

## **DECREE**

**No. 355/2020 Coll.**

of 20 August 2020

### **on applications and certain information pursuant to the Act on Banks and the Act on Credit Unions**

Pursuant to Article 4(8), Article 5(5), Article 16(7), Article 20(4) and Article 26g of Act No. 21/1992 Coll., on Banks, as amended, and Article 1(8), Article 2a(1), Article 2b(4), Article 5a(3) and Article 13(6) of Act No. 87/1995 Sb., on Credit Unions and Certain Related Measures and on the Amendment of Czech National Council Act No. 586/1992 Coll., on Income Taxes, as amended, as amended, the Czech National Bank stipulates the following:

#### **PART ONE**

#### **GENERAL PROVISIONS**

##### **Article 1**

##### **Subject of regulation**

(1) This Decree regulates the details of the essential elements, the format and other technical requirements of an application for

- a) prior consent pursuant to Article 16(1) of the Act on Banks to
  1. the conclusion of an agreement based on which a commercial establishment or part thereof is disposed of in any way;
  2. a decision of the general meeting to dissolve a bank;
  3. the merger or division of a bank or the transfer of assets to a bank acting as a partner;
  4. a decision of the general meeting to reduce the registered capital of a bank, unless the capital is being reduced to cover a loss;
  5. a resolution of the general meeting pursuant to Article 7a(1)(c) of the Act on Banks;
- b) prior consent to
  1. the conclusion of an agreement based on which a commercial establishment or part thereof is disposed of in any way pursuant to Article 1(7) of the Act on Credit Unions;
  2. the merger or division of a credit union pursuant to Article 13(6) in conjunction with Article 5a(3) of the Act on Credit Unions;
  3. a decision of the member meeting to reduce the basic membership contribution pursuant to Article 5a(3) of the Act on Credit Unions;
  4. a decision of the member meeting to dissolve a credit union pursuant to Article 5a(3) of the Act on Credit Unions;
  5. permission to change the legal form of a credit union to a joint-stock company;
  6. a licence for a foreign bank from a country that is not a Member State intending to establish a branch in the Czech Republic pursuant to Article 5(1) of the Act on Banks.

(2) This Decree regulates the supporting documents attesting to the trustworthiness and

experience of senior officers of a financial holding entity or a mixed-activity financial holding entity.

(3) This Decree also stipulates specimen forms for applications for

- a) a banking licence;
- b) authorisation to perform the activities of a credit union;
- c) consent to acquire or increase a qualifying holding in a bank or a credit union so that it reaches or exceeds 20%, 30% or 50%, or consent to control a bank or a credit union.

## Article 2

### Definition of terms

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

- a) *document on having no criminal record issued by a foreign country* means a document similar to an extract from the Criminal Register, not more than 3 months old, issued by the foreign country
  - 1. of which the foreign natural person is a national, as well as by any foreign country in which this person, or a natural person who is a Czech national, (has) resided for a period of more than 6 consecutive months in the last 3 years; or
  - 2. in which the foreign legal entity has or in the last 3 years had its registered office, as well as by any foreign country in which the foreign legal entity, or the legal entity having its registered office in the Czech Republic, has or in the last 3 years had a commercial establishment or a branch, or in which it performed its activities or had its assets, provided that the laws of that foreign country provide for criminal liability of legal entities;
- b) *documents for an assessment of trustworthiness* mean a document on having no criminal record issued by a foreign country, an affidavit of the legal capacity of the natural person, an affidavit containing the information necessary for the purposes of obtaining an extract from the Criminal Register of the natural person and information and documents on the previous activities of the person in the last 10 years and which relates in particular to
  - 1. the imposition of an administrative penalty in connection with employment, position or business activity;
  - 2. a final decision on insolvency or dismissal of an insolvency petition due to lack of assets;
  - 3. the suspension or withdrawal of authorisation to perform business or other activities, unless it is on the basis of an application by the person holding such authorisation and this application was not filed at a time when the proceedings to suspend or withdraw authorisation to perform business activities were already under way;
  - 4. a refusal by a court or an administrative authority to grant consent to the election, nomination or appointment to a position, or consent to acquire or increase a qualifying holding, or consent to control an entity if such consent is required;
  - 5. expulsion from a professional chamber or association of entities operating on the financial market or the imposition of a disciplinary penalty by such a chamber or association for a breach of legal duty;
  - 6. other facts essential for an assessment of trustworthiness;
- c) *identification data*

1. *of a legal entity and a natural person who is an entrepreneur* means the company name or name, registered office and identification number if it has been assigned;
2. *of a natural person who is not an entrepreneur* means the name and birth certificate number or, if it has not been assigned, date of birth and place of residence;

d) *information on closely related persons* means

1. the identification data of each closely related person; if a closely related person has its registered office in another Member State, information as to whether this person is authorised by the supervisory authority of another Member State to operate as a regulated institution or is the controlling entity of such an entity and, if a closely related person has its registered office in a country that is not a Member State, an attestation that the laws of that country and the manner in which they are applied, including their enforceability, do not impede the effective supervision of a bank or a credit union;
2. a description of the structure of the group and the method of interconnection, including a graphical representation of the relationships between the closely related persons, indicating their line of business; and
3. the identification data of the 10 largest shareholders according to their share of voting rights, or of all shareholders if a legal entity has fewer than 10, and information on their share of voting rights, expressed as a percentage, if a closely related person is a legal entity;

e) *information on professional experience* means

1. information on the type of professional experience;
2. identification of the entity in which the professional experience is being or was obtained;
3. the job title and, if the experience is relevant to activities on the financial market, a description of the activities performed and the scope of powers and responsibilities related to those activities, including the number of persons managed;
4. the period during which the activities pursuant to item 3 above were performed; and
5. consent to perform the job required pursuant to other legal regulations if such consent was necessary;

f) *information on education* means

1. the name and category or type of educational institution, the learning programme and its focus (field of study), the duration of the learning programme, the manner and date of completion of the learning programme and any academic degrees obtained; and
2. an overview of completed professional examinations and training courses, internships and educational stays relevant to activities on the financial market, including their year of completion and focus.

