shall include

- a) a list of persons with a qualified holding in the applicant, including a graphic representation of relations among these persons, and information on such persons⁵⁾ with a specification of the extent of interest or other form of participation in the applicant; and
- b) information on persons closely related to the applicant [Article 2(d) hereof].

(5) Annexes containing information on the executive manager of the branch shall include

- a) the form pursuant to Annex No. 4 to this Decree, which is to be completed and signed by the executive manager of the branch;
- b) a curriculum vitae of the executive manager of the branch, containing

⁷⁾ Decree No. 123/2007 Coll., as amended by Decree No. 282/2008 Coll.

1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof];
- c) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for the executive manager of the branch; and
- d) a brief concept for the performance of the duties to be performed by the executive manager of the branch.

(6) Annexes containing information on the organizational preconditions of the branch for the performance of its activities shall include

- a) the business plan of the branch;
- b) principles of the applicant's management and control system;
- c) a concept and principles for the development of the branch in relation to its activities, particularly with respect to the proposed business plan of the branch and with respect to its medium-term objectives;
- d) the proposed organizational structure of the branch and the delimitation of powers in the branch in decision-making about banking operations and their execution; and
- e) the proposed technical background for the performance of the individual activities and the estimated number of employees to ensure the planned activities of the branch; the term *technical background* shall mean, in particular, an adequate computer system, information system⁷⁾, accounting system and statistical record-keeping systems.

Article 7

(1) An applicant who applies for a licence pursuant to Article 6(1) hereof shall also enclose the following annexes with the application

- a) a comparability analysis of legal or other regulations relating to, in particular,
 1. the legal and institutional position of the supervisory authority of the country where the applicant has its registered office (hereinafter the "foreign supervisory authority"), and its independence, powers and responsibilities in the area of banking supervision;
 2. the regulation of the granting and revocation of a licence to and from the bank, of the assessment of persons nominated for executive managerial positions in the bank, and of the acquisition of qualified holdings in the bank;
 3. the conduct of supervision of the bank and its branch abroad, including the conduct of supervision on a consolidated basis;
 4. the prudential rules for banks, in particular the capital adequacy, exposure, liquidity, management and control system, including the risk management system;
 5. the system of remedial and penalty measures;
 6. the manner of cooperation and exchange of information with the supervisory authorities of other countries;
 7. the accounting, and the regulation of the duty to ensure an audit of the bank's financial statements;

8. the regulation of the bank's reporting duty to the supervisory authority and to the public, and of the provision of information obtained within the scope of the conduct of supervision to third parties; and
 9. the definition and protection of banking secrecy, the use of confidential information, and the obligation to maintain confidentiality; and
- b) the original counterpart of a written statement of the foreign supervisory authority regarding the applicant's intention to establish a branch of the bank in the Czech Republic, as well as the authority's declaration that it will conduct banking supervision of the branch and that the system of law of the country where the foreign bank has its registered office stipulates no barriers that would prevent an efficient exchange of information between the Czech National Bank and the foreign supervisory authority.

(2) With the comparability analysis pursuant to subparagraph a) of paragraph 1 above, the applicant shall also enclose an assessment of any potential differences in the areas referred to in items 1 to 9 above in comparison with analogous regulations applicable in the European Union as regards the performance of the activities of banks and the conduct of supervision of banks. If the analysis is prepared by an entity other than the foreign supervisory authority, a declaration of the foreign supervisory authority testifying to the correctness of the information and conclusions communicated therein shall be enclosed with this analysis.

CHAPTER III

INVESTMENT FIRM, OPERATOR OF A REGULATED MARKET, OPERATOR OF A SETTLEMENT SYSTEM, AND CENTRAL DEPOSITORY

Article 8

Investment Firm

[Re: Article 7(2) of the Capital Market Undertakings Act]

(1) In the case of an application for an authorization to perform the activities of an investment firm, the applicant shall proceed pursuant to Article 3(2) hereof and, in addition to the annexes specified in Article 4 hereof, the applicant shall also enclose documents on its fulfilment of the statutory conditions of insurance pursuant to Article 8a of the Capital Market Undertakings Act, if the investment firm intends to use the option of lower initial capital pursuant to Article 8a of the Capital Market Undertakings Act, and also the annexes pursuant to paragraphs 2 and 3 below.

(2) Annexes containing information on the substantive preconditions for the performance of the activities of an investment firm shall include

- a) documents on the technical and programming means for the processing and keeping records of information, keeping records of client assets, keeping the daybook of an investment firm, keeping accounts and economic records, and for the keeping other records⁸⁾ to the extent of the information on the features, manner of use, administration and maintenance of the means

⁸⁾ Decree No. 237/2008 Coll., on the Details of Certain Rules in the Provision of Investment Services.

provided by their supplier;

- b) the proposed technical background for the provision of services through the Internet;
- c) the ensuring of a direct or intermediated connection with operators of regulated markets and with persons performing the settlement of transactions in investment instruments; and
- d) the business plan [Article 2(e) hereof].

(3) Annexes containing information on the activities, on the personnel and organizational preconditions for the performance of the activities of an investment firm shall include

- a) the applicant's draft internal regulations containing, in particular,
 - 1. the draft organizational structure of the investment firm⁹⁾;
 - 2. draft rules for the prudent provision of investment services by the investment firm¹⁰⁾; and
 - 3. draft rules for the dealing of the investment firm with clients¹¹⁾;
- b) a list of persons who will ensure, as heads of organizational departments or as independent persons,
 - 1. the provision of investment services;
 - 2. the continuous control of compliance with legal duties and with the duties arising from the investment firm's internal regulations;
 - 3. the management of risks; and
 - 4. the performance of internal audit;
- c) a curriculum vitae of each of the persons specified in the list pursuant to subparagraph b) above, containing
 - 1. information on education [Article 2(i) hereof]; and
 - 2. information on professional experience [Article 2(h) hereof];
- d) the scope of activities that the investment firm intends to perform through a third party, and the manner of fulfilling the conditions pursuant to Article 12d of the Capital Market Undertakings Act; and
- e) the intention to use investment intermediaries and tied agents in connection with the provision of investment services.

Article 9

Operator of a Regulated Market

[Re: Article 38(2) of the Capital Market Undertakings Act]

In the case of an application for an authorization to perform the activities of an operator of a regulated market, the applicant shall proceed pursuant to Article 3(2) hereof and, in addition to the annexes specified in Article 4 hereof, the applicant shall also enclose the following annexes with the application

⁹⁾ Article 6 of Decree No. 237/2008 Coll.

¹⁰⁾ Article 6(1)(d)(3) of Act No. 256/2004 Coll., as amended by Act No. 230/2008 Coll. Part Two of Decree No. 237/2008 Coll.

¹¹⁾ Article 6(1)(d)(4) of Act No. 256/2004 Coll., as amended by Act No. 230/2008 Coll. Part Three of Decree No. 237/2008 Coll.

- a) internal regulation(s) stipulating
 1. the authorizations, scope of powers, duties and responsibilities of senior officers¹²⁾, their substitutability and control in performing the individual activities; and
 2. the content of the activities performed by the individual organizational departments and the approximate number of employees;
- b) draft rules
 1. of trading on the regulated market;
 2. of access to the regulated market;
 3. for the admission of investment instruments to trading on the regulated market; and
 4. for the enforcement of the performance of the duties stipulated by the rules pursuant to subparagraphs 1 to 3 above, including any potential penalties for breaching these rules;
- c) measures preventing market abuse;
- d) the manner of settling the executed transactions;
- e) the technical background for the provision of the proposed scope of services;
- f) principles and procedures for the ensuring of the due operation of trading and other systems, including measures for the case of interference with the activities of such systems and for the case of extraordinary situations;
- g) rules for the administration of the information system, including security rules and rules for the backing-up and archiving of data;
- h) rules for the disclosure of information pursuant to Article 48(i)(3) and (4) of the Capital Market Undertakings Act to participants in the market operated by the applicant;
- i) administrative, control and security procedures for the keeping of records and processing of data, for the handling of confidential information and personal data protected pursuant to some other legal regulation¹³⁾, and for the ensuring of the performance of the duties pursuant to the act stipulating measures against the legitimization of proceeds of crime¹⁴⁾, including the organizational, technical and personnel measures aimed to ensure the aforementioned;
- j) organizational, technical and personnel measures to ensure the control activities aimed at the monitoring of
 1. compliance with legal regulations, with the rules of trading and with the rules of access to the regulated market by participants in the market;
 2. compliance with legal regulations and with the applicant's internal regulations by the applicant's employees;
 3. whether the investment instruments admitted to trading comply with the preconditions for the admission of investment instruments to trading, as stipulated by the relevant act and by the rules for the admission of investment instruments to trading; and
 4. performance of the information duty, as stipulated by the Capital Market Undertakings Act, by the issuer of investment securities admitted to trading or by a third party in the case of a subsequent admission of an investment instrument to trading without the issuer's

¹²⁾ Article 11(4) of Act No. 262/2006 Coll., the Labour Code, as amended.

¹³⁾ Act No. 101/2000 Coll., on the Protection of Personal Data and on Amendments to Certain Other Acts, as amended.

¹⁴⁾ Act No. 253/2008 Coll., on Certain Measures Against the Legitimization of Proceeds of Crime and Financing of Terrorism.

consent;

- k) procedures for the monitoring of the trading on the operated market and for the evaluation of the occurrence of extraordinary situations on the market or of conduct that might be regarded as the use of inside information or as market manipulation, for the analysis of the individual types of crisis situations in the development of the capital market and in the applicant's operations that might have an unfavourable impact on the operation of the capital market, including the procedures for resolving such situations;
- l) procedures for the management of the risks associated with the proposed scope of services to be provided, for their evaluation, and the measures to reduce these risks; such measures shall include insurance policies, bank guarantees and similar instruments designed to cover these risks or documents attesting to third parties' willingness to assume the obligation of covering these risks, if the relevant legal acts have not been made yet;
- m) procedures for the detection and resolution of potential negative impacts on the activities of the operator of the regulated market, or on its participants, that might arise from a conflict of interest between the operator of the regulated market, or its partners, and the due operation of the regulated market, including the internal regulation governing transactions concluded by employees on their own account or on the account of their relatives; and
- n) the business plan [Article 2(e) hereof].

Article 10

Multilateral Trading Facility

If an investment firm or an operator of a regulated market applies for an authorization to operate a multilateral trading facility, in addition to the annexes specified in Article 8 or Article 9 hereof, the applicant shall also enclose the following annexes with the application

- a) draft rules
 1. of trading in the multilateral trading facility;
 2. for the admission of investment instruments to trading in the multilateral trading facility, including any potential information duty of the issuers of the investment instruments admitted to trading or of the third parties that have applied for the admission of an investment instrument to trading in the multilateral trading facility without the issuer's consent;
 3. of access to the multilateral trading facility; and
 4. for the enforcement of the performance of the duties stipulated by the rules pursuant to subparagraphs 1 to 3 above, including any potential penalties for breaching these rules;
- b) the manner of disclosing the publicly available information to participants in the multilateral trading facility (Article 69(5) of the Capital Market Undertakings Act);
- c) organizational, technical and personnel measures to ensure the control activities aimed at the monitoring of
 1. compliance with legal regulations and with the rules of trading in the multilateral trading facility by its participants; and
 2. whether the investment instruments admitted to trading in the multilateral trading facility comply with the rules for the admission of investment instruments to trading in the multilateral trading facility;

- d) procedures for the monitoring of the trading in the multilateral trading facility and for the evaluation of the occurrence of extraordinary situations on the market or of conduct that might be regarded as the use of inside information or as market manipulation;
- e) the manner of ensuring the settlement of transactions concluded in the multilateral trading facility, and the manner of providing information to participants in the multilateral trading facility in ensuring the settlement of transactions concluded in the multilateral trading facility pursuant to Article 70(1) of the Capital Market Undertakings Act;
- f) administrative, control and security procedures for the keeping of records and processing of data, for the handling of confidential information and personal data protected pursuant to some other legal regulation¹³⁾, and for the ensuring of the performance of the duties pursuant to the act stipulating measures against the legitimization of proceeds of crime¹⁴⁾, including the organizational, technical and personnel measures aimed to ensure the aforementioned; and
- g) the business plan [Article 2(e) hereof].

Article 11

Operator of a Settlement System

[Re: Article 90a(3) of the Capital Market Undertakings Act]

In the case of an application for an authorization to operate a settlement system, the applicant shall proceed pursuant to Article 3(2) hereof and, in addition to the annexes specified in Article 4 hereof, the applicant shall also enclose the following annexes with the application

- a) draft rules of the settlement system pursuant to Article 85 of the Capital Market Undertakings Act;
- b) draft rules for the operation of the settlement system, containing a description of the roles of the individual participants, their duties and responsibilities;
- c) the contractual background for the operation of the settlement system, including a sample draft agreement to be entered into with a participant in the settlement system;
- d) the proposed risk management system that must include, in particular, a determination of the methods for the identification, measurement, monitoring and management of risks arising from the individual activities; a determination of the duties and responsibilities in managing such risks; the manner of defining the limits; the frequency of measuring and continuous monitoring of the individual risks; and the procedure for the resolution of critical situations when exceeding the determined limit; furthermore, the applicant shall enclose any insurance policies and other instruments designed to cover such risks, and agreements with third parties involved in the process of measuring, monitoring, management or evaluation of such risks;
- e) the technical background for the performance of the proposed scope of activities by the applicant's settlement system;
- f) an analysis of the individual types of crisis situations, containing procedures for the resolution of such situations and including the delimitation of responsibilities in such a situation;
- g) administrative, control and security procedures for the keeping of records and processing of data, for the handling of inside information and personal data protected pursuant to some

other legal regulation¹³⁾, and the rules for the ensuring of the organizational, technical and personnel aspects of the performance of the duties pursuant to the act stipulating measures against the legitimization of proceeds of crime¹⁴, including the organizational, technical and personnel measures aimed to ensure the aforementioned;

- h) internal regulation(s) stipulating
 1. the authorizations, scope of powers, duties and responsibilities of senior officers¹²⁾, their substitutability and control in performing the individual activities; and
 2. the content of the activities performed by the individual organizational departments and the approximate number of employees; and
- i) the business plan [Article 2(e) hereof].

Article 11a

Central Counterparty

[Re: Article 192b(2) of the Capital Market Undertakings Act]

(1) In the case of an application for an authorization to operate a central counterparty, the applicant shall proceed pursuant to Article 3(2) hereof and, in addition to the annexes specified in Article 4 hereof, the applicant shall also enclose the following annexes with the application

- a) **internal regulations stipulating the management and control system and containing, in particular,**
 1. **the organizational structure;**
 2. **a system of risk management, including the identification and reduction of potential conflicts of interest;**
 3. **a system of internal control;**
 4. **a strategy in respect of the capital and capital requirements;**
 5. **a system of remuneration;**
- b) **draft rules for the participation in and access to the clearing system of the central counterparty;**
- c) **draft rules for the settlement of transactions through the central counterparty;**
- d) **draft procedures for the administration of accounts of members of the clearing system;**
- e) **the proposed technical background for the performance of the proposed scope of activities by the central counterparty;**
- f) **draft procedures for the administration of the information system, including the securing, backing-up and archiving of data;**
- g) **draft procedures for the continuity of operations, and the disaster recovery plan of the central counterparty;**
- h) **draft procedures to be applied in the event of default of a member of the clearing system;**
- i) **a list of persons who will ensure, as heads of organizational departments or as independent persons,**

1. **the operation of the clearing system;**
 2. **the continuous control of compliance with the duties of a central counterparty arising from legal regulations and from the central counterparty's internal regulations, and with the obligations arising from contractual relations;**
 3. **the management of risks; and**
 4. **the performance of internal audit;**
- j) **a curriculum vitae of each of the persons specified in the list pursuant to subparagraph i) above, containing**
1. **information on education [Article 2(i) hereof]; and**
 2. **information on professional experience [Article 2(h) hereof];**
- k) **a list of activities that the central counterparty intends to perform through a third party, and the manner of ensuring the fulfilment of the conditions for the performance of activities through a third party; and**
- l) **the business plan [Article 2(e) hereof].**

(2) The annexes specified in Article 4(2) hereof shall also be submitted in respect of persons who are members of the supervisory board or members of the board of directors in a supervisory capacity, depending on the internal structure system of the company.