(2) For the purposes of this Decree, the following definitions shall also apply:

a) *document relating to the acquisition of or increase in a qualifying holding* shall mean a statement by a person as to whether

1. the person owns or acquires holdings in own name and on own account;
2. the person exercises or is to exercise voting rights in favour of a third party;
3. the person has transferred or intends to transfer voting rights to another person under an agreement already entered into or some other arrangement;
4. there is or is to be a fact on the basis of which the person is or is to become a controlled entity;
5. the person is acting in concert with another person to whom the voting rights were

- transferred or who is to exercise significant influence over the management; and
6. the person has liabilities that exceed 5% of the equity capital or assets of the person acquiring or increasing a qualifying holding; the same shall apply mutatis mutandis to sureties, guarantees and other liabilities from which such debt may arise;

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 person has been conducting business if the latter period is shorter than 3 accounting periods; if the person is part of a group, the consolidated annual reports and financial statements for the same period shall also be submitted; if the financial statements must be verified by an auditor pursuant to the Accounting Act, the audited financial statements shall be submitted; and
2. proof of income for the last 3 years and summary information on assets and liabilities, provided that a natural person who is not an accounting unit is concerned;

c) *business plan* means a plan actually envisaged for the first 3 accounting periods of activities, supported by realistic economic calculations to the extent of the data to be contained in the financial statement pursuant to the Accounting Act, along with comments on the individual items of the business plan submitted, always containing the fundamental prerequisites and strategies of the activities that the business plan is based on, the types of activities envisaged and a description of the manner of ensuring that the activities are performed;

d) *regulated institution* means an entity whose line of business is similar to the business of a bank or a credit union, an investment firm, an insurance company, a reinsurance company, a payment institution, an electronic money institution, a payment account information administrator or an entity whose line of business is some other regulated activity performed on the financial market if that entity has its registered office in another Member State and is subject to supervision in the country in which it has its registered office;

e) *strategic plan* means a plan which includes

1. the period for which a qualifying holding is to be held or for which a bank or credit union is to be controlled;
2. estimated changes in the extent of the qualifying holding in the short term and in the long term;
3. an estimated degree of involvement in the management of a bank or a credit union;
4. estimated support of a bank or a credit union using own funds if necessary for the development of activities or for the resolution of a deteriorated financial situation;
5. information on whether an agreement on promoting common interests has been or is to be concluded with another shareholder of a bank or another member of a credit union; and
6. estimated changes in the activities of a bank or a credit union, the manner of financing its further development, the dividend distribution policy, the manner of allocation of funds and the loss settlement policy, and also the estimated changes in the management and control system, the strategic development and the staffing of senior officer positions; this information is contained in the strategic plan only if a qualifying holding is to reach or exceed 20%, or if a bank or a credit union is to be controlled;

f) *senior officer* means

1. a person pursuant to Article 4(5)(e) or Article 5(4)(c) of the Act on Banks, or a person who actually manages the activities of a legal entity in a different manner;
2. a person pursuant to Article 2a(4)(b) of the Act on Credit Unions or a person who

- actually manages the activities of a legal entity in a different manner;
3. a person in a financial holding entity or a mixed-activity financial holding entity who is in a similar position to the person referred to in items 1 and 2 above.

## PART TWO

### Consent to transformation and other consents

#### Article 3

##### **Prior consent to a disposal of a commercial establishment or part thereof**

(Re Article 16(7) of the Act on Banks and Article 1(8) of the Act on Credit Unions)

(1) The details of the essential elements of an application for prior consent of the Czech National Bank to enter into an agreement on the basis of which a commercial establishment or part thereof is disposed of in any manner pursuant to Article 16(1)(a) of the Act on Banks and Article 1(7) of the Act on Credit Unions, shall include

- a) the identification data of the person with whom the applicant intends to conclude an agreement on the disposal of a commercial establishment or parts thereof;
- b) an extract from the Commercial Register or another similar register of entrepreneurs not more than 3 months old of the person referred to in subsection a) above or, if applicable, information relating to an application for entry in the relevant register that had not yet been made as of the date of filing the application;
- c) information on the set of assets held in the applicant's accounts relating to the subject matter of the disposal of a commercial establishment or parts thereof;
- d) detailed information on the intended disposal of a commercial establishment or parts thereof and its consequences, containing at least the applicant's intention, including the type of intended disposal, changes to be made to the business plan, a timetable, a description of the impact on the performance of a bank or a credit union's activities, a description of the integration of organisational units and job titles into the new organisational structure and a description of the transfer of competences and activities, and, if applicable, additional information on the changes related to the intended disposal of the commercial establishment or parts thereof, where these changes affect the activities of a bank or a credit union and information about them has not already been provided in other documents;
- e) information on the anticipated effects of the disposal of a commercial establishment or parts thereof on the level of capital of a bank or a credit union on an individual and consolidated basis, expressed as a change in capital ratios pursuant to the directly applicable EU regulation governing prudential requirements,<sup>1)</sup> and information providing the prerequisites of continuous compliance with those capital ratios on an individual and consolidated basis after the operation relating to the disposal of a commercial establishment or parts thereof has taken place;
- f) a draft agreement on the disposal of a commercial establishment or parts thereof;
- g) the opinion of the supervisory authority supervising the person referred to in subsection a) above in the country in which it has its registered office on the conclusion of an agreement on the basis of which a commercial establishment or part thereof is disposed of, if that person is a person pursuant to Article 16(4)(b) or (c) of the Act on Banks.

(2) Where the supervisory authority or the deposit guarantee scheme changes as a result of

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<sup>1)</sup> Article 92(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012.

the conclusion of an agreement pursuant to Article 16(1)(a) of the Act on Banks or Article 1(7) of the Act on Credit Unions, the application shall also include

- a) information on the competent supervisory authority; and
- b) a description of the deposit guarantee scheme, including a description of changes compared with the original scheme.

#### Article 4

##### **Prior consent to the dissolution of a bank or a credit union**

(Re Article 16(7) of the Act on Banks and Article 5a(3) of the Act on Credit Unions)

The details of the essential elements of an application for prior consent to the decision of the general meeting on the dissolution of a bank pursuant to Article 16(1)(b) of the Act on Banks and the decision of the member meeting on the dissolution of a credit union pursuant to Article 5a(3) of the Act on Credit Unions shall include

- a) information on the reasons leading to the decision to dissolve a bank or a credit union;
- b) a draft decision of the general meeting or the member meeting on the dissolution of a bank or a credit union;
- c) in the case of a simultaneous transfer of a commercial establishment or parts thereof, the information referred to in Article 3(1)(a) to (d), (f) and (g) above;
- d) in the case of a transformation<sup>2)</sup> with the consequent dissolution of the bank being dissolved, the type of transformation and the information referred to in Article 5; and
- e) in the case of a transfer of part of a commercial establishment of the bank or credit union being dissolved, a description of the expected method of settlement of claims and debts, in particular a description of the expected method of settlement of the claims and debts related to the part of a commercial establishment that has not been transferred; the description of the expected settlement method must always include the expected settlement period, taking into account the liquidity of a bank or a credit union's assets.

#### Article 5

##### **Prior consent to a merger or division of a bank or a transfer of assets to a bank**

(Re Article 16(7) of the Act on Banks)

(1) The details of the essential elements of an application for prior consent of the Czech National Bank to the merger or division of a bank or a transfer of assets to a bank acting as a partner pursuant to Article 16(1)(c) of the Act on Banks shall include

- a) the type of transformation, depending on whether it involves the merger of a bank, the division of a bank or a transfer of assets to a bank acting as a partner;
- b) information on the intentions and reasons for the transformation referred to in item (a) above;
- c) a list of persons involved<sup>3)</sup> in the transformation, including the entities that are to be formed as a result of the transformation; identification data of each of those persons, indicating

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<sup>2)</sup> Article 1(2) of Act No. 125/2008 Coll., on Transformations of Commercial Companies and Cooperatives, as amended.

<sup>3)</sup> Article 3(3) of the Act on Transformations of Commercial Companies and Cooperatives

whether a successor person, a terminating person, a demerged person or an acquiring person is concerned;

- d) a project for the transformation of the bank pursuant to the act governing transformations of commercial companies and cooperatives<sup>4)</sup> depending on the type of the transformation chosen pursuant to subsection a) above, as well as information containing at least:
  - 1. changes that are to be made to the business plan of the successor or acquiring persons, including securing a sufficient amount of capital;
  - 2. a timetable for the implementation of the transformation, including a plan for the organisational, technical, operational and personnel integration or separation of the persons involved in the transformation;
  - 3. a description of the effects of the transformation on the performance of the activities of the successor or acquiring persons;
- e) information on the anticipated effects of the transformation on the level of capital of the participating banks on an individual and consolidated basis, expressed as a change in capital ratios pursuant to the directly applicable EU regulation governing prudential requirements,<sup>1)</sup> and information providing the prerequisites of continuous compliance with those capital ratios on an individual and consolidated basis after the transformation;
- f) (joint) reports of the statutory bodies of the banks participating in the transformation or, if applicable, consents to such reports not being drawn up;
- g) an expert report or reports containing an expert opinion on the essential elements of the transformation project;
- h) closing financial statements of the participating banks and the opening balance sheet of the successor, transferring or acquiring bank and the auditor's reports on their verification, or interim financial statements and the auditor's reports on their verification;
- i) a list of senior officers of the participating, successor or acquiring bank as a result of the transformation;
- j) information on closely related persons, where a transformation creates close relationships between those persons; and
- k) the identification data of the persons who, as a result of the transformation, are to acquire or increase a qualifying holding in the successor bank or the acquiring bank or are to control them, including the share of registered capital or the share of voting rights or another form of exercising significant influence over the management.

(2) Where a bank is divided through a spin-off and only part of its assets is transferred to newly created or existing legal entities, the information specified in paragraph 1 above concerning the successor or acquiring persons shall also be submitted for the entity being divided in relation to the part of the bank which has not ceased to exist as a result of the spin-off.

(3) Where the supervisory authority or deposit guarantee scheme changes as a result of the transformation, the application shall also include

- a) information on the competent supervisory authority; and

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<sup>4)</sup> Article 70, 250 or 339 of the Act on Transformations of Commercial Companies and Cooperatives.



- b) a description of the deposit guarantee scheme, including a description of changes compared with the original scheme.

#### Article 6

##### **Prior consent to the decision of the general meeting to reduce the registered capital of a bank**

(Re Article 16(7) of the Act on Banks)

The details of the essential elements of an application for prior consent to the decision of the general meeting to reduce the registered capital of a bank pursuant to Article 16(1)(d) of the Act on Banks shall include

- a) information on the reasons leading to a reduction in the registered capital of a bank;
- b) information on the anticipated effects of the reduction in the registered capital of a bank on the bank's ability to comply with the rules stipulated in the Act on Banks and the directly applicable EU regulation governing prudential requirements;<sup>5)</sup> and
- c) information corresponding at least to the information required for the resolution of the general meeting to reduce the registered capital of a joint-stock company pursuant to the Act on Commercial Companies.<sup>6)</sup>

#### Article 7

##### **Prior consent to terminate the activities of a bank**

(Re Article 16(7) of the Act on Banks)

The details of the essential elements of an application for prior consent pursuant to Article 16(1)(e) of the Act on Banks to the resolution of the general meeting that a bank shall cease to carry out the activities for which a banking licence is required shall include

- a) justification for the intention of the decision of the general meeting of a bank to the effect that an existing bank shall cease to carry out the activities for which a banking licence is required;
- b) information on the set of things, rights and liabilities held in a bank's accounts; and
- c) a description of the anticipated method of the settlement of a bank's claims and debts, including the anticipated settlement period, taking into account the liquidity of the bank's assets.

#### Article 8

##### **Prior consent to the transformation of a credit union**

(Re Article 5a(3) in conjunction with Article 13(6) of the Act on Credit Unions)

The details of the essential elements of an application for permission to merge or divide a credit union shall include

- a) the type of intended transformation, depending on whether it involves a merger or a division of a credit union;

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<sup>5)</sup> Part III of Regulation (EU) No. 575/2013 of the European Parliament and of the Council.

<sup>6)</sup> Article 233 of Act No. 90/2012 Coll., on Commercial Companies, as amended

- b) information on the intentions and reasons leading to the transformation referred to in subsection a) above;
- c) a list of persons participating in the intended transformation, identification data of each of those persons and, depending on the type of transformation, specification of whether a successor, terminating, demerged or acquiring credit union is concerned;
- d) a project for the transformation pursuant to the act governing transformations of commercial companies and cooperatives<sup>4)</sup> depending on the type of transformation pursuant to subsection a) above, as well as information containing at least
  1. changes that are to be made to the business plan of the successor or acquiring persons;
  2. a timetable for the implementation of the intended transformation, including a plan for the organisational, technical, operational and personnel integration or separation of the persons involved in the merger or the division;
  3. a description of the effects of the intended transformation on the performance of the activities of the successor or acquiring persons;
- e) information on the anticipated effects of the intended transformation on the level of capital of participating credit unions on an individual and consolidated basis, expressed as a change in capital ratios pursuant to the directly applicable EU regulation governing prudential requirements,<sup>1)</sup> and information providing the prerequisites of continuous compliance with those capital ratios on an individual and consolidated basis after the transformation;
- f) (joint) reports of the statutory bodies of the credit unions participating in the transformation or, if applicable, consents to such reports not being drawn up;
- g) an expert report or reports, including an expert opinion in respect of the essential elements of the project for the transformation, where required by other legislation;
- h) closing financial statements of the participating credit unions and the opening balance sheet of the successor, transferring or acquiring credit union, and the auditor's reports on their verification, or interim financial statements and the auditor's reports on their verification;
- i) a list of senior officers of the participating, successor or acquiring credit union;
- j) information on closely related persons, where a transformation creates close relationships between those persons; and
- k) identification data of the persons who, as a result of the transformation, are to acquire or increase a qualifying holding in a successor credit union or an acquiring credit union or are to control them, including an indication of the amount of the interest or of another form of exercising significant influence over the management of the participating credit unions.