Article 12

Central Depository

[Re: Article 103(3) of the Capital Market Undertakings Act]

In the case of an application for an authorization to perform the activities of a central depository, the applicant shall proceed pursuant to Article 3(2) hereof and, in addition to the annexes specified in Article 4 hereof, the applicant shall also enclose the following annexes with the application

- a) a project for the keeping of records of investment instruments and of documentation thereon; the project shall include
 1. administrative, technical, control and security procedures for the keeping of records of investment instruments;
 2. the technical background for the performance of the proposed scope of activities;
 3. rules for the administration and security of the information system, including the technical and organizational solution for the backing-up, archiving and control of data, and the documents on a verification of such a technical solution's functionality and reliability;
 4. an analysis of the individual types of crisis situations that may occur in keeping records of investment instruments, and the procedures for the resolution of such situations;
 5. procedures for the management of risks in performing the individual activities; and
 6. the technical and organizational background to ensure communication with regulated markets, operators of settlement systems, participants in the central depository and with persons keeping records that are based on the central records, and the documents on a verification of such a communication system's functionality and reliability;
- b) draft operational rules of the central depository;

- c) draft standardized agreements to be entered into by and between the applicant (on the one part) and the participants in the central depository, persons keeping records that are based on the central records, holders of accounts in the central depository, regulated markets and operators of settlement systems (on the other part);
- d) the organizational arrangement and management structure of the company, specifying
 1. the authorizations, scope of powers, duties and responsibilities of senior officers¹²⁾, their substitutability and control in performing the individual activities; and
 2. the content of the activities performed by the individual organizational departments and the approximate number of employees;
- e) administrative, control and security procedures for the handling of confidential information and personal data protected pursuant to some other legal regulation¹³⁾, and for the ensuring of the performance of the duties pursuant to the act stipulating measures against the legitimization of proceeds of crime¹⁴⁾, including the organizational, technical and personnel measures aimed to ensure the aforementioned;
- f) organizational, technical and personnel measures to ensure the control activities aimed at the monitoring of
 1. compliance with legal regulations and with the operational rules by participants in the central depository; and
 2. compliance with legal regulations, with the applicant's internal regulations and with the central depository's operational rules by the employees of the central depository;
- g) a specification of the investment instruments and types of transactions that may be settled in the settlement system operated by the applicant, and a specification of the applicant's position within the framework of the settlement system;
- h) the ensuring of the assignment of identification numbers to investment instruments pursuant to the International Securities Identification Numbering (ISIN) system;
- i) documents attesting to the preparedness to perform the activities specified in Article 100(3) of the Capital Market Undertakings Act with respect to the activities for which the applicant applies for the authorization, including the project and documents pursuant to subparagraph a) above mutatis mutandis;
- j) annexes specified in Article 11(a) to (g) hereof; and
- k) the business plan [Article 2(e) hereof].

Article 13

Branch of a Foreign Entity Providing Investment Services

[Re: Article 28(3) of the Capital Market Undertakings Act]

(1) An application for an authorization to provide investment services through a branch of a foreign entity having its registered office in a country that is not a Member State shall be lodged on the form a specimen of which is given in Annex No. 6 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the annexes pursuant to Article 14 hereof.

Article 14

(1) Annexes containing basic information on the applicant shall include

- a) the original counterpart of a document on the applicant's business licence [Article 2(a) hereof];
- b) a document on the applicant's actual registered office;
- c) the original counterpart of an authorization to provide investment services, issued by the supervisory authority of the country where the applicant has its registered office, specifying the scope of such an authorization;
- d) original counterparts of documents on the origin of the funds ensured for the activities of the applicant's branch;
- e) the applicant's financial statements [Article 2(b) hereof];
- f) a written statement of the supervisory authority of the country where the applicant has its registered office, regarding the applicant's intention to provide investment services in the Czech Republic through a branch or, as the case may be, a document attesting to the fact that this authority has been notified of the applicant's intention to provide investment services in the Czech Republic through a branch;
- g) a document on the applicant's participation in a guarantee system from which compensations are paid out to clients; if the applicant is a participant in such a system, it shall also document the amount of compensations paid out to clients, the range of clients and the extent of their assets covered by such a guarantee system, including the territorial scope of this guarantee system; and
- h) documents attesting to the fact that the applicant observes capital requirements comparable to the capital requirements pursuant to Article 9 and Article 9a of the Capital Market Undertakings Act.

(2) Annexes containing information on the applicant's senior officers shall include

- a) a list of members of the applicant's statutory body;
- b) the form pursuant to Annex No. 3 to this Decree, which is to be completed and signed by each member of the applicant's statutory body;
- c) a curriculum vitae of each member of the applicant's statutory body, containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof]; and
- d) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for each member of the applicant's statutory body.

(3) Annexes containing information on persons with a qualified holding in the applicant and on persons closely related to the applicant shall include

- a) a list of persons with a qualified holding in the applicant, including a graphic representation of relations among these persons, including information⁵⁾ on such persons with a specification of the extent of interest or other form of participation in the applicant; and

b) information on persons closely related to the applicant [Article 2(d) hereof].

(4) Annexes containing information on the executive manager of the branch and on the personnel preconditions of the branch for the performance of activities shall include

- a) the form pursuant to Annex No. 3 to this Decree, which is to be completed and signed by the executive manager of the branch;
- b) a curriculum vitae of the executive manager of the branch, containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof];
- c) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for the executive manager of the branch; and
- d) the intention to use investment intermediaries and tied agents in connection with the provision of investment services.

(5) Annexes containing information on the substantive preconditions of the branch for the performance of activities shall include documents on the fulfilment of substantive preconditions pursuant to Article 8(2) hereof.

(6) Annexes containing information on the organizational preconditions of the branch for the performance of activities shall include

- a) the business plan [Article 2(e) hereof] of the branch;
- b) a specification of the scope of activities that the branch intends to perform through a third party;
- c) a list of persons to whom the applicant intends to transmit instructions concerning investment instruments; and
- d) draft internal regulations of the branch containing, in particular,
 1. the draft organizational structure of the branch⁹⁾;
 2. draft rules for the prudent provision of investment services by the branch¹⁰⁾; and
 3. draft rules for the dealing of the branch with clients¹¹⁾.

CHAPTER IV

PENSION MANAGEMENT COMPANY

Article 14a

[Re: Article 33(3) of the Act on Supplementary Pension Savings]

(1) In the case of an application for an authorization to perform the activities of a pension management company, the applicant shall proceed pursuant to Article 3(3) hereof.

(2) In addition to the annexes specified in Article 4(1)(a) and (c), and in Article 4(2) and (3) hereof, the applicant shall also enclose the following annexes with the application

- a) the business plan [Article 2(e) hereof];
- b) draft internal regulations of the pension management company containing, in particular,
 - 1. the organizational structure;
 - 2. rules for the prudent performance of activities by the pension management company; and
 - 3. rules of conduct in performing the activities of a pension management company;
- c) a list of persons who will ensure, as heads of organizational departments or as independent persons,
 - 1. the performance of the activities of the pension management company, consisting in the management of retirement funds or participation pension funds;
 - 2. the continuous control of compliance with the duties of a pension management company arising from legal regulations and from the pension management company's internal regulations, and with the obligations arising from the contractual relations with the managed funds and depositories;
 - 3. the management of risks; and
 - 4. the performance of internal audit;
- d) a curriculum vitae of each of the persons specified in the list pursuant to subparagraph c) above, containing
 - 1. information on education [Article 2(i) hereof]; and
 - 2. information on professional experience [Article 2(h) hereof]; and
- e) a list of activities that the pension management company intends to perform through a third party, and the manner of ensuring the fulfilment of the conditions for the performance of activities through a third party.

(3) Depending on the scope of the activities to be performed by the pension management company, the applicant shall also enclose the following annexes with the application

- a) the proposed manner of processing and keeping records of information, communication with participants, keeping accounts, economic records and other records pursuant to the decree stipulating the details of certain rules applicable to pension management companies, participation pension funds and pension funds, and the technical background for the performance of activities and provision of services through the Internet;
- b) documents on the ensuring of a direct connection with the depository or, as the case may be, with other persons that are to execute transactions involving the assets of a participation pension fund or a pension fund, or that are to keep its records; and
- c) documents on the ensuring of a direct or intermediated connection with persons performing the settlement of transactions in investment instruments.

CHAPTER V

SENIOR OFFICERS AND PERSONS IN EXECUTIVE MANAGERIAL POSITIONS IN A FINANCIAL HOLDING ENTITY

Article 15

Approval of a Senior Officer

[Re: Article 10(4), Article 43(4), Article 104b, Article 155a(2) of the Capital Market Undertakings Act; and Article 39(4) of the Act on Supplementary Pension Savings]

(1) An application for a prior consent to the performance of the duties of a senior officer shall be lodged on the form a specimen of which is given in Annex No. 3 to this Decree.

(2) Annexes to the application pursuant to paragraph 1 above shall include

- a) a curriculum vitae of the senior officer, containing
 - 1. information on education [Article 2(i) hereof]; and
 - 2. information on professional experience [Article 2(h) hereof]; and
- b) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for the senior officer.

(3) An applicant shall submit the form of the application, along with its annexes, in the case of a new election, appointment or commencement of a position on the basis of some other fact associated with new competence or powers.

Article 16

Person in an Executive Managerial Position in a Financial Holding Entity

[Re: Article 26g(6) of the Act on Banks; and Article 25f(8) of the Act on Credit Unions]

(1) In order to prove the trustworthiness and experience of a person proposed for an executive managerial position in a financial holding entity, the financial holding entity shall submit the following supporting documents

- a) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for the natural person proposed for an executive managerial position in the financial holding entity (hereinafter the “proposed person”);
- b) the form pursuant to Annex No. 4 to this Decree, which is to be completed and signed by each proposed person; and
- c) a curriculum vitae of the proposed person, containing
 - 1. information on education [Article 2(i) hereof]; and
 - 2. information on professional experience [Article 2(h) hereof].

(2) The financial holding entity shall also submit a description of the job content of the position to which the proposed person is to be elected or appointed, including its estimated competence and powers. This document may be replaced by the financial holding entity’s internal regulation that stipulates the job content of the position that the proposed person is to perform, including the competence and powers arising from this position.

(3) If the proposed person is not the statutory body or a member of the statutory body of

the financial holding entity, or if the powers of the statutory body of the financial holding entity have not been delegated to the proposed person, the financial holding entity shall specify the fact on the basis of which the proposed person manages the financial holding entity.

Article 17

Approval of a Senior Officer in a Credit Union

[Re: Article 2a(9) of the Act on Credit Unions]

(1) In order to prove the professional qualifications and trustworthiness of a senior officer in a credit union, the credit union shall submit the following documents

- a) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for the senior officer;
- b) a curriculum vitae of the senior officer, containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof];
- c) a specification of the job content of the position to which the senior officer has been elected or appointed;
- d) a brief concept for the performance of the duties of a senior officer; and
- e) the form pursuant to Annex No. 4 to this Decree, which is to be completed and signed by the senior officer.

(2) The specification of the job content of the position to be held by the senior officer shall also include the estimated competence and powers. This document may be replaced by the credit union's internal regulation that stipulates the job content of the position that the senior officer is to perform, including the competence and powers arising from this position.

CHAPTER VI

CONSENT TO OWN A QUALIFIED HOLDING IN A REGULATED LEGAL ENTITY OR TO CONTROL A REGULATED LEGAL ENTITY

Article 18

Consent to the Acquisition of or Increase in a Qualified Holding in a Regulated Legal Entity

[Re: Article 20(3)(a) and (b) of the Act on Banks; Article 2b(3)(a) and (b) of the Act on Credit Unions; Article 10d(4), Article 47(1) and Article 104a(1) of the Capital Market Undertakings Act; and Article 44(1) of the Act on Supplementary Pension Savings]

(1) An application for a prior consent to the acquisition of or increase in a qualified holding in a regulated legal entity shall be lodged on the form a specimen of which is given in Annex No. 7 to this Decree.

(2) Annexes to the application pursuant to paragraph 1 above shall include

- a) the original counterpart of a document on the applicant's business licence [Article 2(a) hereof];
- b) original counterparts of documents on the origin of the funds from which the acquisition of or increase in a qualified holding is to be financed;
- c) the applicant's financial statements [Article 2(b) hereof];
- d) information on persons closely related [Article 2(d) hereof] to the applicant;
- e) a description of relations between the applicant and the regulated legal entity in which the applicant intends to acquire or increase a qualified holding, and of relations between the applicant and persons with a special relationship to this legal entity; that is, at least with respect to the persons who are senior officers, members of the supervisory board or members of the control committee of the regulated legal entity and, in the case of credit unions, also with respect to the persons elected to the credit committee;
- f) the original counterpart of a written statement of the authority that conducts supervision of the applicant in the country where the applicant has its registered office, regarding the applicant's intention to acquire or increase a qualified holding in the regulated legal entity, if the applicant is a person having its registered office outside the territory of a Member State and if the applicant is subject to such supervision in the country where the applicant has its registered office;
- g) the strategic plan [Article 2(g) hereof]; and
- h) a list of persons who own, will acquire or increase a qualified holding in the regulated legal entity through acting in concert with the applicant, including information⁵⁾ on such persons with a specification of the extent of interest or other form of participation in the regulated legal entity, and with a specification of the fact on the basis of which they do act in concert.

(3) If the applicant is a natural person, it shall also enclose the following annexes with the application pursuant to paragraph 1 above

- a) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof]; and
- b) the form pursuant to Annex No. 4 to this Decree, item 1 and part D, which is to be completed and signed by the applicant.

(4) If the applicant is a legal entity, it shall also enclose the following annexes with the application pursuant to paragraph 1 above

- a) a list of persons who are the statutory body or members of the statutory body of the applicant, including a specification of the positions held by such persons;
- b) **the form a specimen of which is given in Annex No. 4 to this Decree, parts B and D, which is to be completed and signed by the applicant and by each of the natural persons specified in subparagraph a) above; and**
- c) **the original counterpart of a document on having no criminal record issued by a foreign country for the applicant and for each of the persons specified in subparagraph a) above.**

(5) Where the senior officers of the entity in which a qualified holding is to be acquired are to be changed in connection with the acquisition of a qualified holding, annexes containing information on such senior officers pursuant to Article 4(2) hereof shall also be enclosed with the application.

(6) If the applicant is a person who applies for a consent solely in order to manage client assets that also contain investment instruments, the applicant shall not be obliged to enclose the documents pursuant to subparagraph b) of paragraph 2 above.

Article 19

Consent to Control a Regulated Legal Entity

[Re: Article 20(3)(c) of the Act on Banks; Article 2b(3)(c) of the Act on Credit Unions; Article 10d(4), Article 47(1) and Article 104a(1) of the Act on Capital Market Undertakings; and Article 44(1) of the Act on Supplementary Pension Savings]

(1) An applicant who applies for a consent to control a regulated legal entity through acquiring or increasing a qualified holding, as a result of which the applicant is to become the controlling person pursuant to the Commercial Code¹⁵⁾, shall proceed pursuant to Article 18 hereof.

(2) An applicant who applies for a consent to control a regulated legal entity on the basis of an agreement shall lodge the application on the form a specimen of which is given in Annex No. 7 to this Decree.

(3) Annexes to the application pursuant to paragraph 2 above shall include

- a) the draft controlling agreement or other agreement on the basis of which the regulated legal entity is to become controlled;
- b) a justification for the intention to control the regulated legal entity;
- c) original counterparts of documents on the origin of the funds from which the duty with respect to outside-standing partners is to be fulfilled, if a controlling agreement has been made;
- d) the strategic plan to the extent pursuant to Article 2(g)(6) hereof;
- e) documents specified in Article 18(2)(a), (c) and (d) and in Article 18(3) and (4) hereof; and
- f) the original counterpart of a written statement of the authority conducting supervision of the applicant in the country where the applicant has its registered office, regarding the applicant's intention to control the regulated legal entity, if the applicant is a person having its registered office outside the territory of a Member State and if the applicant is subject to such supervision in the country where the applicant has its registered office.

Article 20

¹⁵⁾ Article 66a(2) to (6) of Act No. 513/1991 Coll., the Commercial Code, as amended.

Special Provisions

(1) If the applicant who applies for a consent to the acquisition of or increase in a qualified holding in a regulated legal entity is a person to whom the Czech National Bank has granted a consent to the acquisition of or increase in a qualified holding in a regulated legal entity during the last 5 years, such an applicant shall lodge the application on the form a specimen of which is given in Annex No. 7 to this Decree and, with the application, the applicant shall only enclose the original counterpart of a written statement pursuant to Article 18(2)(f) hereof and the other documentary materials and supporting documents specified in Article 18(2) to (4) hereof in relation to which any change has occurred compared to the status under which the previous consent to the acquisition of or increase in a qualified holding in a regulated legal entity was granted to the applicant. In such case, the applicant shall also state in the application that the other information and supporting documents submitted to the Czech National Bank as part of the previous application for a consent to the acquisition of or increase in a qualified holding remain unchanged.

(2) An applicant who applies for a consent to control a regulated legal entity shall proceed *mutatis mutandis* pursuant to paragraph 1 above; that is, the applicant shall lodge the application on the form a specimen of which is given in Annex No. 7 to this Decree and, with the application, the applicant shall only enclose the original counterpart of a written statement pursuant to Article 19(3)(f) hereof and the other documentary materials and supporting documents specified in Article 19(3) hereof in relation to which any change has occurred compared to the status under which the previous consent was granted to the applicant. In such case, the applicant shall also state in the application that the other information and supporting documents submitted to the Czech National Bank as part of the previous application for such a consent remain unchanged.

(3) If the applicant who applies for a consent to the acquisition of or increase in a qualified holding in a regulated legal entity, or the applicant who applies for a consent to control a regulated legal entity, is a person that is a regulated entity on the financial market, the applicant shall lodge the application on the form a specimen of which is given in Annex No. 7 to this Decree. With the application, the applicant shall enclose

- a) the original counterpart of a document on a business licence [Article 2(a) hereof];
- b) the strategic plan [Article 2(g) hereof];
- c) original counterparts of documents on the origin of the funds from which the acquisition of or increase in a qualified holding is to be financed; and
- d) the agreement on the basis of which the applicant is to become the person controlling the regulated legal entity, if such an agreement has been made, or a draft of such an agreement.

(4) If the applicant is to acquire or increase a qualified holding in a regulated legal entity through a person that is a regulated entity on the financial market, the applicant shall lodge the application on the form a specimen of which is given in Annex No. 7 to this Decree. With the application, the applicant shall only enclose the original counterpart of the final decision of the competent supervisory authority whereby the applicant was granted a consent to the acquisition of a qualified holding in the person that is a regulated entity on the financial market. Where no such decisions are issued by the competent supervisory authority, the applicant shall submit a

statement of this supervisory authority to the effect that the applicant acquired a qualified holding in the person that is a regulated entity on the financial market with this supervisory authority's knowledge and in accordance with the laws of the country where the person that is a regulated entity on the financial market has its registered office.

PART THREE

PERMIT FOR TRANSFORMATION

Article 21

Permit for Transformation or for Conclusion of an Agreement on the Transfer, Pledge or Lease of an Enterprise

[Re: Article 19(2), Article 20(2), Article 45(2), Article 46(2), Article 106(2) and Article 107(2) of the Capital Market Undertakings Act; and Article 65(1) of the Act on Supplementary Pension Savings]

(1) An application for a permit for transformation, or for a permit for conclusion of an agreement on the transfer, pledge or lease of an enterprise or of a part thereof, shall be lodged on the form a specimen of which is given in Annex No. 8 to this Decree.

(2) Depending on the type of application, annexes to the application pursuant to paragraph 1 above shall include

- a) a document on the applicant's business licence [Article 2(a) hereof];
- b) a list of involved and successor companies, specifying whether a terminating company, a successor company, a transferring company, an acquiring company, a pledgor, a lessee or a lessor is concerned, including their firm or corporate name, identification number, registered office address, amount of the registered capital, amount of the registered capital that has been paid up, including the quantity, amount and subject of the individual contributions whereby the registered capital has been subscribed or paid up, and also specifying the shares or the ownership interest including the quantity, nominal value, form and type of the shares or the quantity of ownership interests;
- c) a list of senior officers of the involved, successor or acquiring companies with a specification of their positions; for senior officers other than members of the statutory body or the statutory body, the applicant shall also specify in the list the fact on the basis of which such persons actually manage these companies;
- d) the form a specimen of which is given in Annex No. 3 to this Decree, which is to be completed and signed by each senior officer of the successor or acquiring company;
- e) a curriculum vitae of each senior officer of the successor or acquiring company, containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof];
- f) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for each senior officer of the successor or acquiring company;

- g) the project for the transformation of the company, or detailed information on the transfer, pledge or lease of the enterprise, or of a part thereof, and on the consequences of the aforementioned, containing particularly the applicant's intention, the changes that are to be made in the business plan, the time schedule, a description of the effects on the performance of activities and on the provision of services, a description of the incorporation of organizational departments and working assignments into the new organizational structure, and a description of the transfer of competence, unless such information is already contained in any other submitted documents;
- h) (joint) reports of the statutory bodies of the companies involved regarding the transformation or, as the case may be, consents to such reports not being prepared;
- i) insider report(s) or, as the case may be, consents to insider report(s) not being prepared;
- j) expert opinion(s), unless they are part of the insider report(s), if required;
- k) financial statements [Article 2(b) hereof] of the companies involved;
- l) closing financial statements of the companies involved and the opening balance sheet of the successor company and the auditor's reports on their verification, if required; or interim financial statements and the auditor's reports on their verification, if required;
- m) information on the set of things, rights and obligations maintained in the accounting records of the transferred, leased or pledged enterprise or of a part thereof; and
- n) a specification of the groups of persons between whom and the legal successors of the persons involved in the transformation a close relation will be created as a consequence of the transformation, including information⁵⁾ on persons who will as a result of the transformation acquire a qualified holding in the legal successor of the companies involved, including a specification of the extent of interest or other form of participation in the applicant.

(3) In the case of an application for a permit for transformation pursuant to the Act on Supplementary Pension Savings, the annexes pursuant to paragraph 2 above shall be enclosed with the application pursuant to paragraph 1 above where the project of transformation is to be regarded as a project of merger of pension management companies which, in addition to the said essential elements, shall also contain the essential elements pursuant to Article 65(2) of the Act on Supplementary Pension Savings.

PART FOUR

REGISTRATION AND ENTRY

Article 22

Registration of an Investment Intermediary and its Activities

[Re: Article 30(6) of the Capital Market Undertakings Act; and Article 82(1) of the Act on Supplementary Pension Savings]

(1) An application for the registration of an investment intermediary pursuant to Article 30(6) of the Capital Market Undertakings Act shall be lodged on the form a specimen of which is given in Annex No. 9 to this Decree.

(2) If the applicant is a natural person, it shall also enclose the following annexes with the application pursuant to paragraph 1 above

- a) the form pursuant to Annex No. 4 to this Decree;
- b) a curriculum vitae containing
 - 1. information on education [Article 2(i) hereof]; and
 - 2. information on professional experience [Article 2(h) hereof];
- c) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof]; and
- d) the original counterpart of a document on completed secondary education.

(3) If the applicant is a legal entity, it shall also enclose the following annexes with the application pursuant to paragraph 1 above

- a) the original counterpart of a document on a business licence [Article 2(a) hereof];
- b) a list of the applicant's senior officers, including a specification of their positions;
- c) the form pursuant to Annex No. 4 to this Decree, which is to be completed and signed by each of the applicant's senior officers;
- d) a curriculum vitae of each of the applicant's senior officers, containing
 - 1. information on education [Article 2(i) hereof]; and
 - 2. information on professional experience [Article 2(h) hereof];
- e) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] **for the applicant and** for each of the applicant's senior officers;
- f) the original counterpart of a document on completed secondary education for each of the applicant's senior officers;
- g) original counterparts of documents on the origin of the applicant's registered capital;
- h) information on persons closely related to the applicant [Article 2(d) hereof]; **and**
- i) **the form a specimen of which is given in Annex No. 4 to this Decree, parts B and D, which is to be signed by the applicant.**

Article 22a

Registration of Activities Associated with Distribution of Supplementary Pension Savings and Retirement Savings

(1) An application for the registration of activities associated with the distribution of supplementary pension savings and retirement savings pursuant to Article 74(1) of the Act on Supplementary Pension Savings and pursuant to Article 91(1) of the Act on Retirement Savings, or an application for an authorization to perform such activities, may be lodged by an applicant that is

- a) **an investment intermediary – on the form a specimen of which is given in Annex No. 9 to this Decree;**

- b) **an investment firm that is a bank, or an applicant who applies for a banking licence – on the form a specimen of which is given in Annex No. 9a to this Decree; or**
- c) **an investment firm that is not a bank, or an applicant who applies for an authorization to perform the activities of an investment firm – on the form a specimen of which is given in Annex No. 9b to this Decree.**

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose documents on the fulfilment of the condition of having professional qualifications pursuant to Article 84 of the Act on Supplementary Pension Savings. An investment firm that is not a bank shall also enclose the annexes pursuant to Article 25(2)(a) to (c) hereof with the application.

Article 23

Entry in the List of Tied Agents

[Re: Article 32c(8) of the Capital Market Undertakings Act; and Article 81 and Article 82 of the Act on Supplementary Pension Savings]

(1) An application for an entry in the list of tied agents shall be lodged on the form a specimen of which is given in Annex No. 10 to this Decree.

(2) The application shall be sent to the Czech National Bank in electronic form and with a guaranteed electronic signature¹⁷⁾ in the form of a data report. The Czech National Bank shall publish the structure and the manner of compiling the data report in a manner enabling remote access.

Article 24

Entry in the List of Liquidators and Forced administrators

(1) An application for an entry in the list of liquidators and forced administrators pursuant to Article 198(3) of the Capital Market Undertakings Act shall be lodged on the form a specimen of which is given in Annex No. 11 to this Decree.

(2) Annexes to the application pursuant to paragraph 1 above shall include

- a) a curriculum vitae containing
 1. information on education [Article 2(i) hereof]; and
 2. information on professional experience [Article 2(h) hereof]; and
- b) the original counterpart of a document on having no criminal record issued by a foreign country [Article 2(c) hereof] for the applicant.

Article 25

Registration of Further Business Activities

[Re: Article 7(2), Article 39(5) of the Capital Market Undertakings Act; and Article 35(5) of the Act on Supplementary Pension Savings]

(1) An application for the registration of further business activities shall be lodged on the form a specimen of which is given in Annex No. 12 to this Decree.

(2) Annexes to the application pursuant to paragraph 1 above shall include

- a) estimated impacts of the further business activities on the applicant's activities;
- b) draft internal regulations reflecting the performance of the further business activities, particularly internal regulations stipulating the procedures for the management and evaluation of risks and the measures to reduce such risks;
- c) an analysis of the individual types of crisis situations in performing the further business activities that might have an unfavourable impact on the due provision of services, and the procedures for the resolution of such situations; and
- d) a document on an authorization to perform the further business activities issued by the competent authority, unless this authority is the Czech National Bank.

PART FIVE

PARTICIPATION PENSION FUNDS AND PENSION FUNDS

Article 25a

Authorization to Establish a Participation Pension Fund or Pension Funds

[Re: Article 96(5) of the Act on Supplementary Pension Savings; and Article 26(5) of the Act on Retirement Savings]

(1) An application for an authorization to establish a participation pension fund or pension funds shall be lodged on the form a specimen of which is given in Annex No. 19 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the following annexes

- a) **a list of senior officers of the pension management company that is to manage the participation pension fund or the pension funds;**
- b) **a curriculum vitae of each of the persons specified in the list pursuant to subparagraph a) above, containing**
 1. **information on education [Article 2(i) hereof]; and**
 2. **information on professional experience [Article 2(h) hereof];**
- c) **the draft statute of the participation pension fund or of the pension funds;**
- d) **the current amount of the equity capital of the pension management company that is to manage the participation pension fund or the pension funds, and the current amount of the assets in the participation pension funds, in the pension funds and in the transformed fund that are to be managed by this pension management company;**
- e) **information on education [Article 2(i) hereof] and information on professional experience [Article 2(h) hereof] of the head of the organizational department of the**

depository or, as the case may be, of other persons who are to ensure the activities of a depository;

- f) the depository agreement or, as the case may be, a draft thereof, along with a written promise of the depository to enter into this agreement or, as the case may be, the agreement on a future agreement entered into with the bank or with the branch of a foreign bank that is to perform the activities of a depository for the participation pension fund or for the pension funds; and
- g) annexes pursuant to Article 14a hereof that are affected by the changes relating to the management of the relevant fund(s) in respect of which the authorization is being applied for.

Article 25b

Permit for Transfer of all Participation Pension Funds or Pension Funds to Another Pension Management Company

[Re: Article 109(6) of the Act on Supplementary Pension Savings; and Article 58(6) of the Act on Retirement Savings]

(1) An application for a permit for transfer of the management of all participation pension funds or pension funds to another pension management company shall be lodged on the form a specimen of which is given in Annex No. 19 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the following annexes

- a) a description of the conditions under and manner in which the participation pension funds or the pension funds are to be transferred to another pension management company;
- b) financial statements of the pension management companies involved, prepared as at the last day of the calendar month preceding the lodging of the application;
- c) financial statements of the participation pension funds or of the pension funds that are to be transferred, prepared as at the last day of the calendar month preceding the lodging of the application;
- d) information on the participation pension funds or on the pension funds that are to be transferred, in particular on the amount, structure and liquidity of assets, on the number of participants and on the performance of the fund;
- e) the current amount of the equity capital of the acquiring pension management company, unless such information is obvious from the financial statements of the pension management company; and the current amount of the assets of the participation pension funds, of the pension funds or of the transformed fund that are to be managed by this pension management company;
- f) information on education [Article 2(i) hereof] and information on professional experience [Article 2(h) hereof] of the head of the organizational department of the depository or, as the case may be, of other persons who are to ensure the activities of a

depository for the participation pension fund or for the pension fund; documents pursuant to this subparagraph f) need not be submitted by the persons ensuring the activities of a depository in/for the participation pension fund or in/for the pension fund, if the depository is to remain unchanged after the transfer;

- g) the depository agreement or, as the case may be, a draft thereof, along with a written promise of the depository to enter into this agreement or, as the case may be, the agreement on a future agreement entered into with the bank or with the branch of a foreign bank that is to perform the activities of a depository for the participation pension funds or for the pension funds; and
- h) annexes pursuant to Article 14a hereof that are affected by the changes relating to the transfer of the participation pension funds or of the pension funds on the part of the acquiring pension management company.