## Article 9

### **Prior consent to a change in legal form from a credit union to a joint-stock company** (Re Article 13(6) of the Act on Credit Unions)

The details of the essential elements of an application for permission to change the legal form from a credit union to a joint-stock company shall include

- a) information on the intentions and reasons leading to a change in legal form;
- b) a project for the change in legal form pursuant to the act governing transformations of commercial companies and cooperatives<sup>7)</sup> drawn up in the form of a notarial record; and

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<sup>7)</sup> Articles 361 and 365 of the Act on Transformations of Commercial Companies and Cooperatives.

- c) an interim financial statement pursuant to the act governing transformations of commercial companies and cooperatives<sup>6)</sup> if there is an obligation to prepare it.

#### Article 10

### **Prior consent to a decision of the member meeting to reduce the basic membership contribution**

(Re Article 5a(3) of the Act on Credit Unions)

The details of the essential elements of an application for prior consent of the Czech National Bank to the decision of the member meeting to reduce the basic membership contribution of a member of a credit union shall include

- a) information on the reasons leading to the decision to reduce the basic membership contribution of a member of a credit union; and
- b) information on the anticipated effects of the reduction in the basic membership contribution of a member of a credit union on the credit union's obligation to comply with the rules stipulated in the directly applicable EU regulation governing prudential requirements<sup>8)</sup> with respect to the security and stability of the credit union in terms of compliance with the requirements for
  - 1. capital on an individual and a consolidated basis;
  - 2. large exposures on an individual and a consolidated basis;
  - 3. permanent solvency;
  - 4. liquidity and safe operation rules.

## PART THREE

### **Senior officers of financial holding entities and mixed-activity holding entities**

#### Article 11

### **Supporting documents attesting to the trustworthiness and experience of a senior officer of a financial holding entity or a mixed-activity holding entity**

(Re Article 26g of the Act on Banks)

(1) Supporting documents in respect of a senior officer of a financial holding entity or a mixed-activity holding entity (hereinafter referred to as “the holding entity”) to attest to the senior officer's trustworthiness and experience shall include

- a) identification data;
- b) documents for an assessment of trustworthiness; where a document on having no criminal record pursuant to Article 2(1)(b) is not issued by a foreign country, the essential elements of an application shall include an affidavit on having no criminal record of the person concerned, verified by a court, an authority authorised for that purpose or a notary of the relevant foreign country;
- c) a curriculum vitae, containing information on education and on professional experience;

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<sup>8)</sup> Article 11 and Parts IV and VI of Regulation (EU) No. 575/2013 of the European Parliament and of the Council.

- d) a report by the holding entity on the results of the assessment of a senior officer's suitability to perform the duties in terms of compliance with the requirements for trustworthiness, professional competence and experience of that senior officer and in terms of the collective suitability of the relevant body as a whole; and
- e) a description of the position which a senior officer holds or to which a senior officer is to be elected, appointed or otherwise named, including the anticipated competences and powers.

(2) The description in paragraph 1(e) may be replaced by an internal regulation of the holding entity regulating the position, including the competences and powers arising from that position.

(3) Where the person nominated is not a senior officer of the holding entity or the powers of a senior officer of the holding entity has not been delegated to that person, the holding entity shall indicate on what basis the person nominated manages or is to manage the holding entity.

## PART FOUR

### **Licences and authorisations**

#### Article 12

#### **Application for a licence for a foreign bank from a country that is not a Member State**

(Re Article 5(5) of the Act on Banks)

(1) The details of the essential elements of an application by a foreign bank for a licence to perform activities in the Czech Republic through its branch shall include information on the applicant and information on the branch pursuant to paragraphs 2 a 3 below.

(2) Information on the applicant shall include

- a) a document on a business licence similar to an extract from the Commercial Register or another similar register of entrepreneurs not more than 3 months old, and the identification of the person who may act on behalf of the applicant and the scope and manner of such conduct, unless this is apparent from the extract submitted;
- b) information on the applicant's registered office and actual registered office, unless this is apparent from the document referred to in subsection a) above;
- c) the applicant's authorisation to perform activities, issued by the competent authority of the country in which the applicant has its registered office, indicating the scope of the authorised activity, unless this is apparent from the document referred to in subsection a) above;
- d) the decision of the competent authority of the applicant regarding the intention to establish a branch in the Czech Republic, indicating the amount of funds allocated for that branch, documents on their origin and the method of their transfer to that branch;
- e) documents for assessing the trustworthiness of the applicant;
- f) a list of senior officers and identification data and documents to assess the trustworthiness of each of those senior officers;
- g) the applicant's financial statements;
- h) documents attesting to the applicant's compliance with capital requirements comparable to

those imposed on banks pursuant to the directly applicable EU regulation governing prudential requirements;<sup>5)</sup>