Article 25c

Merger of Participation Pension Funds or Pension Funds by Acquisition

[Re: Article 113(8) of the Act on Supplementary Pension Savings; and Article 61(4) of the Act on Retirement Savings]

(1) An application for a permit for merger of participation pension funds or pension funds by acquisition shall be lodged on the form a specimen of which is given in Annex No. 19 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the following annexes

- a) the project for the merger by acquisition, including impacts of the merger by acquisition on investment limits;
- b) a statement of the depository of the participation pension funds or of the pension funds involved;
- c) information on the participation pension funds or on the pension funds that are to be merged by acquisition, in particular on the amount, structure and liquidity of assets, on the number of participants, on the performance, investment focus and structure of charges; and
- d) the current amount of the equity capital of the pension management company that is to manage the acquiring successor participation pension fund or pension fund, and the current amount of the assets of the participation pension funds, of the pension funds or of the transformed fund that are to be managed by this pension management company.

Article 25d

Approval of the Statute and of Changes in the Statute

[Re: Article 97(8) of the Act on Supplementary Pension Savings; and Article 45(8) of the Act on Retirement Savings]

(1) An application for the approval of the statute of a participation pension fund, and an application for the approval of changes in the statute of a participation pension fund, shall be lodged on the form a specimen of which is given in Annex No. 15 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the following annexes

- a) the applicable and unabridged text of the statute with an indication of the proposed changes the approval of which is being applied for, along with their justification; and
- b) the new unabridged text of the statute.

(3) The provisions of paragraphs 1 and 2 above shall be applied mutatis mutandis to an application for the approval of the statute of a retirement fund, and to an application for the approval of changes in the statute of a retirement fund, and to annexes thereto.

Article 25e

Change of the Depository

[Re: Article 96(4) of the Act on Supplementary Pension Savings; and Article 26(4) of the Act on Retirement Savings]

(1) An application for the approval of a change of the depository of participation pension funds or of pension funds shall be lodged on the form a specimen of which is given in Annex No. 16 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the following annexes

- a) the depository agreement or, as the case may be, a draft thereof, along with a written promise of the depository to enter into this agreement or, as the case may be, the agreement on a future agreement entered into with the bank or with the branch of a foreign bank that is to perform the activities of a depository for the participation pension funds or for the retirement funds;
- b) information on education [Article 2(i) hereof] and information on professional experience [Article 2(h) hereof] of the head of the organizational department of the depository or, as the case may be, of other persons who are to ensure the activities of a depository for the participation pension fund or for the pension fund; and
- c) a document on termination of the existing depository agreement.

PART SIX

REVOCATION OF AUTHORIZATION

Article 25f

Revocation of an Authorization to Perform the Activities of a Pension Management Company

[Re: Article 69(4) of the Act on Supplementary Pension Savings]

(1) An application for the revocation of an authorization to perform the activities of a pension management company shall be lodged on the form a specimen of which is given in Annex No. 18 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose minutes of a general meeting containing the decision to dissolve the pension management company with liquidation, including the decision on the proposal to appoint a liquidator for the pension management company, or a court's decision to dissolve the pension management company with liquidation, and also documents attesting to the settlement of liabilities with respect to the participants.

Article 25g

Revocation of an Authorization to Establish a Participation Pension Fund

[Re: Article 111(2) of the Act on Supplementary Pension Savings]

(1) An application for the revocation of an authorization to establish a participation pension fund shall be lodged on the form a specimen of which is given in Annex No. 19 to this Decree.

(2) With the application pursuant to paragraph 1 above, the applicant shall enclose the following annexes

- a) **a justification of the application for the revocation of the authorization;**
- b) **financial statements of the participation pension fund, prepared as at the last day of the calendar month preceding the lodging of the application;**
- c) **a summary of any unsettled liabilities arising from the management of the assets in the participation pension fund;**
- d) **information on the structure and liquidity of the assets in the participation pension fund;**
- e) **information on the number of participants and on the total amount of the funds of the participants;**
- f) **a notification issued by the pension management company to the participants regarding the intention to dissolve the participation pension fund; and**
- g) **the proposed manner of the sale of the assets in the participation pension fund, and the proposed manner of the settlement of the participation pension fund's receivables and liabilities.**

PART SEVEN

COMMON AND FINAL PROVISIONS

Common Provisions

Article 26

(1) The Czech National Bank shall publish the specimens of the forms in a manner enabling remote access.

(2) If an applicant is represented by a proxy, the original counterpart of the power of attorney or of a similar document attesting to the authorization of the proxy to represent the applicant shall be enclosed with the application.

(3) The authenticity of an applicant's signature attached to the power of attorney or to a similar document which is to be submitted as evidence pursuant to paragraph 2 above must be officially verified.

(4) In the case of an application for an authorization to perform further activities, the provisions of Chapters II and III of Part Two hereof shall be applied *mutatis mutandis*.

Article 27

(1) If the nature of the matter makes it impossible to submit any annex required by this Decree to an application, or to state any information in the application form, and if this is not sufficiently obvious from the application itself, the applicant shall state this fact in the application along with the reasons why such an annex cannot be submitted or why such information cannot be stated, which reasons shall be appropriately substantiated by the applicant.

(2) Instead of submitting a prescribed annex, an applicant may refer to an accurately identified document that the applicant has submitted to the Czech National Bank during the last 3 years and that complies with the requirements set out by this Decree.

(3) In submitting public deeds issued by foreign countries, an applicant shall proceed pursuant to some other legal regulation¹⁸⁾. However, this shall not apply to a public deed of a foreign country

- a) issued in the territory of a Member State; or
- b) issued by an administrative authority of a foreign country with which the Czech National Bank has concluded a cooperation agreement; a list of such authorities shall be published by the Czech National Bank in a manner enabling remote access.

(4) If a legal entity with a qualified holding in an applicant is managed by a person other than the statutory body or a member of the statutory body, the applicant shall also enclose a list of such persons with a specification of the fact on the basis of which such persons manage the applicant, also including information on their professional experience [Article 2(h) hereof], the original counterpart of a document on having no criminal record issued by a foreign country

¹⁸⁾ Article 53(4) of Act No. 500/2004 Coll., the Code of Administrative Procedure.

[Article 2(c) hereof] and the form pursuant to Annex No. 4 to this Decree, item 1 and part D, which is to be completed and signed for each such person.

Article 28

Repealing Provisions

It is hereby repealed:

1. Decree No. 90/2006 Coll., stipulating the essential elements of applications and notifications and the minimum amount of funds to be provided by a foreign bank to its branch;
2. Decree No. 272/2006 Coll., stipulating the list of documents and the essential elements thereof for proving the professional qualifications and trustworthiness of persons elected to or nominated for certain positions in credit unions and for proving the qualifications of natural persons or legal entities with a qualified holding in credit unions and of members having some other membership contribution to exercise membership rights;
3. Decree No. 139/2007 Coll., stipulating the supporting documents proving the trustworthiness and experience of persons in executive managerial positions in a financial holding entity; and
4. Decree No. 255/2008 Coll., stipulating the specimens of the forms for lodging applications and the contents of their annexes pursuant to the Capital Market Undertakings Act.

Article 29

Effective Day

This Decree shall become effective on 1 August 2009.

Governor:

doc. Ing. Tůma, CSc., signed

SPECIMEN

**Application
for a licence for a bank /
for an authorization for a credit union**

pursuant to Act No. 21/1992 Coll., on Banks, as amended (hereinafter the “Act on Banks”) and pursuant to Act No. 87/1995 Coll., on Savings and Loan Associations and Certain Related Measures and on the Amendment to Act No. 586/1992 Coll. of the Czech National Council, on Income Taxes, as amended, as amended (hereinafter the “Act on Credit Unions”)

**I.
ADMINISTRATIVE AUTHORITY**

1. Name and address of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

**II.
APPLICANT**

2. Identification of the applicant^{1/}

Corporate name	
Identification number	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

**III.
APPLICATION**

3. Application for

<input type="checkbox"/> licence <input type="checkbox"/> authorization <input type="checkbox"/> change in licence <input type="checkbox"/> change in authorization	<input type="checkbox"/> for a bank
	<input type="checkbox"/> for a credit union

A. Further details on the applicant

4. Information on the capital of the bank/credit union

Total amount of registered capital (in CZK thousand) of which - monetary contribution - non-monetary contribution	
Type, nominal value and form of the applicant's shares	
Number of shares (in pcs) of which: - voting shares - priority shares	
Amount of basic membership contribution per member Other membership contribution no <input type="checkbox"/> yes <input type="checkbox"/> Total amount of other membership contributions (in CZK thousand)	

B. Description of the applicant's activities

a) Bank

The table shall include the activities specified in Section 1 (1)(a) and (b) and in Section 1 (3)(a) to (o) of the Act on Banks which the applicant applies for (licence, change in licensed activities – broadening or narrowing the scope of licensed activities):

Entry in the table: Registered facts - **Z**
 Deleted facts - **V**

5a. Required activities

Name of activity		Z/V	Expected date of commencement (if licence is to be granted or broadened) or termination of activity (if licence is to be narrowed)
Acceptance of deposits from the public	<input type="checkbox"/>		
Granting of loans	<input type="checkbox"/>		
Investing into securities on its own account	<input type="checkbox"/>		
Financial leasing	<input type="checkbox"/>		

Payment transactions and clearing	<input type="checkbox"/>		
Issuance and administration of payment means, e.g. payment cards and traveller's cheques	<input type="checkbox"/>		
Provision of guarantees	<input type="checkbox"/>		
Opening of letters of credit	<input type="checkbox"/>		
Ensuring of encashment	<input type="checkbox"/>		
Provision of investment services pursuant to some other legal regulation ^{2/} - see table 5aa	<input type="checkbox"/>		
Financial brokerage	<input type="checkbox"/>		
Discharge of the depository function	<input type="checkbox"/>		
Exchange services	<input type="checkbox"/>		
Provision of banking information	<input type="checkbox"/>		
Dealing in foreign exchange values and in gold on its own account or on client's account	<input type="checkbox"/>		
Lease of safe deposit boxes	<input type="checkbox"/>		
Activities directly related to the activity specified in Section 1 (1) and Section 1 (3)(a) to (n) of the Act on Banks	<input type="checkbox"/>		

5aa – Provision of investment services pursuant to special legislation^{2/} – a list of investment services and supplementary investment services that the bank intends to provide (this is for information only; it is not an application pursuant to the Act on Undertaking on the Capital Market)

	Investment instruments pursuant to Section 3 (1), subparagraph:											
	a)	b)	c)	d)	e)	f)	g)	h)	i)	j)	k)	
Main investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (2), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											
	h)											
Supplementary investment services pursuant to the Act on	a)											
	b)											
	c)											

Undertaking on the Capital Market, Section 4 (3), subparagraph:	d)												
	e)												
	f)												
	g)												

b) Credit union

The table shall include the activities specified in Section 3 (1) and (2) of the Act on Credit Unions which the applicant applies for (authorization, change in authorized activities – broadening or narrowing the scope of authorized activities):

Entry in the table: Registered facts - **Z**
Deleted facts - **V**

5b. Required activities

Compulsory information	Name of activity		Z/V	Expected date of commencement (if authorization is to be granted or broadened) or termination of activity (if authorization is to be narrowed)
	Acceptance of deposits from members	<input type="checkbox"/>		
	Granting of loans to members	<input type="checkbox"/>		
	Financial leasing for members	<input type="checkbox"/>		
	Payment transactions and clearing, issuance and administration of payment means for members	<input type="checkbox"/>		
	Provision of guarantees in the form of surety or bank guarantee for members	<input type="checkbox"/>		
	Opening of letters of credit for members	<input type="checkbox"/>		
	Ensuring of encashment for members	<input type="checkbox"/>		
	Purchase and sale of foreign currency for members	<input type="checkbox"/>		
	Lease of safe deposit boxes to members	<input type="checkbox"/>		
Other activities that may be performed by a credit union solely for the purposes of ensuring the activities specified above				
Optiona I	Making deposits with credit unions and banks and with branches of foreign banks	<input type="checkbox"/>	X	
	Accepting loans from credit unions	<input type="checkbox"/>	X	

	Acquiring and disposing of property	<input type="checkbox"/>	X	
	Dealing in foreign exchange and in exchange-rate and interest-rate instruments on its own account in order to secure the risks following from the activities pursuant to Section 3 (1) of the Act on Savings and Loan Associations	<input type="checkbox"/>	X	
	Dealing in registered securities on its own account, unless the Act on Savings and Loan Associations stipulates otherwise	<input type="checkbox"/>	X	

C. Senior officer(s) of the bank/credit union

6. Basic identification of senior officer(s) of the bank/credit union

Name(s) and surname and maiden name	Birth number ^{3/} / date of birth	Place of birth in the form – country, district, municipality ^{4/}	State citizenship	Address of residence in the form municipality, part of municipality, street, street number, postal code, country	Proposed position

D. Personnel interconnection of persons with a qualified holding in the bank/credit union with other legal entities

7. Personnel interconnection of a person with a qualified holding with other legal entities;

A natural person with a qualified holding shall provide a summary of its current and past membership in the statutory bodies of other legal entities over the last 10 years. A legal entity with a qualified holding shall provide such a summary for the members of its statutory and supervisory body.

a) Natural person with a qualified holding

Name(s) and surname and maiden name of the natural person with a qualified holding	Identification of the legal entity which the person specified in column 1 is interconnected with in personnel terms (firm/corporate name, identification number or, as the case may be, the day of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Identification of the office held by the person specified in column 1 in the statutory or supervisory body of the legal entity specified in column 2, and specification of the term of this office
1	2	3

b) Legal entity with a qualified holding

Firm/corporate name of the legal entity with a qualified holding	Name(s) and surname of the natural person who is a member of the statutory body of the legal entity specified in column 1	Identification of the legal entity which the person specified in column 2 is interconnected with in personnel terms (firm/corporate name, identification number or, as the case may be, the day of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Specification of the office held by the person specified in column 2 in the statutory or supervisory body of the legal entity specified in column 3, and specification of the term of this office
1	2	3	4

E. List of annexes

8. Numbered list of all annexes (numbers must be indicated on the very annexes, too);
for every individual annex, give a reference to the relevant provision of the Decree

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**IV.
DECLARATION**

I hereby declare that the information specified in the application, in the documentary materials and documents and in the annexes is true, up-to-date and complete.

This application is lodged by the applicant

9. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	

Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	
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This application is lodged by the applicant's representative

10. Identification of the person representing the applicant

Details on the representative^{5/}	
Name(s) and surname / firm or corporate name^{6/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence /registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The applicant to whom the licence for a bank or the authorization for a credit union is to be granted.

^{2/} Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended.

^{3/} Shall be stated if assigned.

^{4/} To be completed only if the place of birth is in the territory of the Czech Republic.

^{5/} For instance, a lawyer, notary or general proxy.

^{6/} A legal entity shall also specify the person acting on its behalf.

SPECIMEN

Application for an authorization to perform activities

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended
(hereinafter the “Act on Undertaking on the Capital Market”)

I. ADMINISTRATIVE AUTHORITY

1. Name and address of administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II. APPLICANT

2. Identification of the applicant^{1/}

Firm or corporate name	
Identification number	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III. APPLICATION

3. Application for

<input type="checkbox"/> authorization <input type="checkbox"/> change in authorization	<input type="checkbox"/> for the activities of an investment firm
	<input type="checkbox"/> for the activities of an operator of a regulated market
	<input type="checkbox"/> for the operation of a settlement system
	<input type="checkbox"/> for the activities of a central depository

A. Further details on the applicant

4. Capital

Amount of registered capital	
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Amount of paid-up registered capital	
Amount of initial capital ^{2/}	
Amount of equity ^{3/}	
Type, number, nominal value and form of the applicant's shares ^{4/}	

B. Description of the applicant's activities

a) Investment firm

The table shall include the main investment services and activities pursuant to Section 4 (2)(a) to (h) of the Act on Undertaking on the Capital Market and the supplementary investment services pursuant to Section 4 (3)(a) to (g) of the Act on Undertaking on the Capital Market in relation to which the applicant applies for the authorization or for a change in the authorization in respect of the specified investment instruments pursuant to Section 3 (1)(a) to (k) of the Act on Undertaking on the Capital Market, with respect to which they will be provided.

Entry in the table: Registered facts - **Z**
 Deleted facts - **V**

5. Activities of an investment firm

	Investment instruments pursuant to the Act on Undertaking on the Capital Market, Section 3 (1), subparagraph:											
		a)	b)	c)	d)	e)	f)	g)	h)	i)	j)	k)
Main investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (2), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											
	h)											
Supplementary investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (3), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											

b) Operator of a regulated market or investment firm

6. Operation of a multilateral trading facility

It shall be specified whether the applicant applies for an authorization to operate a multilateral trading facility.

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

c) Operator of a settlement system

It shall be specified what investment instruments may be the subject of claims and obligations resulting from the transactions in respect of which settlement will be possible in the settlement system operated by the applicant.

d) Central depository

A proposal shall be made for a specification of the scope of activities for which the applicant is to be authorized^{5/}.

e) Central counterparty

A proposal shall be made for a specification of the scope of activities the scope of and services including categories of investment instruments for which the applicant is to be authorized.

C. Personnel interconnection of persons with a qualified holding in the applicant with other legal entities

7. Personnel interconnection of a person with a qualified holding with other legal entities;

A natural person with a qualified holding shall provide a summary of its current and past membership in the statutory bodies of other legal entities over the last 10 years. A legal entity with a qualified holding shall provide such a summary for the members of its statutory and supervisory body

a) Natural person with a qualified holding

Name(s) and surname and maiden name of the natural person with a qualified holding	Identification of the legal entity which the person specified in column 1 is interconnected with in personnel terms (firm/corporate name, identification number or, as the case may be, the day of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Specification of the office held by the person specified in column 1 in the statutory or supervisory body of the legal entity specified in column 2, and specification of the term of this office
1	2	3

b) Legal entity with a qualified holding

Firm/corporate name of the legal entity with a qualified holding	Name(s) and surname of the natural person who is a member of the statutory body of the legal entity specified in column 1	Identification of the legal entity which the person specified in column 2 is interconnected with in personnel terms (firm/corporate name, identification number or, as the case may be, the day of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Specification of the office held by the person specified in column 2 in the statutory or supervisory body of the legal entity specified in column 3, and specification of the term of this office
1	2	3	4

D. List of annexes

8. Numbered list of all annexes (numbers must be indicated on the very annexes, too);
for every individual annex, give a reference to the relevant provision of the Decree

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IV.
DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

9. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

10. Identification of the person representing the applicant

Details on the representative^{8/}	
Name(s) and surname / firm or corporate name^{6/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The applicant to whom the authorization is to be granted.

^{2/} To be completed only by an applicant who applies for an authorization to perform the activities of an investment firm.

^{3/} To be completed only by an applicant who applies for an authorization to perform the activities of an operator of a regulated market.

^{4/} To be completed only by an applicant who is a joint-stock company.

^{5/} Section 100 (3) of the Act on Undertaking on the Capital Market.

^{6/} A legal entity shall also specify the person acting on its behalf.

^{7/} Shall be stated if assigned.

^{8/} For instance, a lawyer, notary or general proxy.

SPECIMEN

**Application
for an authorization to perform the activities
of a pension management company**

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings

**I.
ADMINISTRATIVE AUTHORITY**

1. Name and address of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

**II.
APPLICANT^{1/}**

2. Identification of the applicant^{2/}

Firm or corporate name	
Identification number^{3/}	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

**III.
APPLICATION**

3. Application for

an authorization to perform the activities of a pension management company within the meaning of Article 29 of the Act on Supplementary Pension Savings

A. Further details on the applicant**4. Capital**

Amount of registered capital	
Amount of paid-up registered capital	
Amount of equity capital	
Type, number, nominal value and form of the	

applicant's shares	
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B. Personnel interconnection of persons with a qualified holding in the applicant with other legal entities

5. Personnel interconnection of a person with a qualified holding with other legal entities;

A natural person with a qualified holding shall provide a summary of the current and past membership of the statutory and supervisory bodies of other legal entities over the last 10 years. A legal entity with a qualified holding shall provide such a summary for its members of the statutory body.

a) Natural person with a qualified holding

Name(s) and surname and maiden name of the natural person with a qualified holding	Identification of the legal entity which the person specified in column 1 is interconnected with in personnel terms (firm / corporate name, identification number or, as the case may be, the date of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Specification of the position held by the person specified in column 1 in the statutory or supervisory body of the legal entity specified in column 2, and specification of the term of this position
1	2	3

b) Legal entity with a qualified holding

Firm / corporate name of the legal entity with a qualified holding	Name(s) and surname of the natural person who is a member of the statutory body of the legal entity specified in column 1	Identification of the legal entity which the person specified in column 2 is interconnected with in personnel terms (firm / corporate name, identification number or, as the case may be, the date of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Specification of the position held by the person specified in column 2 in the statutory or supervisory body of the legal entity specified in column 3, and specification of the term of this position
1	2	3	4

C. List of annexes

6. Numbered list of all annexes (numbers must be indicated on the very annexes, too);

for every individual annex, give a reference to the relevant provision of the Decree

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**IV.
DECLARATION**

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

7. Identification of the person acting for the applicant / on behalf of the applicant

Designation of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

8. Identification of the person representing the applicant

Details on the representative^{4/}	
Name(s) and surname / firm or corporate name^{5/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code,	

country	
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In

Date:

By:

^{1/} The provision of personal data is mandatory; should the provision of personal data be refused, the Czech National Bank may reject the application in administrative proceedings. The provided personal data contained in this form and in the annexes hereto shall be processed by the Czech National Bank solely for the purposes relating to the performance of authority and duty in the administrative proceedings regarding this application and for the purposes of financial market supervision, namely for the term of the legal relation and for 3 years following its termination, and the Czech National Bank shall not make the personal data accessible to anyone, unless stipulated otherwise by some other legal regulation.

^{2/} The applicant to whom the authorization is to be granted (a pension management company).

^{3/} Shall be stated if assigned.

^{4/} For instance, a lawyer, notary or general proxy.

^{5/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

SPECIMEN

Application for a prior consent to perform the duties of a senior officer

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended (hereinafter the “Act on Undertaking on the Capital Market”) and to Act No. 427/2011 Coll., on Supplementary Pension Savings

I. ADMINISTRATIVE AUTHORITY

1. Name and address of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II. APPLICANT

2. Identification of the applicant^{1/}

Name(s) and surname				
Maiden name				
Birth number^{2/}	Date of birth			
Place of birth (country, district, municipality)				
State citizenship				
Identification number^{2/}				
Telephone number	E-mail address			
Address of residence in the form municipality, part of municipality, street, street number, postal code, country				
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country				

III. APPLICATION

3. Application for

<input type="checkbox"/> prior consent to performance of the duties of	<input type="checkbox"/> an investment firm
	<input type="checkbox"/> the executive of a branch
	<input type="checkbox"/> operator of a regulated market
	<input type="checkbox"/> a central depository
	<input type="checkbox"/> a financial holding entity
	<input type="checkbox"/> a pension management company
	<input type="checkbox"/> a central counterparty
<input type="checkbox"/> approval of a senior officer in relation to some other matter	Specify the matter ^{3/} .

A. Basic information:

4. Specification of the position to be discharged

Name of the position	
Expected date of appointment	

5. Identification of the entity where the position is to be discharged

Firm or corporate name	
Identification number	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

Description of the placement of the position to which the assessed person is to be elected within the organizational structure of the entity or, as the case may be, draft changes to its organizational structure (if any), including a graphic representation of the organizational structure of the entity – this information may be attached as an annex.

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Description of the job content of the senior position to which the assessed person is to be elected or appointed, including its expected competence and powers (duties, responsibility)^{4/}.

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B. Previous applications

6. Information on a previous application

6.1. Have you (or some other person on your behalf) ever in the past lodged an application for a prior consent to performance of the duties of a senior officer with a supervisory authority in the Czech Republic or in some other country?
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<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give details.

C. Further personal data and information

7. Information for the assessment of eligibility

7.1. Is your legal capacity limited?		
<input type="checkbox"/> YES <input type="checkbox"/> NO		
7.2. Has any fact occurred in relation to you that is an obstacle to operation of a trade pursuant to the act that regulates business in trade?		
<input type="checkbox"/> YES, it has <input type="checkbox"/> NO, it has not	If YES, give details.	
7.3. What positions do you intend to hold concurrently with the position of a senior officer?		
<input type="checkbox"/> None	If you intend to concurrently hold any other positions, give the following details:	
Name of the position	Corporate name	Identification number

D. Information on credibility of the person

8. Information on a decision on punishment in criminal, administrative or other similar proceedings

8.1. Have you been validly convicted for a criminal offence?		
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details and substantiate the stated facts with a final decision.	
8.2. Have you been imposed a penalty exceeding CZK 20,000 or prohibition of activities or some other remedial measure or duty to provide indemnification, through a final decision during the last 10 years, for any misdemeanour or some other administrative tort resulting from infringement of any legal duty in connection with performance of your employment, office or business activities?		
<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give brief details.	
8.3. Have you been the statutory body or a member of the statutory or supervisory body of a legal entity, or have you been a person authorized to act for a legal entity on the basis of some other fact, or have you been a person controlling a legal entity at the time when a penalty was imposed on the legal entity, through a final decision, for an administrative tort or when the duty to provide indemnification was imposed on the legal entity, through a final decision, in connection with its activities on the financial market?		
<input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, give brief details.	

9. Information on prosecution in criminal, administrative or other similar proceedings that is not included in paragraph 8 above.

9.1. Has criminal prosecution been initiated against you during the last 10 years?		
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details and substantiate the stated facts with the accusation or indictment.	
9.2. Have misdemeanour proceedings or other similar proceedings been initiated against you during the last 10 years as a result of infringement of any legal duty in connection with performance of your employment, office or business activities, except for proceedings on		

misdemeanours or other similar proceedings where pecuniary fines not exceeding CZK 20,000 may be imposed?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

10. Details on a decision and on initiation of civil proceedings or arbitration proceedings

10.1. Specify whether a decision has been issued with respect to you during the last 10 years in civil proceedings or arbitration proceedings, provided that this is related to your activities on the financial market or provided that this may substantially endanger your financial situation, or whether such proceedings are in progress and have not yet been closed through a final decision.	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	
10.2. Has a decision on insolvency been issued with respect to you during the last 10 years, or has a court dismissed an insolvency petition because your assets did not suffice to cover the costs of insolvency proceedings, or has bankruptcy been declared against your assets, has such bankruptcy been cancelled, settlement permitted, forced settlement confirmed or a bankruptcy petition dismissed for insufficient assets during the last 10 years?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

11. Other facts that may affect credibility

11.1. Has a decision on insolvency been issued with respect to a legal entity controlled by you during the last 10 years, or has a court dismissed an insolvency petition because its assets did not suffice to cover the costs of insolvency proceedings, or has bankruptcy been declared against the assets of the legal entity controlled by you, has such bankruptcy been cancelled, settlement permitted, forced settlement confirmed or a bankruptcy petition dismissed for insufficient assets during the last 10 years?	
<input type="checkbox"/> YES	If YES, specify the firm / corporate name of the legal entity, identification number and details.
<input type="checkbox"/> NO	
11.2. Have you performed activities as the statutory body or as a member of the statutory or supervisory body of a legal entity or as a person authorized to act for a legal entity on the basis of some other fact for a period of up to 3 years before a decision was issued on insolvency of this legal entity or before an insolvency petition was dismissed because its assets did not suffice to cover the costs of insolvency proceedings, or for a period of up to 3 years before bankruptcy was declared against the assets of this legal entity or before settlement was permitted, or within 3 years before forced administration was imposed on this legal entity?	
<input type="checkbox"/> YES	If YES, specify the firm / corporate name of the legal entity, identification number and details.
<input type="checkbox"/> NO	
11.3. Has your business licence or authorization for some other activities been suspended or revoked, or has a court or an administrative authority refused to grant a consent to your election or appointment to a position, provided that this election or appointment required such a consent?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

12. Information on credibility of the person from the viewpoint of membership in professional chambers

12.1. Have you been expelled, during the last 10 years, from any professional union, chamber or association, including abroad?	
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<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	
12.2. Have you performed, during the last 10 years, activities as the statutory body or as a member of the statutory or supervisory body of a legal entity, or as a person authorized to act for a legal entity on the basis of some other fact at the time when this legal entity was expelled from any professional union, chamber or association, including abroad?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

13. Further information on other facts that may affect your credibility; if appropriate, furnish the relevant documents.

E. List of annexes

14. Numbered list of all annexes (numbers must be indicated on the very annexes, too); for every individual annex, give a reference to the relevant provision of the Decree

**IV.
DECLARATION**

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

In	Date:	By:
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This application is lodged by the applicant

This application is lodged by the applicant's representative

15. Identification of the person representing the applicant

Details on the representative ^{5/}	
Name(s) and surname / firm or corporate name ^{6/}	
Date of birth	

Identification number^{1/}	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The provision of personal data is mandatory; should the provision of personal data be refused, the Czech National Bank may reject the application in administrative proceedings. The provided personal data contained in this form and in the annexes hereto shall be processed by the Czech National Bank solely for the purposes relating to the performance of authority and duty in the administrative proceedings regarding this application and for the purposes of financial market supervision, namely for the term of the legal relation and for 3 years following its termination, and the Czech National Bank shall not make the personal data accessible to anyone, unless stipulated otherwise by some other legal regulation.

^{2/} Shall be stated if assigned.

^{3/} For instance, an application for an authorization to perform the activities of an investment firm, including a specification of the date of lodging.

^{4/} This description may be replaced by an internal regulation that regulates the duties to be performed by the assessed person, including the competence and powers following from this position.

^{5/} For instance, a lawyer, notary or general proxy.