- i) information on closely related persons; and
- j) an analysis of the legal or other regulations of the country in which the applicant has its registered office to establish whether the supervision over the applicant is comparable to the supervision of the activities of a bank pursuant to the Act on Banks and the directly applicable EU regulation governing prudential requirements,<sup>9)</sup> including evidence of the absence of obstacles to the effective exchange of information between the Czech National Bank and the supervisory authority of the country in which the applicant has its registered office (hereinafter referred to as “the foreign supervisory authority”); the analysis shall contain, in particular, legal and other regulations relating to
  1. the legal and institutional status of the foreign supervisory authority, its independence, competence, powers and responsibilities in the area of banking supervision;
  2. regulation of the conditions for granting authorisation to perform the activities of a legal entity whose business activity is accepting deposits from the public and providing loans on own account (hereinafter referred to as “a credit institution”) in terms of minimum capital requirements and the repayment thereof, the entity to be authorised, the business plan, the persons nominated to the statutory and supervisory bodies or the person with other similar competence who actually manages the activities of the applicant, regulation of the conditions for acquiring a qualifying holding in a credit institution and regulation of the withdrawal of authorisation to operate as a credit institution, unless it is a sanction;
  3. the conduct of supervision over a credit institution and its branch in another country, including supervision on a consolidated basis;
  4. prudential rules for credit institutions, in particular with respect to capital requirements, large exposures, liquidity and the management and control system, including risk management;
  5. a system of remedial measures and sanctions, including information on the legislation of the country in which a foreign bank has its registered office governing the resolution of a credit institution which has a branch in another country from the point of view of the possible protection of the creditors of that branch which is not itself in bankruptcy;
  6. accounting and regulation of the obligation to audit a credit institution’s financial statements;
  7. the definition of banking secrecy and its protection, the protection of personal data and the use of confidential information, and regulation of the obligation to maintain confidentiality;
  8. regulation of the reporting obligation of a credit institution vis-à-vis the supervisory authority and the public, and of the disclosure of information obtained in the course of supervision to third parties;
  9. the manner of cooperation and exchange of information with the supervisory authorities of other countries;
  10. the extent to which the system of regulation in the area of anti-money laundering and combating the financing of terrorism of the country in which the applicant has its registered office complies with the recommendations issued by the Financial Action Task Force (FATF).

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<sup>9)</sup> Regulation (EU) No. 575/2013 of the European Parliament and of the Council.

(3) The applicant shall also attach an assessment of any differences in the areas specified in items 1–10 of paragraph 2(j) above in comparison with similar regulations in force in the European Union relating to the activities and supervision of banks to the analysis referred to in paragraph 2(j) above. Where the analysis is drawn up by a person other than a foreign supervisory authority, that analysis shall be accompanied by a statement by a foreign supervisory authority certifying the accuracy of the information and conclusions provided.

(4) Information on a branch shall include

- a) identification data of the person nominated for the post of the head of the branch and for that person
  1. documents for an assessment of trustworthiness; where a document on having no criminal record pursuant to Article 2(1)(b) above is not issued by a foreign country, the essential elements of an application shall include an affidavit on having no criminal record of the person concerned, verified by a court, an authority authorised for that purpose or a notary of the relevant foreign country;
  2. a curriculum vitae, containing information on education and on professional experience;
  3. a brief description of the position to be performed by the head of the branch;
  4. a report by the applicant on the results of the assessment of the suitability of the head of the branch for the position in terms of compliance with the requirements for trustworthiness, competence and experience;
- b) the activities pursuant to Article 1(1)(a) and (b) and Article 1(3) of the Act on Banks which the branch intends to carry out; if the branch also intends to provide investment services, the applicant shall indicate which investment services it intends to provide and in relation to which investment instruments;
- c) the business plan of the branch in relation to each of the activities that the branch will carry out;
- d) the principles of the applicant's management and control system applied to the branch, including a description of the system of internal control mechanisms to comply with the obligations related to measures aimed at preventing money laundering and terrorist financing;
- e) the strategy and development principles of the branch relating to its activities, in particular in relation to the proposed business plan of the branch and its medium-term objectives;
- f) a proposal of the organisational structure of the branch and a definition of the powers of the branch in terms of decision-making and implementing banking operations; and
- g) a proposal of the technical support of each activity and the expected number of employees to perform the planned activities of the branch; technical support means, in particular, an adequate information system to ensure the acquisition, processing, transmission, sharing and storage of information by means of information technology,<sup>10)</sup> the accounting system and statistical record-keeping systems.

## Article 13

### **Application for a banking licence and for authorisation of a credit union**

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<sup>10)</sup> Annex 6, item 14(b) of Decree No. 163/2014 Coll., on the performance of the activities of banks, credit unions and investment firms, as amended by Decree No. 392/2017 Coll.

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

(1) An application for a banking licence pursuant to Article 4(8) of the Act on Banks and for authorisation of a credit union pursuant to Article 2a(1) of the Act on Credit Unions shall be submitted on a form, the specimen of which is provided in Annex 1 to this Decree. The applicant shall attach the annexes referred to in paragraphs 2 to 4 below to the application.

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

- a) founding legal acts;
- b) an extract from the Commercial Register or another similar register of entrepreneurs not more than 3 months old, if the applicant is an already existing legal entity;
- c) the actual registered office if different from the applicant's registered office;
- d) financial statements and other documents attesting to the origin of the initial capital or the registered capital or, if applicable, the applicant's other funds, and the amount of paid-up registered capital;
- e) a list of proposals for the annulment of resolutions of the General Meeting for which legal proceedings were not concluded through a final decision by the date of filing the application, if such proposals have been raised and could have a significant effect on the further functioning of the legal entity;
- f) documents for an assessment of trustworthiness of the applicant;
- g) information on closely related persons;
- h) a list of the applicant's senior officers, including their identification data, and for each senior officer
  1. documents for an assessment of trustworthiness;
  2. a curriculum vitae, containing information on education and information on professional experience;
  3. an overview of the positions in elected bodies and in other legal entities to which a senior officer was appointed or otherwise named in the last 10 years and for each legal entity, its identification data, the line of business, the designation of the position held, the period of its performance and an indication as to whether the senior officer intends to hold the given position in that legal entity concurrently with the position of a senior officer of the applicant and whether this position is that of an executive or a non-executive member;
  4. a description of the financial relationships and personnel relations between a senior officer and the applicant and the applicant's other senior officers, the applicant's parent company and subsidiary and the senior officers of those companies, and the shareholders with a qualifying holding in the applicant;
  5. the proposed position of a senior officer in the organisational structure of the applicant and a brief description of the duties to be performed in terms of the powers and responsibilities entrusted; and
- i) a report by the applicant on the results of the assessment of a senior officer's suitability to perform the position for which the person is nominated in terms of that person's compliance with the requirements for trustworthiness, competence and experience and in terms of the collective suitability of the relevant body as a whole;

(3) The annexes containing information relating to the performance of a bank or a credit union's activities shall include

- a) a list of the activities which the applicant intends to carry out pursuant to the Act on Banks or the Act on Credit Unions;
- b) the business plan for each of the activities that the applicant is to carry out;
- c) a bank or a credit union's development strategy, in particular in relation to the proposed business plan and medium-term objectives;
- d) a description of the management and control system of a bank to the extent provided for in Article 8b(1) of the Act on Banks or of a credit union provided for in Article 7a(3) of the Act on Credit Unions; and
- e) a technical support proposal for each activity and the expected number of employees who shall perform the activities; technical support means, in particular, an appropriate information system to ensure the acquisition, processing, transmission, sharing and storage of information by means of information technology, the accounting system and statistical record-keeping systems.

(4) Annexes containing information on persons with a qualifying holding and on persons who are to acquire a qualifying holding in the applicant by acting in concert with another person, and information on the controlling entity shall include

- a) a list of persons with a qualifying holding in the applicant, a list of persons who, by acting in concert with another person, are to acquire a qualifying holding in the applicant and the designation of the person or, if there are no such persons, the largest 20 shareholders of a bank and a graphical representation of the relationships between those persons; for persons acting in concert also the fact on the basis of which they act in concert and, if the applicant is to become controlled, a description of the fact on the basis of which a person is to become an entity controlling the applicant;
- b) for each of the persons specified in subsection a) above
  1. identification data;
  2. information on the share of registered capital or voting rights expressed as a percentage and information on the amount of the contribution (hereinafter "information on the share"), or a description of another form of exercising significant influence over the applicant's management, including whether the share is acquired directly or indirectly; in the case of an indirect holding, the identification of the person through whom the share is acquired;
  3. if a person specified in subsection a) above is a legal entity, the identification data of the 10 largest shareholders according to their share of voting rights, or of all the shareholders if the entity has fewer than 10, and information on their share;
  4. an extract from the Commercial Register or another similar register of entrepreneurs not more than 3 months old if a legal entity or a natural person who is an entrepreneur is concerned;
  5. financial statements and other documents attesting to the origin of the funds from which the acquisition of a qualifying holding was or is to be financed, unless already specified in the annex pursuant to paragraph 2(d);
  6. documents for an assessment of trustworthiness;
  7. a document relating to the acquisition of or increase in a qualifying holding;
  8. a strategic plan;



9. an overview of the legal entities of which a person pursuant to subsection a) above is the controlling entity or over whose management it exercises significant influence, and for each of those legal entities, the identification data, the line of business and information on the size of their share, or a description of another form of exercising significant influence over the management of that legal entity;
  10. an overview of positions held in elected bodies and of positions in other legal entities to which a person pursuant to subsection a) above was appointed or otherwise named in the last 10 years, and for each of those legal entities, identification data, the line of business, the designation of the position held and the period of its performance in that legal entity; and
  11. a description of the financial relationships and personnel relations between this person and the applicant and, if applicable, the members of the group to which the applicant belongs, the applicant's senior officers and the applicant's other shareholders;
- c) a list of senior officers of a legal entity pursuant to subsection a) above and for each of those persons
1. identification data;
  2. a description of the position held in the legal entity's organisational structure;
  3. documents for an assessment of trustworthiness;
  4. an overview of positions currently held in elected bodies and positions in other legal entities to which the person has been appointed or otherwise named, and for each of those legal entities, the identification data, the line of business and the designation of the position held by the senior officer in that legal entity; and
  5. a description of the financial relationships and personnel relations between this person and the applicant, senior officers of the applicant and shareholders with a qualifying holding in the applicant, unless this information has already been provided in the annex referred to in item 11 of subsection b) above; and
- d) if a person pursuant to subsection a) above is a regulated institution, information on the competent supervisory authority supervising this person in the country in which it has its registered office; and
- e) if a person pursuant to subsection a) above has its registered office in a country that is not a Member State;
1. basic information on the system of regulation in the country in which a person pursuant to subsection a) above has its registered office which applies to that person and information on whether and the extent to which the regulation of anti-money laundering and combating the financing of terrorism complies with the recommendations issued by the Financial Action Task Force (FATF); and
  2. if a person pursuant to subsection a) above is a person whose line of business is similar to the business of a regulated institution, a statement issued by the competent supervisory authority regarding that person's intention to hold an ownership interest in the Czech Republic in the business activities of the bank or credit union in respect of which authorisation to perform activities is being applied for and the possible exchange of information necessary for the supervision of the bank or credit union in respect of which the authorisation to perform activities is being applied for.

(5) A person pursuant to paragraph 4(a) above that is a regulated institution may submit, instead of the documents specified in item 6 of paragraph 4(b) and item 4 of paragraph 4(c) above, confirmation issued by the supervisory authority supervising the person in the country in

which it has its registered office to the effect that it is a person subject to its supervision whose trustworthiness it has verified and that it has no current findings of its untrustworthiness.

(6) Where documents on having no criminal record pursuant to Article 2(1)(b) are not issued by a foreign country, annexes to the application shall include an affidavit of having no criminal record of the person concerned, verified by a court, an authority authorised for that purpose or a notary of the relevant foreign country.

## PART FIVE

### **Consent to acquire or increase a qualifying holding in or to control a bank or a credit union**

#### Article 14

(Re Article 20(3) and (4) of the Act on Banks and Article 2b(3) and (4) of the Act on Credit Unions)

(1) An application for consent to acquire or increase a qualifying holding so that it reaches or exceeds 20%, 30% or 50% in a bank or a credit union, or to control those entities, shall be submitted on a form, the specimen of which is provided in Annex 2 to this Decree, to which the applicant shall attach

- a) the identification data of the bank or credit union in which a qualifying holding is to be acquired or increased or which is to be controlled;
- b) information on the size of the share which the applicant holds as of the date of filing the application, information on the newly acquired and the resulting size of the share or a description of another form of exercising significant influence over the management of a bank or a credit union, including whether the share is acquired directly or indirectly; in the case of an indirect holding, identification of the entity through which the share is acquired;
- c) if the applicant is a legal entity, identification data of the 10 largest shareholders according to their share of the voting rights or of all shareholders, if it has fewer than 10, and information on the size of their shares;
- d) an extract from the Commercial Register of the applicant or another similar register of entrepreneurs not older than 3 months if the applicant is a legal entity or a natural person who is an entrepreneur;
- e) the applicant's financial statements and other documents attesting to the applicant's financial soundness and the sufficient volume, transparency of origin and unobjectionable nature of its funds in relation to the activities carried out and planned in the bank;
- f) documents for an assessment of trustworthiness of the applicant;
- g) a document relating to the acquisition of or increase in a qualifying holding by the applicant;
- h) a strategic plan;
- i) an overview of the legal entities of which the applicant is the controlling entity or over the management of which it exercises significant influence and, for each of those legal entities, the identification data, the line of business and information on the size of their share or a description of another form of exercising significant influence over the management of that legal entity;
- j) an overview of the positions in elected bodies and in other legal entities to which the applicant was appointed or otherwise named in the last 10 years, and for each of those legal entities, identification data, the line of business, the designation of the position and the period of its performance in that legal entity;
- k) a description of the financial relationships and personnel relations between the applicant and a bank or a credit union, or the individual members of the group to which that bank or credit union belongs, and the senior officers and current shareholders of the bank or the members of the credit union;