^{6/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

Questionnaire
for assessment of professional qualifications, trustworthiness and experience of a senior officer (bank, credit union, branch of a foreign bank, investment intermediary) or of a person proposed for an executive managerial position in a financial holding entity

I.
IDENTIFICATION OF THE SENIOR OFFICER OR OF THE PERSON PROPOSED FOR AN EXECUTIVE MANAGERIAL POSITION, AND INFORMATION TO PROVE PROFESSIONAL QUALIFICATIONS, TRUSTWORTHINESS AND EXPERIENCE

1. Basic details

Name(s) and surname			
Maiden name			
Birth number^{1/}	Date of birth		
Place of birth (country, district, municipality)			
State citizenship			

2. Specify where the senior officer or the person proposed for an executive managerial position is to perform the duties

bank

credit union

branch of a foreign bank

investment intermediary

financial holding entity

A. Basic information

3. Description of the placement of the position to which the assessed person is to be elected within the organizational structure of the entity or, as the case may be, draft changes to its organizational structure (if any), including a graphic representation of the organizational structure of the entity – this information may be attached as an annex.

4. Description of the job content of the position to which the assessed person is to be elected or appointed, including its expected competence and powers (duties, responsibility)^{2/}

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B. Previous applications

5. Information on a previous application

Have you (or some other person on your behalf) ever in the past lodged an application for a prior consent to performance of the duties of a senior officer with a supervisory authority in the Czech Republic and/or have you ever been a subject of assessment by a supervisory authority in the Czech Republic in connection with your nomination for performance of the duties of a senior officer?

<input type="checkbox"/> YES	If YES, give details.
<input type="checkbox"/> NO	

C. Further personal data and information

6. Information for the assessment of eligibility

6.1. Is your legal capacity limited?

<input type="checkbox"/> YES
<input type="checkbox"/> NO

6.2. Has any fact occurred in relation to you that is an obstacle to operation of a trade pursuant to the act that regulates business in trade?

<input type="checkbox"/> YES, it has	If YES, give details.
<input type="checkbox"/> NO, it has not	

6.3. What positions do you hold or intend to hold concurrently with the position of a senior officer?

<input type="checkbox"/> None	If you intend to concurrently hold any other positions, give the following details:
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Name of the position	Corporate name	Identification number

D. Information on credibility of the person

7. Information on a decision on punishment in criminal, administrative or other similar proceedings

7.1. Have you been validly convicted for a criminal offence?

<input type="checkbox"/> YES	If YES, give brief details and substantiate the stated facts with a final decision.
<input type="checkbox"/> NO	

7.2. Have you been imposed a penalty exceeding CZK 20,000 or prohibition of activities or some other remedial measure or duty to provide indemnification, through a final decision during the last 10 years, for a misdemeanour or some other administrative tort?

<input type="checkbox"/> YES	If YES, give brief details.
------------------------------	-----------------------------

<input type="checkbox"/> NO	
7.3. Have you been imposed a penalty exceeding CZK 20,000 or prohibition of activities or some other remedial measure or duty to provide indemnification, through a final decision during the last 10 years, for any misdemeanour or some other administrative tort resulting from infringement of any legal duty in connection with performance of your employment, office or business activities?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

8. Information on prosecution in criminal, administrative or other similar proceedings that is not included in subparagraphs 7.1 to 7.3 above

8.1. Has criminal prosecution been initiated against you during the last 10 years?	
<input type="checkbox"/> YES	If YES, give brief details and substantiate the stated facts with the accusation or indictment.
<input type="checkbox"/> NO	
8.2. Have misdemeanour proceedings or other similar proceedings been initiated against you during the last 10 years as a result of infringement of any legal duty in connection with performance of your employment, office or business activities, except for proceedings on misdemeanours or other similar proceedings where pecuniary fines not exceeding CZK 20,000 may be imposed?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

9. Details on a decision and on initiation of civil proceedings or arbitration proceedings

9.1. Specify whether a decision has been issued with respect to you during the last 10 years in civil proceedings or arbitration proceedings, provided that this is related to your activities on the financial market or provided that this may substantially endanger your financial situation, or whether such proceedings are in progress and have not yet been closed through a final decision.	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	
9.2. Has a decision on insolvency been issued with respect to you during the last 10 years, or has a court dismissed an insolvency petition because your assets did not suffice to cover the costs of insolvency proceedings, or has bankruptcy been declared against your assets, has such bankruptcy been cancelled, settlement permitted, forced settlement confirmed or a bankruptcy petition dismissed for insufficient assets during the last 10 years?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

10. Other facts that may affect credibility

10.1. Has a decision on insolvency been issued with respect to a legal entity controlled by you during the last 10 years, or has a court dismissed an insolvency petition because its assets did not suffice to cover the costs of insolvency proceedings, or has bankruptcy been declared against the assets of the legal entity controlled by you, has such bankruptcy been cancelled, settlement permitted, forced settlement confirmed or a bankruptcy petition dismissed for insufficient assets during the last 10 years?	
<input type="checkbox"/> YES	If YES, specify the firm / corporate name of the legal entity, identification number and details.
<input type="checkbox"/> NO	
10.2. Have you performed activities as the statutory body or as a member of the statutory or supervisory body of a legal entity or as a person authorized to act for a legal entity on the basis of some other fact for a period of up to 3 years before a decision was issued on insolvency of this legal entity or before an insolvency petition was dismissed because its	

assets did not suffice to cover the costs of insolvency proceedings, or for a period of up to 3 years before bankruptcy was declared against the assets of this legal entity or before settlement was permitted, or within 3 years before forced administration was imposed on this legal entity?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, specify the firm / corporate name of the legal entity, identification number and details.
10.3. Has your business licence or authorization for some other activities been suspended or revoked, or has a court or an administrative authority refused to grant a consent to your election or appointment to a position, provided that this election or appointment required such a consent?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details.

11. Information on credibility of the person from the viewpoint of membership in professional chambers

11.1. Have you been expelled, during the last 10 years, from any professional union, chamber or association, including abroad?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details.
11.2. Have you performed, during the last 10 years, activities as the statutory body or as a member of the statutory or supervisory body of a legal entity, or as a person authorized to act for a legal entity on the basis of some other fact at the time when this legal entity was expelled from any professional union, chamber or association, including abroad?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details.

12. Give information on other facts that may affect your credibility; if appropriate, furnish the relevant documents.

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II.
DECLARATION

I hereby declare that the information specified in this questionnaire is true, up-to-date and complete.

In

Date:

By:

^{1/} Shall be stated if assigned.

^{2/} This description may be replaced by an internal regulation that regulates the duties to be performed by the assessed person, including the competence and powers following from this position.

SPECIMEN

**Application
for a licence for a branch of a foreign bank from a country other
than a member state**

pursuant to Act No. 21/1992 Coll., on Banks, as amended
(hereinafter the “Act on Banks”)

I.
ADMINISTRATIVE AUTHORITY

1. Name and address of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.
APPLICANT

2. Identification of the foreign bank – founder of the branch

Corporate name	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.
APPLICATION

3. Application for

<input type="checkbox"/> licence <input type="checkbox"/> change in licence	for a branch of a foreign bank
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3A. Further details on the applicant – founder of the branch

Amount of the foreign bank's registered capital	
Amount of the foreign bank's net corporate assets	
Amount of funds allocated to the branch	

3B. Details on the branch

Corporate name	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

3C. Activities performed by the branch to be established

The table shall include the activities pursuant to Section 1 (1)(a) and (b) and Section 1 (3)(a) to (o) of the Act on Banks for which the applicant applies for the branch (licence, change in licensed activities – broadening or narrowing the scope of licensed activities).

Entry in the table: Registered facts - **Z**
 Deleted facts - **V**

a) Activities pursuant to the Act on Banks

Name of activity		Z/V	Expected date of commencement (if licence is to be granted or broadened) or termination of the activity (if licence is to be narrowed)
Acceptance of deposits from the public	<input type="checkbox"/>		
Granting of loans	<input type="checkbox"/>		
Investing into securities on its own account	<input type="checkbox"/>		
Financial leasing	<input type="checkbox"/>		
Payment transactions and clearing	<input type="checkbox"/>		
Issuance and administration of payment means, e.g. payment cards and traveller's cheques	<input type="checkbox"/>		
Provision of guarantees	<input type="checkbox"/>		
Opening of letters of credit	<input type="checkbox"/>		

Ensuring of encashment	<input type="checkbox"/>		
Provision of investment services pursuant to a special legal regulation ^{1/} – see table b)	<input type="checkbox"/>		
Financial brokerage	<input type="checkbox"/>		
Discharge of the depository function	<input type="checkbox"/>		
Exchange services	<input type="checkbox"/>		
Provision of banking information	<input type="checkbox"/>		
Dealing in foreign exchange values and in gold on its own account or on client's account	<input type="checkbox"/>		
Lease of safe deposit boxes	<input type="checkbox"/>		
Activities directly related to the activity specified in Section 1 (1) and Section 1 (3)(a) to (n) of the Act on Banks	<input type="checkbox"/>		

b) Provision of investment services pursuant to special legislation^{1/} – a list of investment services and supplementary investment services that the branch of a foreign bank intends to provide (this is for information only; it is not an application pursuant to the Act on Undertaking on the Capital Market)

	Investment instruments pursuant to the Act on Undertaking on the Capital Market, Section 3 (1), subparagraph:											
	a)	b)	c)	d)	e)	f)	g)	h)	i)	j)	k)	
Main investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (2), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											
	h)											
Supplementary investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (3), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											

Person proposed for an executive managerial position in the branch of a foreign bank^{2/}

4. Basic identification of the executive manager of the branch

Name(s) and surname and maiden name	Birth number ^{3/} / date of birth	Place of birth in the form – country, district, municipality ^{4/}	State citizenship	Address of residence in the form municipality, part of municipality, street, street number, postal code, country

List of annexes

5. Numbered list of all annexes (numbers must be indicated on the very annexes, too)

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**IV.
DECLARATION**

I hereby declare that the information specified in the application, in the documentary materials, documents and in the annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{6/}	
Name(s) and surname / firm or corporate name^{5/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

1/ Act No. 256/2004 Coll., on Undertaking on the Capital Market.

2/ Section 5 (4)(c) of the Act on Banks.

3/ Shall be stated if assigned.

4/ To be completed only if the place of birth is in the territory of the Czech Republic.

5/ A legal entity shall also specify the person acting on its behalf.

6/ For instance, a lawyer, notary or general proxy.

SPECIMEN

Application
for an authorization to provide investment services through a
branch of a foreign entity having its registered office in a country
that is not a Member State of the European Union

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended
 (hereinafter the “Act on Undertaking on the Capital Market”)

I.
 ADMINISTRATIVE AUTHORITY

1. Name and address of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.
 APPLICANT

2. Identification of the foreign entity – founder of the branch

Firm or corporate name	
Identification number^{1/}	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.
 APPLICATION

3. Application for

<input type="checkbox"/> authorization	to provide investment services through a branch of a foreign entity having its registered office in a country that is not a Member State of the European Union
<input type="checkbox"/> change in authorization	

3A. Further details on the applicant – founder of the branch

Amount of registered capital	
Amount of net corporate assets	
Amount of funds allocated to the branch	

3B. Details on the branch

Firm or corporate name	
Identification number	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

3C. Description of activities of the branch

The table shall include the main investment services and activities pursuant to Section 4 (2)(a) to (h) of the Act on Undertaking on the Capital Market, and the supplementary investment services pursuant to Section 4 (3)(a) to (g) of the Act on Undertaking on the Capital Market in relation to which the applicant applies for the authorization or for a change in the authorization for the branch in respect of the specified investment instruments pursuant to Section 3 (1)(a) to (k) of the Act on Undertaking on the Capital Market, with respect to which they will be provided.

Entry in the table:

Registered facts - **Z**
Deleted facts - **V**

	Investment instruments pursuant to the Act on Undertaking on the Capital Market, Section 3 (1), subparagraph:											
		a)	b)	c)	d)	e)	f)	g)	h)	i)	j)	k)
Main investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (2), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											
	h)											
Supplementary investment services pursuant to the Act on Undertaking on the Capital Market, Section 4 (3), subparagraph:	a)											
	b)											
	c)											
	d)											
	e)											
	f)											
	g)											
Details on any other business carried out by the applicant in the Czech Republic, if applicable:												

4. Numbered list of all annexes (numbers must be indicated on the very annexes, too)

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**IV.
DECLARATION**

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

5. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

6. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name^{2/}	
Date of birth	
Identification number^{1/}	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

-
- 1/ Shall be stated if assigned; or a similar identification of the entity shall be specified.
 - 2/ A legal entity shall also specify the person acting on its behalf.
 - 3/ For instance, a lawyer, notary or general proxy.

SPECIMEN

**Application
for a consent to acquisition of or increase in a qualified holding in
a regulated legal entity / to control a regulated legal entity**

pursuant to Act No. 21/1992 Coll., on Banks, as amended (hereinafter the “Act on Banks”), Act No. 87/1995 Coll., on Savings and Loan Associations and Certain Related Measures and on the Amendment to Act No. 586/1992 Coll. of the Czech National Council, on Income Taxes, as amended, as amended (hereinafter the “Act on Credit Unions”), and pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended (hereinafter the “Act on Undertaking on the Capital Market”) and to Act No. 427/2011 Coll., on Supplementary Pension Savings

I.
ADMINISTRATIVE AUTHORITY

1. Name and address of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.
APPLICANT^{1/}

2. Identification of the applicant – natural person

Name and surname, incl. maiden name	
Birth number^{2/} / date of birth	
Telephone number E-mail address	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

3. Identification of the applicant – legal entity

Firm or corporate name	
Identification number^{2/}	
Telephone number and e-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.

APPLICATION

4. Application for

<input type="checkbox"/> consent to acquire or increase a qualified holding in	<input type="checkbox"/> a bank
	<input type="checkbox"/> a credit union
	<input type="checkbox"/> an investment firm
	<input type="checkbox"/> a central depository
	<input type="checkbox"/> an operator of a regulated market
	<input type="checkbox"/> a pension management company
<input type="checkbox"/> consent to control	<input type="checkbox"/> a bank
	<input type="checkbox"/> a credit union
	<input type="checkbox"/> an investment firm
	<input type="checkbox"/> a central depository
	<input type="checkbox"/> an operator of a regulated market
	<input type="checkbox"/> a pension management company

A. Details on the regulated legal entity in which the qualified holding is to be acquired or increased, and details on the amount of such a holding

5. Details on the regulated legal entity in which the qualified holding is being acquired or increased, or which is to become a controlled entity on the basis of an agreement

Firm or corporate name	
Identification number ^{1/}	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

6. Details on the existing, acquired/increased and total amount of the holding

Amount of the holding as at the day of lodging the application (%)		Amount of the holding which is to be acquired/by which the holding is to be increased (%)		Expected total amount of the qualified holding after approval (%)	
In total:		In total:		In total:	
of which:		of which:		of which:	
direct holding	indirect holding	direct holding	indirect holding	direct holding	indirect holding
Provided that the applicant has an indirect holding, it shall identify the entity through which it has the indirect holding, including the following information: corporate name, date of formation/ identification number, registered office address in the form – municipality, part of municipality, street, street number, postal code, country					

B. Legal and other related aspects

7. Questionnaire for the applicant

7.1. Do you acquire the holdings in the regulated legal entity on your own behalf and on your own account?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If NOT, give details.
7.2. Do you exercise or will you exercise voting rights in favour of a third party?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, specify the relevant party.
7.3. Do you intend to transfer the voting rights in the regulated legal entity to a third party on the basis of a concluded contract or agreement?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, specify the relevant party.
7.4. Has a contract been concluded with a third party on the basis of which you are a controlled entity? Has a contract been concluded or will a contract be concluded on the basis of which you are to become a controlled entity?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give details.
7.5. Do you act in concert with a third party that has holdings in the regulated legal entity or to whom the exercise of the voting rights has been transferred or who is able to exercise a significant influence over the management of the regulated legal entity?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give details on such a third party and on the manner of acting in concert.
7.6. Do you have any financial and/or other liabilities the amount of which exceeds 5 % of your equity/owned property or that may have an effect in this amount?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES specify: the contractual counterparty, the amount of the obligation, the date of commencement of the obligation, the term of the obligation, the date of maturity of the obligation, including information on delay in performance of such obligations.
7.7. If you also apply for a subsequent consent to acquisition of a holding in the regulated legal entity, justify why you failed to apply for a prior consent with the Czech National Bank and prove that this was a case deserving special consideration.	
Furthermore, specify whether you have exercised the voting rights associated with such holdings and whether you have exercised significant influence over the management of the entity in which you acquired the holdings.	