- l) a list of the applicant's senior officers if the applicant is a legal entity, and for each of those persons
  1. identification data;
  2. a description of the position held in the applicant's organisational structure;
  3. documents for an assessment of trustworthiness;
  4. an overview of positions currently held in elected bodies and positions in other legal entities to which a person listed has been appointed or otherwise named, and for each of those legal entities, the identification data, the line of business and the designation of the position held; and
  5. a description of the financial relationships and personnel relations between the person and a bank or a credit union and the senior officers of the bank or the credit union, and the shareholders or members with a qualifying holding in the bank or credit union, unless this information has already been provided in the description pursuant to subsection k) above;
- m) if acting in concert, a list of persons with whom the applicant, by acting in concert, is to acquire a qualifying holding or more than 20%, 30% or 50% of a bank's or a credit union's shares by acting in concert, a graphical representation of the relationships between those persons, a description of the fact on the basis of which they act in concert, and for each person with which the applicant acts in concert
  1. identification data; and
  2. information on the size of the share in a bank or a credit union for the each of the persons acting in concert and for those persons as a whole;
- n) if a bank or a credit union is to be controlled, a description of the fact on the basis of which it is to be controlled and a document attesting to the origin of the funds to be used to purchase the share of the shareholder or member who is not the controlling entity;
- o) if the applicant is a regulated institution, information on the competent supervisory authority;
- p) if the applicant is part of a group, a description of the structure of the group in which a bank or a credit union is to be included, indicating the persons which are to be subject to supervision on a consolidated basis within the group; and
- q) if the applicant has its registered office in a country that is not a Member State,
  1. basic information on the system of regulation which applies to the applicant in the country in which it has its registered office and information on the extent to which the system of regulation of that country complies with the recommendations issued by the Financial Action Task Force (FATF) in the area of anti-money laundering and combating the financing of terrorism; and
  2. if the applicant is an entity whose line of business is similar to the business of a regulated institution, a statement issued by the competent supervisory authority on the applicant's intention to hold an ownership interest in the Czech Republic in the activities of a bank or a credit union and on the possible exchange of information necessary for the supervision of the bank or the credit union.

(2) An applicant which is a regulated institution may submit, instead of the documents specified in item 3 of paragraph 1(f) and (l) above, confirmation issued by the supervisory authority of the country in which the applicant has its registered office to the effect that it is an institution subject to its supervision whose trustworthiness it has verified and that it has no current findings of its untrustworthiness.

(3) Where a document on having no criminal record is not issued by a foreign country, annexes to the application form shall include an affidavit of having no criminal record of the person concerned, verified by a court, an authority authorised for that purpose or a notary of the relevant foreign country.

(4) If there is a change in senior officer of a bank or a credit union in connection with the acquisition of or increase in a qualifying holding in a bank or a credit union or their control, the applicant shall proceed mutatis mutandis in accordance with Article 13(2)(h) and (i).

## PART SIX

### **Common, transitional and repealing provisions**

#### Article 15

##### **Common Provisions**

(1) Annexes to applications shall be submitted in the data format commonly used in electronic communication.

(2) If the nature of the matter precludes the submission of information or the application document required by this Decree and if this is not sufficiently evident from the application, the applicant shall justify the failure to submit the information or the document. Where possible, the applicant shall provide evidence of the reasons for non-submission at the same time.

(3) The applicant is not required to submit the information or documents required by this Decree, provided that they are publicly available in their current form in public administration information systems.

#### Article 16

##### **Repealing provisions**

The following are repealed:

1. Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, and on the minimum amount of funds to be provided by a foreign bank to its branch;
2. Decree No. 192/2011 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, and on the minimum amount of funds to be provided by a foreign bank to its branch;
3. Decree No. 58/2009 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, and on the minimum amount of funds to be provided by a foreign bank to its branch, as amended by Decree No. 192/2011 Coll.;
4. Decree No. 372/2012 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, and on the minimum amount of funds to be provided by a foreign bank to its branch, as amended;

5. Decree No. 248/2013 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, as amended;
6. Decree No. 171/2014 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, as amended;
7. Decree No. 158/2016 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, as amended;
8. Decree No. 402/2017 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, as amended;
9. Decree No. 200/2020 Coll., amending Decree No. 233/2009 Coll., on applications, approval of persons and the manner of proving professional qualifications, trustworthiness and experience of persons, as amended;

#### Article 17

##### **Effect**

(1) This Decree shall take effect on 1 October 2020.

(2) Article 1(3) and Articles 13 and 14 shall cease to apply on the date of entry into force of the directly applicable EU regulations issued pursuant to Article 8 of Directive 2013/36/EU of the European Parliament and of the Council governing the information to be provided to the supervisory authority when applying for authorisation to operate as a credit institution and to acquire or increase a qualifying holding in a credit institution.

Governor:

p.p. Marek Mora

Deputy Governor

## SPECIMEN

## Application for a banking licence/authorisation for a credit union

pursuant to Act No. 21/1992 Coll., on Banks, as amended, and Act No. 87/1995 Coll., on Credit Unions and Certain Related Measures and on the Amendment of Czech National Council Act No. 586/1992 Coll., on Income Taxes, as amended, as amended

### I. ADMINISTRATIVE AUTHORITY

Name and address of the administrative authority to which the application is addressed

Name of administrative authority	Czech National Bank
Address	Na Příkopě 28, 115 03 Prague 1
Mail room	Senovážná 3, 115 03 Prague 1
Electronic mail room	<a href="mailto:podatelna@cnb.cz">podatelna@cnb.cz</a>
Data box	Data box ID: 8tgaiej

### II. APPLICANT<sup>a/</sup>

#### 2. Identification of the applicant

Name	
Identification number <sup>a/</sup>	
Address of registered office in the form: municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

### III. APPLICATION

#### 3. Application for

<input type="checkbox"/> a licence <input type="checkbox"/> authorisation <input type="checkbox"/> a change to a licence <input type="checkbox"/> a change to authorisation	<input type="checkbox"/> for a bank
	<input type="checkbox"/> for a credit union

#### A. Other information about the applicant

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

<b>Total amount of registered capital in CZK thousands</b> of which - cash contribution - non-monetary contribution	
<b>Type, nominal value, form and an indication of whether the shares are paper shares or book-entry shares</b>	
<b>Total number of shares in units</b> of which - voting shares - preference shares	
<b>Amount of basic membership contribution per member</b> <b>Another membership contribution</b> no <input type="checkbox"/> yes <input type="checkbox"/> <b>Total amount of other membership contributions in CZK thousands</b>	