C. Details on the shares and ownership interests being acquired

8. Identification of the person who the shares or ownership interests are being acquired from, the manner and date of their acquisition

Order	Name(s) and surname/firm or corporate name	Birth number ^{2/} / date of birth/ identification number ^{2/}	Address of residence/ registered office in the form municipality, part of municipality, street, street number, postal code, country	Total amount of the holding that is being acquired	Manner of acquiring the holding	Expected date of acquisition of the holding
1.						
2.						
3.						

D. Personnel interconnection of persons with a qualified holding with other legal entities

9. Personnel interconnection of a person with a qualified holding with other legal entities;

A natural person with a qualified holding shall provide a summary of its current and past membership in the statutory bodies of other legal entities over the last 10 years. A legal entity with a qualified holding shall provide such a summary for the members of its statutory and supervisory body.

a) Natural person with a qualified holding

Name(s) and surname and maiden name of the natural person with a qualified holding	Identification of the legal entity which the person specified in column 1 is interconnected with in personnel terms (firm/corporate name, identification number or, as the case may be, the day of commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	Identification of the office held by the person specified in column 1 in the statutory or supervisory body of the legal entity specified in column 2, and specification of the term of this office
1	2	3

b) Legal entity with a qualified holding

Firm/corporate name of the legal entity with a qualified holding	Name(s) and surname of the natural person who is a member of the statutory body of the legal entity specified in	Identification of the legal entity which the person specified in column 2 is interconnected with in personnel terms (firm/corporate name, identification number or, as the case may be, the day of	Specification of the office held by the person specified in column 2 in the statutory or supervisory body of the legal entity

	column 1	commencement of business licence, registered office address in the form municipality, part of municipality, street, street number, postal code, country)	specified in column 3, and specification of the term of this office
1	2	3	4

E. List of documents

10. Numbered list of all annexes (numbers must be indicated on the very annexes, too); for every individual annex, give a reference to the relevant provision of the Decree

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**IV.
DECLARATION**

I hereby declare that the information specified in the application, in the documentary materials and documents and in the annexes is true, up-to-date and complete.

This application is lodged by the applicant

11. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

12. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname /	

firm or corporate name^{4/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

1/ The provision of personal data is mandatory; should the provision of personal data be refused, the Czech National Bank may reject the application in administrative proceedings. The provided personal data contained in this form and in the annexes hereto shall be processed by the Czech National Bank solely for the purposes relating to the performance of authority and duty in the administrative proceedings regarding this application and for the purposes of financial market supervision, namely for the term of the legal relation and for 3 years following its termination, and the Czech National Bank shall not make the personal data accessible to anyone, unless stipulated otherwise by some other legal regulation.

2/ Shall be stated if assigned.

3/ For instance, a lawyer, notary or general proxy.

4/ A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

SPECIMEN

**Application
for a permit for transformation of a company or for conclusion of
an agreement on transfer, pledge or lease of an enterprise or of a
part thereof**

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended
(hereinafter the “Act on Undertaking on the Capital Market”) and to Act No. 427/2011 Coll., on
Supplementary Pension Savings

**I.
ADMINISTRATIVE AUTHORITY**

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

**II.
APPLICANT**

2. Identification of the applicant

Firm or corporate name	
Identification number	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

**III.
APPLICATION**

3. Application for^{3/}

<input type="checkbox"/> permit to merge	<input type="checkbox"/> in the form of a domestic merger	in the form of a cross-border merger
	<input type="checkbox"/> by formation of a new company	<input type="checkbox"/> by acquisition
<input type="checkbox"/> permit for division	<input type="checkbox"/> with the creation of new business companies	
	<input type="checkbox"/> by acquisition	
	<input type="checkbox"/> through a combination of division with the creation of new business companies and division by acquisition	
	<input type="checkbox"/> by split-off	

<input type="checkbox"/> permit for	<input type="checkbox"/> transfer of assets to a member / shareholder
	<input type="checkbox"/> transfer of another person's assets to an investment firm, operator of a regulated market or central depository
	<input type="checkbox"/> change in the legal form
<input type="checkbox"/> permit for	<input type="checkbox"/> conclusion of an agreement on transfer of an enterprise or of a part thereof
	<input type="checkbox"/> pledge of an enterprise or of a part thereof
	<input type="checkbox"/> lease of an enterprise or of a part thereof
<input type="checkbox"/> permit for	<input type="checkbox"/> another execution of conversion (the applicant shall give details)

4. Numbered list of all annexes (numbers must be indicated on the very annexes, too); for every individual annex, give a reference to the relevant provision of the Decree

IV. DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

5. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality,	

street, street number, postal code, country	
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This application is lodged by the applicant's representative

6. Identification of the person representing the applicant

Details on the representative ^{4/}	
Name(s) and surname / firm or corporate name ^{5/}	
Date of birth	
Identification number ^{2/}	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The provision of personal data is mandatory; should the provision of personal data be refused, the Czech National Bank may reject the application in administrative proceedings. The provided personal data contained in this form and in the annexes hereto shall be processed by the Czech National Bank solely for the purposes relating to the performance of authority and duty in the administrative proceedings regarding this application and for the purposes of financial market supervision, namely for the term of the legal relation and for 3 years following its termination, and the Czech National Bank shall not make the personal data accessible to anyone, unless stipulated otherwise by some other legal regulation.

^{2/} Shall be stated if assigned.

^{3/} Pension management company can only apply for permit to merge in the form of a domestic merger by acquisition.

^{4/} For instance, a lawyer, notary or general proxy.

^{5/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

SPECIMEN

Application for registration of an investment intermediary

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended (hereinafter the “Act on Undertaking on the Capital Market”) and to Act No. 427/2011 Coll., on Supplementary Pension Savings

I.

ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.

APPLICANT^{1/}

2. Identification of the applicant – natural person

Name(s) and surname			
Birth number^{2/}	Date of birth		
Identification number^{2/}			
Telephone number	E-mail address		
Address of residence in the form municipality, part of municipality, street, street number, postal code, country			
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country			

3. Identification of the applicant – legal entity

Firm or corporate name			
Identification number			
Telephone number	E-mail address		
Registered office address in the form municipality, part of municipality, street, street number, postal code, country			

III.
APPLICATION

4. Application for

registration of an investment intermediary <input type="checkbox"/> to provide investment services under the Act on Undertaking on the Capital Market Act <input type="checkbox"/> to the activities associated with the distribution of participation pension funds and pension funds under the Act on Supplementary Pension Savings and the Act on Retirement Savings
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5. Numbered list of all annexes (numbers must be indicated on the very annexes, too);
for every individual annex, give a reference to the relevant provision of the Decree

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IV.
DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative ^{3/}	
Name(s) and surname / firm or corporate name ^{4/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The provision of personal data is mandatory; should the provision of personal data be refused, the Czech National Bank may reject the application in administrative proceedings. The provided personal data contained in this form and in the annexes hereto shall be processed by the Czech National Bank solely for the purposes relating to the performance of authority and duty in the administrative proceedings regarding this application and for the purposes of financial market supervision, namely for the term of the legal relation and for 3 years following its termination, and the Czech National Bank shall not make the personal data accessible to anyone, unless stipulated otherwise by some other legal regulation.

^{2/} Shall be stated if assigned.

^{3/} For instance, a lawyer, notary or general proxy.

^{4/} A legal entity shall also specify the person acting on its behalf.

SPECIMEN

**Application
for an authorization to distribute supplementary pension savings
and retirement savings by an investment firm that is a bank**

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings, as amended

1. Identification of the applicant^{1/}

Firm or corporate name	
Identification number	
Contact person's telephone number^{2/}	Contact person's e-mail address^{2/}
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

2. Prerequisites necessary for the granting of an authorization to distribute supplementary pension savings and retirement savings in relation to a banking licence

	Yes	No
The applicant has or applies for a banking licence for the following activities		
• Article 1(3)(h) of the Act on Banks – provision of investment services, at least to the extent pursuant to Article 4(2)(a) and (e) of the Capital Market Undertakings Act (256/2004 Coll.)	<input type="checkbox"/>	<input type="checkbox"/>
• Article 1(3)(i) of the Act on Banks – financial brokerage	<input type="checkbox"/>	<input type="checkbox"/>

3. I apply for an authorization

to distribute supplementary pension savings and retirement savings

4. List of all annexes

For the head of the applicant's competent organizational department that is to ensure the activities associated with the distribution of supplementary pension savings and retirement savings

1. the name and surname, the designation of the said person's position and a description of his/her placement in the organizational structure
2. a certificate of having passed a school-leaving examination, or a document on the highest education level achieved
3. a certificate of having passed a professional examination with an accredited entity

For the other persons directly involved in the aforesaid activities

4. the applicant's declaration to the effect that these persons have fulfilled or, as the case may be, will at the time of performance of intermediary activities fulfil the conditions of professional qualifications, and that the applicant has adopted internally binding procedures to this end

Further annexes

5. a power of attorney or a similar document attesting to the representative's authorization to represent the applicant

5. I hereby declare that the information specified in the application, in the documentary materials and documents and in the annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant / on behalf of the applicant

Designation of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name^{4/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} An applicant that is a bank.

^{2/} Additional information.

^{3/} For instance, a lawyer, notary or general proxy.

^{4/} A legal entity shall also specify the person acting on its behalf.

SPECIMEN

**Application for registration
in respect of the distribution of supplementary pension savings
and retirement savings by an investment firm that is not a bank,
and in respect of further business activities**

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings, as amended; and pursuant to Act No. 256/2004 Coll., on Capital Market Undertakings, as amended

1. Identification of the applicant^{1/}

Firm or corporate name	
Identification number	
Contact person's telephone number and e-mail address^{2/}	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

2. Prerequisites necessary for the registration in respect of the distribution of supplementary pension savings and retirement savings in relation to an authorization of an investment firm that is not a bank

	Yes	No
The applicant has or applies for an authorization to perform the activities of an investment firm at least for the following activities:		
• reception and transmission of instructions relating to investment instruments pursuant to Article 4(2)(a) of the Capital Market Undertakings Act	<input type="checkbox"/>	<input type="checkbox"/>
• investment consultancy in relation to investment instruments pursuant to Article 4(2)(e) of the Capital Market Undertakings Act	<input type="checkbox"/>	<input type="checkbox"/>

3. I apply for the registration

in respect of activities in the field of intermediation of supplementary pension savings and retirement savings
in respect of further business activities of an investment firm

4. List of all annexes

Annexes pursuant to the Act on Supplementary Pension Savings:

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For the head of the applicant's competent organizational department that is to ensure the activities associated with the distribution of supplementary pension savings and retirement savings

- 1. the name and surname, the designation of the said person's position and a description of his/her placement in the organizational structure
- 2. a certificate of having passed a school-leaving examination, or a document on the highest education level achieved
- 3. a certificate of having passed a professional examination with an accredited entity

For the other persons directly involved in the aforesaid activities

- 4. the applicant's declaration to the effect that these persons have fulfilled or, as the case may be, will at the time of performance of intermediary activities fulfil the conditions of professional qualifications, and that the applicant has adopted internally binding procedures to this end

Annexes pursuant to :

- 5. estimated impacts of the further business activities on the applicant's activities
- 6. draft internal regulations reflecting the performance of the further business activities, particularly internal regulations stipulating the procedures for the management and evaluation of risks and the measures to reduce such risk
- 7. an analysis of the individual types of crisis situations in performing the further business activities that might have an unfavourable impact on the due provision of services, and the procedures for the resolution of such situations

Further annexes

- 8. a power of attorney or a similar document attesting to the representative's authorization to represent the applicant

5. I hereby declare that the information specified in the application, in the documentary materials and documents and in the annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant / on behalf of the applicant

Designation of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code,	

country	
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This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name^{4/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} An applicant that is a bank.
^{2/} Additional information.
^{3/} For instance, a lawyer, notary or general proxy.
^{4/} A legal entity shall also specify the person acting on its behalf.

SPECIMEN

Application for an entry in the list of tied agents

pursuant to Act No. 256/2004 Coll., on Capital Market Undertakings, as amended (hereinafter the “Capital Market Undertakings Act”); and pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings

I.

ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.

APPLICANT^{1/}

2. Identification of the applicant – natural person

Name(s) and surname	
Date of birth	
Identification number	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

3. Identification of the applicant – legal entity

Firm / corporate name	
Identification number	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the registered office address, in the form municipality, part of municipality, street, street number, postal code, country	

4. Identification of the person authorized by the applicant (the represented party) to transmit a data report

Name(s) and surname	
E-mail address	

**III.
TIED AGENT**

5. Identification of the tied agent – natural person

Serial number				
Type of entry (New, Change, Deletion)				
Name(s) and surname				
Date of birth				
Birth number				
Identification number				
Address of residence in the form municipality, part of municipality, street, street number, postal code, country				

6. Identification of the tied agent – legal entity

Serial number				
Firm / corporate name				
Identification number				
Registered office address in the form municipality, part of municipality, street, street number, postal code, country				

^{1/} The provision of personal data is mandatory; should the provision of personal data be refused, the Czech National Bank may reject the application in administrative proceedings. The provided personal data contained in this form and in the annexes hereto shall be processed by the Czech National Bank solely for the purposes relating to the performance of authority and duty in the administrative proceedings regarding this application and for the purposes of financial market supervision, namely for the term of the legal relation and for 3 years following its termination, and the Czech National Bank shall not make the personal data accessible to anyone, unless stipulated otherwise by some other legal regulation.

SCOPE OF ACTIVITIES OF THE TIED AGENT

(the number of completed tables equals to the number of tied agents to be entered in the list)

7. Activities of the tied agent

Ser. no.	Identification number / birth number	Corporate name / name(s) and surname											
			Investment instruments pursuant to the Capital Market Undertakings Act, Article 3(1), subparagraph:										
			a)	b)	c)	d)	e)	f)	g)	h)	i)	j)	k)
Activities pursuant to the Capital Market Undertakings Act, Article 32a(1), subparagraph:	a)	main services pursuant to Article 4(2), subparagraph:	a)										
			h)										
	b)	main services pursuant to Article 4(2), subparagraph:	e)										
			a)										
	c)	main services pursuant to Article 4(2), subparagraph:	b)										
			c)										
			d)										
			e)										
			f)										
			g)										
	supplementary services pursuant to Article 4(3), subparagraph:	h)											
		a)											
		b)											
		c)											
		d)											
		e)											
		f)											
Activities pursuant to the Act on Supplementary Pension Savings and pursuant to the Act on Retirement Savings	a)	to perform activities aiming at conclusion of a supplementary pension savings agreement	<input type="checkbox"/> pursuant to Article 74(1)(a) of the Act on Supplementary Pension Savings <input type="checkbox"/> pursuant to Article 91(1)(a) of the Act on Retirement Savings										
	b)	to conclude supplementary pension savings agreements on behalf and on the account of a pension management company	<input type="checkbox"/> pursuant to Article 74(1)(b) of the Act on Supplementary Pension Savings <input type="checkbox"/> pursuant to Article 91(1)(b) of the Act on Retirement Savings										

SPECIMEN

Application for entry in the list of liquidators and forced administrators

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended
(hereinafter the “Act on Undertaking on the Capital Market”)

I. ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II. APPLICANT

2. Identification of the applicant

Name(s) and surname			
Birth number^{1/}	Date of birth		
Identification number^{1/}			
Telephone number	E-mail address		
Address of residence in the form municipality, part of municipality, street, street number, postal code, country			
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country			

III. APPLICATION

3. Application for

<input type="checkbox"/> entry in the list of liquidators and forced administrators

IV. CREDIBILITY

4. Information on credibility of the person

4.1. Is your legal capacity limited?		
<input type="checkbox"/> YES <input type="checkbox"/> NO		
4.2. Has any fact occurred in relation to you that is an obstacle to operation of a trade pursuant to the act that regulates business in trade?		
<input type="checkbox"/> YES, it has <input type="checkbox"/> NO, it has not		If YES, give details.
4.3. What positions do you intend to hold concurrently with the position of a liquidator or forced administrator?		
<input type="checkbox"/> None		If you intend to concurrently hold any other positions, give the following details:
Name of the position	Corporate name	Identification number

5. Information on punishment in criminal, administrative or other similar proceedings

5.1. Have you been validly convicted for a criminal offence?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details and substantiate the stated facts with a final decision.
5.2. Have you been imposed a penalty exceeding CZK 20,000 or prohibition of activities or some other remedial measure or duty to provide indemnification, through a final decision during the last 10 years, for any misdemeanour or some other administrative tort resulting from infringement of any legal duty in connection with performance of your employment, office or business activities?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details.
5.3. Have you been the statutory body or a member of the statutory or supervisory body of a legal entity, or have you been a person authorized to act for a legal entity on the basis of some other fact at the time when a penalty was imposed on the legal entity, through a final decision, for an administrative tort or when the duty to provide indemnification was imposed on the legal entity, through a final decision, in connection with its activities on the financial market?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details.

6. Information on prosecution in criminal, administrative or other similar proceedings that is not included in paragraph 5 above

6.1. Has criminal prosecution been initiated against you during the last 10 years?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give brief details and substantiate the stated facts with the accusation or indictment.
6.2. Have misdemeanour proceedings or other similar proceedings been initiated against you during the last 10 years as a result of infringement of any legal duty in connection with performance of your employment, office or business activities, except for proceedings on	

misdemeanours or other similar proceedings where pecuniary fines not exceeding CZK 20,000 may be imposed?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

7. Information on a decision and on initiation of civil proceedings or arbitration proceedings

7.1. Specify whether a decision has been issued with respect to you during the last 10 years in civil proceedings or arbitration proceedings, provided that this is related to your activities on the financial market or provided that this may substantially endanger your financial situation, or whether such proceedings are in progress and have not yet been closed through a final decision.	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	
7.2. Has a decision on insolvency been issued with respect to you during the last 10 years, or has a court dismissed an insolvency petition because your assets did not suffice to cover the costs of insolvency proceedings, or has bankruptcy been declared against your assets, has such bankruptcy been cancelled, settlement permitted, forced settlement confirmed or a bankruptcy petition dismissed for insufficient assets during the last 10 years?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

8. Other facts that may affect credibility

8.1. Has a decision on insolvency been issued with respect to a legal entity controlled by you during the last 10 years, or has a court dismissed an insolvency petition because its assets did not suffice to cover the costs of insolvency proceedings, or has bankruptcy been declared against the assets of the legal entity controlled by you, has such bankruptcy been cancelled, settlement permitted, forced settlement confirmed or a bankruptcy petition dismissed for insufficient assets during the last 10 years?	
<input type="checkbox"/> YES	If YES, specify the firm / corporate name of the legal entity, identification number and details.
<input type="checkbox"/> NO	
8.2. Have you performed activities as the statutory body or as a member of the statutory or supervisory body of a legal entity or as a person authorized to act for a legal entity on the basis of some other fact for a period of up to 3 years before a decision was issued on insolvency of this legal entity or before an insolvency petition was dismissed because its assets did not suffice to cover the costs of insolvency proceedings, or for a period of up to 3 years before bankruptcy was declared against the assets of this legal entity or before settlement was permitted, or within 3 years before forced administration was imposed on this legal entity?	
<input type="checkbox"/> YES	If YES, specify the firm / corporate name of the legal entity, identification number and details.
<input type="checkbox"/> NO	
8.3. Has your business licence or authorization for some other activities been suspended or revoked, or has a court or an administrative authority refused to grant a consent to your election or appointment to a position, provided that this election or appointment required such a consent?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

9. Information on credibility of the person from the viewpoint of membership in professional chambers

9.1. Have you been expelled, during the last 10 years, from any professional union, chamber or association, including abroad?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	
9.2. Have you performed, during the last 10 years, activities as the statutory body or as a member of the statutory or supervisory body of a legal entity, or as a person authorized to act for a legal entity on the basis of some other fact at the time when this legal entity was expelled from any professional union, chamber or association, including abroad?	
<input type="checkbox"/> YES	If YES, give brief details.
<input type="checkbox"/> NO	

10. Give information on other facts that may affect your credibility; if appropriate, furnish the relevant documents.

11. Numbered list of all annexes (numbers must be indicated on the very annexes, too); for every individual annex, give a reference to the relevant provision of the Decree

**IV.
DECLARATION**

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

In

Date:

By:

This application is lodged by the applicant

12. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

13. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name^{2/}	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} Shall be stated if assigned.

^{2/} A legal entity shall also specify the person acting on its behalf.

^{3/} For instance, a lawyer, notary or general proxy.

SPECIMEN

Application for registration of further business activities

pursuant to Act No. 256/2004 Coll., on Undertaking on the Capital Market, as amended
(hereinafter the “Act on Undertaking on the Capital Market”) and pursuant to Act No. 427/2011 Coll., on
Supplementary Pension Savings

I. ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II. APPLICANT

2. Identification of the person whose further business activities are subject to registration

Firm or corporate name	
Identification number^{1/}	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III. APPLICATION

3. Application for

registration of further business activities	<input type="checkbox"/> of an investment firm
	<input type="checkbox"/> of a operator of a regulated market
	<input type="checkbox"/> of a central depository
	<input type="checkbox"/> of a pension management company

4. Further business activities

Specification and description of further business activities	Specification of the competent authority that is to permit the performance of activities or that is competent to register the activities – name of the administrative authority /
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	municipality

5. Numbered list of all annexes (numbers must be indicated on the very annexes, too);
for every individual annex, give a reference to the relevant provision of the Decree

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IV. DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{2/}	
Name(s) and surname / firm or corporate name³	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	

Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country

--

In

Date:

By:

^{1/} Shall be stated if assigned.
^{2/} For instance, a lawyer, notary or general proxy.
^{3/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

SPECIMEN

Questionnaire
containing legal and other aspects relating to the acquisition of a qualified holding

I.

1. Basic information on the person with a qualified holding

Name(s) and surname / firm or corporate name

2. Questionnaire

2.1. Do you acquire the holdings in the regulated legal entity on your own behalf and on your own account?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If NOT, give details.
2.2. Do you exercise or will you exercise the voting rights in favour of a third party?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, specify the relevant party.
2.3. Do you intend to transfer the voting rights in the regulated legal entity to a third party on the basis of a concluded contract or agreement?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, specify the relevant party.
2.4. Has a contract been concluded with a third party on the basis of which you are a controlled entity? Has a contract been concluded or will a contract be concluded on the basis of which you are to become a controlled entity?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give details.
2.5. Do you act in concert with a third party that owns holdings in the regulated legal entity, or to whom the exercise of the voting rights has been transferred, or who is able to exercise a significant influence over the management of the regulated legal entity?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, give details on such a third party and on the manner of acting in concert.

2.6. Do you have any financial and/or other liabilities the amount of which exceeds 5 % of your equity capital / owned property or that might have an effect in this amount?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, specify: the contractual counterparty, the amount of the liability, the date of commencement of the liability, the term of the liability, the date of maturity of the liability, including information on any arrears with the performance of such liabilities.
2.7. If you also apply for a subsequent consent to the acquisition of a holding in the regulated legal entity, justify why you failed to apply for a prior consent with the Czech National Bank and substantiate that this was a case deserving special consideration.	
Furthermore, specify whether you have exercised the voting rights associated with such holdings and whether you have exercised a significant influence over the management of the entity in which you acquired the holdings.	

**II.
DECLARATION**

I hereby declare that the information specified in this questionnaire is true, up-to-date and complete.

In

Date:

By:

Annex No. 15 to Decree No. 233/2009 Coll.

SPECIMEN

**Application
for approval of the Statute and its changes**

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings and pursuant to Act No. 426/2011 Coll., on Retirement Savings

I.

ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.

APPLICANT

2. Identification of the applicant^{1/}

Firm or corporate name	
Identification number^{2/}	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.

APPLICATION

3. Application for

approval of the Statute and its changes	<input type="checkbox"/> Participation Pension Fund	
	Name of Participacion Pension Fund	
	<input type="checkbox"/> Pension Fund	
	Name of Pension	

4. Numbered list of all annexes (numbers must be indicated on the very annexes, too); for every individual annex, give a reference to the relevant provision of the Decree

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IV.

DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The applicant in the case of approval of the participation pension fund or pension fund and its changes is pension management company.

^{2/} Shall be stated if assigned.

^{3/} For instance, a lawyer, notary or general proxy.

^{4/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

SPECIMENT

Application for approval of a change of the depository

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings and pursuant to Act No. 426/2011 Coll., on Retirement Savings

I.

ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.

APPLICANT

2. Identification of the applicant^{1/}

Firm or corporate name	
Identification number^{2/}	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.

APPLICATION

3. Application for

Approval of a change of the depository	<input type="checkbox"/> Participation Pension Fund	
	Name of Participation Pension Fund	
	<input type="checkbox"/> Pension Fund	
	Name of Pension Fund	

4. Identification of a depository

Firm or corporate name	
Identification number^{2/}	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

5. Numbered list of all annexes (numbers must be indicated on the very annexes, too);
for every individual annex, give a reference to the relevant provision of the Decree

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IV. DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The applicant in the case of approval of the participation pension fund or pension fund and its changes is pension

management company.

^{2/} Shall be stated if assigned.

^{3/} For instance, a lawyer, notary or general proxy.

^{4/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

SPECIMENT

**Application
for the revocation of an authorization to perform activities
(pension management company)**

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings

I.

ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.

APPLICANT

2. Identification of the applicant^{1/}

Firm or corporate name	
Identification number^{2/}	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.

APPLICATION

3. Application for

revocation of an authorization to perform activities	<input type="checkbox"/> pension management company
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4. Numbered list of all annexes (numbers must be indicated on the very annexes, too);
for every individual annex, give a reference to the relevant provision of the Decree

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IV.

DECLARATION

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

6. Identification of the person acting for the applicant/on behalf of the applicant

Specification of the position	
Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

7. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name	
Date of birth	
Identification number	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} Shall be stated if assigned.

^{2/} For instance, a lawyer, notary or general proxy.

^{3/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf..

SPECIMEN

Application
in respect of participation pension funds/pension funds
(authorization to establish, transfer of management, merger by acquisition,
revocation of authorization)

pursuant to Act No. 427/2011 Coll., on Supplementary Pension Savings;
and pursuant to Act No. 426/2011 Coll., on Retirement Savings

I.

ADMINISTRATIVE AUTHORITY

1. Name of the administrative authority

Name of the administrative authority	Czech National Bank
Registered office	Na Příkopě 28, Prague 1, postal code 115 03
Filing department	Senovážná 3, Prague 1, postal code 115 03

II.

APPLICANT

2. Identification of the applicant^{1/}

Firm or corporate name	
Identification number^{2/}	
Telephone number	E-mail address
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

III.

APPLICATION

3. Application for

<input type="checkbox"/>	an authorization to establish a participation pension fund (A)
<input type="checkbox"/>	an authorization to establish pension funds (A)
<input type="checkbox"/>	a permit for transfer of the management of all participation pension funds to another pension management company (B)
<input type="checkbox"/>	a permit for transfer of the management of all pension funds to another pension management company (B)
<input type="checkbox"/>	a permit for merger of participation pension funds by acquisition (C)
<input type="checkbox"/>	a permit for merger of pension funds by acquisition (C)
<input type="checkbox"/>	revocation of an authorization to establish a participation pension fund (D)

A. Authorization to establish a participation pension fund or pension funds

4. Information on the participation pension fund / pension funds to be established

Full name of the fund			
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5. Identification of the depository

Firm or corporate name			
Identification number^{2/}			
Telephone number E-mail address			
Registered office address in the form municipality, part of municipality, street, street number, postal code, country			

B. Permit for transfer of the management of all participation pension funds or pension funds to another pension management company

6. Information on the participation pension funds or pension funds the management of which is to be transferred

Name of the fund			
Day as of which the management is to be transferred			

7. Identification of the pension management company from which the management is to be transferred

Firm or corporate name	
Identification number^{2/}	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

8. Identification of the pension management company to which the management is to be transferred

Firm or corporate name	
Identification number^{2/}	
Telephone number E-mail address	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

C. Permit for merger of participation pension funds or pension funds by acquisition

9. Information on the participation pension funds or pension funds in respect of which the permit for merger by acquisition is being applied for

Name of the fund to be merged by acquisition	
Name of the acquiring fund	
Relevant day for the merger by acquisition	

10. Information on the pension management companies managing the participation pension funds or pension funds that are to be merged by acquisition

Firm or corporate name of the pension management company	
Identification number^{2/}	
Registered office address in the form municipality, part of municipality, street, street number, postal code, country	

11. Identification of the depositories of the funds involved

Name of the fund			
Firm or corporate name of the fund's depository			
Identification number^{2/}			
Telephone number E-mail address			
Registered office address in the form municipality, part of municipality, street, street number, postal code, country			

D. Revocation of an authorization to establish a participation pension fund

12. Information on the participation pension fund that is to be dissolved

Name of the fund	
Identification of the depository	
Identification of the liquidator	

13. Numbered list of all annexes (numbers must be indicated on the very annexes, too); for every individual annex, give a reference to the relevant provision of the Decree

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**IV.
DECLARATION**

I hereby declare that the information specified in the application and in its annexes is true, up-to-date and complete.

This application is lodged by the applicant

14. Identification of the person acting for the applicant

Designation of the position	
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Name(s) and surname	
Date of birth	
Address of residence in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence, in the form municipality, part of municipality, street, street number, postal code, country	

This application is lodged by the applicant's representative

15. Identification of the person representing the applicant

Details on the representative^{3/}	
Name(s) and surname / firm or corporate name^{4/}	
Date of birth	
Identification number^{2/}	
Address of residence / registered office in the form municipality, part of municipality, street, street number, postal code, country	
Delivery address, if different from the address of residence / registered office, in the form municipality, part of municipality, street, street number, postal code, country	

In

Date:

By:

^{1/} The applicant to whom the authorization is to be granted.

^{2/} Shall be stated if assigned.

^{3/} For instance, a lawyer, notary or general proxy.

^{4/} A legal entity shall also specify the person of its statutory body through whom it acts, or the representative acting on its behalf.