## **B. Description of the applicant's activities**

### **a) bank**

The activities referred to in Article 1(1)(a) and (b) and (3)(a) to (r) of the Act on Banks for which the applicant applies (authorisation, a change in the authorised activity – an extension or restriction of the authorised activity) shall be entered in item 5a:

Entry in the table:

Entered facts - **E**

Deleted facts - **D**

### **5a. Activities applied for**

Name of activity		E/D	Expected date of commencement (where a licence is granted or extended) or of termination of activities (where a licence is restricted)
Accepting deposits from the public	<input type="checkbox"/>		
Providing loans	<input type="checkbox"/>		
Investing in securities on own account	<input type="checkbox"/>		
Financial leasing	<input type="checkbox"/>		
Payment services and issuing electronic money	<input type="checkbox"/>		
Issuing and administering means of payment where this does not constitute providing payment services or issuing	<input type="checkbox"/>		



electronic money			
Providing guarantees	<input type="checkbox"/>		
Opening letters of credit	<input type="checkbox"/>		
Collecting payments	<input type="checkbox"/>		
Providing investment services pursuant to another legal regulation <sup>b/</sup> – see Table 5aa	<input type="checkbox"/>		
Money broking	<input type="checkbox"/>		
Acting as a depository	<input type="checkbox"/>		
Bureau-de-change activities	<input type="checkbox"/>		
Providing banking information	<input type="checkbox"/>		
Foreign exchange and gold trading for own account or for the account of a client	<input type="checkbox"/>		
Renting safe deposit boxes	<input type="checkbox"/>		
Administering investment funds and foreign investment funds	<input type="checkbox"/>		
Activities of an accredited person pursuant to the act governing capital market undertakings	<input type="checkbox"/>		
Providing data reporting services pursuant to the act governing capital market undertakings	<input type="checkbox"/>		
Activities directly associated with the activities listed in Article 1(1) and (3)(a) to (q) of the Act on Banks	<input type="checkbox"/>		

**5aa – Provision of investment services pursuant to a special law<sup>b/</sup> – the list of investment services and ancillary investment services which the bank intends to provide** (this is for information purposes only; it is not an application pursuant to the Act on Capital Market Undertakings)

	Investment instruments pursuant to the Act on Capital Market Undertakings, Article 3(1), subsection:												
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
<b>Main investment services pursuant to the Act on Capital Market Undertakings, Article 4(2), subsection:</b>	(a)												
	(b)												
	(c)												
	(d)												
	(e)												
	(f)												
	(g)												
	(h)												
	(i)												

<b>Ancillary investment services pursuant to the Act on Capital Market Undertakings, Article 4(3), subsection:</b>	<b>(a)</b>												
	<b>(b)</b>												
	<b>(c)</b>												
	<b>(d)</b>												
	<b>(e)</b>												
	<b>(f)</b>												
	<b>(g)</b>												

**b) credit union**

The activities referred to in Article 3(1) and (2) of the Act on Credit Unions for which the applicant applies (authorisation, a change to the authorised activity – an extension or restriction of the authorised activity) shall be entered in item 5b:

Entry in the table:

Entered facts - **E**

Deleted facts - **D**

**5b. Activities applied for**

<b>Obligatory information</b>	<b>Name of activity</b>	<b>E/D</b>	<b>Expected date of commencement</b> (where authorisation is granted or extended) <b>or of termination of activities</b> (where authorisation is restricted)
	Accepting deposits from members	<input type="checkbox"/>	
	Providing loans to members	<input type="checkbox"/>	
	Financial leasing for members	<input type="checkbox"/>	
	Payment services and electronic money issuance for members and activities related to the provision of payment services or electronic money issuance	<input type="checkbox"/>	
	Providing guarantees in the form of sureties or bank guarantees for members	<input type="checkbox"/>	
	Opening letters of credit for members	<input type="checkbox"/>	
	Collecting payments for members	<input type="checkbox"/>	
	Purchase and sale of foreign currency for members	<input type="checkbox"/>	
	Renting safe deposit boxes to members	<input type="checkbox"/>	
	Issuing and administering means of payment for members where this does	<input type="checkbox"/>	

	<b>not constitute providing payment services and issuing electronic money pursuant to Article 3(1)(b) of the Act on Credit Unions</b>			
<b>Other activities that a credit union may carry out solely for the purpose of ensuring the performance of the activities listed above</b>				
<b>Optional information</b>	<b>Depositing funds in credit unions and banks and in branches of foreign banks</b>	<input type="checkbox"/>		
	<b>Accepting loans from credit unions and banks</b>	<input type="checkbox"/>		
	<b>Acquisition of assets and asset disposal</b>	<input type="checkbox"/>		
	<b>Trading for own account in foreign exchange and exchange rate and interest rate instruments in order to hedge the risks arising from the activities specified in Article 3(1) of the Act on Credit Unions</b>	<input type="checkbox"/>		
	<b>Trading for own account in registered securities unless the Act on Credit Unions provides otherwise</b>	<input type="checkbox"/>		

**IV.  
LIST OF ANNEXES**

6. A numbered list of annexes to this application pursuant to the Decree<sup>c/</sup> or, if applicable, to other legislation or for the purposes of the proceedings; for each annex provide a link to the relevant provision of the Decree and, where more than one annex is submitted in respect of the same matter, state the number submitted (also indicate the numbers on the annexes themselves; if an annex is made up of more than one document, in addition to numbering them, mark them with letters).

<b>Annex No.</b>	<b>Name of annex</b>	<b>Number</b>

**V.  
DECLARATION**

I hereby declare that the information given in the application and the annexes is true, current and complete.

**VI.  
IDENTIFICATION OF OTHER PERSONS**

This application is submitted by the applicant

**7. Identification of the person authorised to act on behalf of the applicant<sup>d/</sup>**

<b>Position</b>	
<b>Name</b>	
<b>Date of birth/Identification number</b>	
<b>Address of residence/registered office in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	
<b>Mailing address,<sup>e/</sup> if different from the address given above, in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

This application is submitted by the applicant's representative

**8. Identification of the person representing the applicant** (if the applicant is represented by a proxy on the basis of a power of attorney)

<b>Information on the representative<sup>f/</sup></b>	
<b>Name</b>	
<b>Date of birth/Identification number</b>	
<b>Address of residence/registered office in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	
<b>Mailing address,<sup>e/</sup> if different from the address given above, in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

**Other optional information**

Specific information that will speed up contacting you if necessary and the resolution of potential problems  
(data box ID, e-mail, phone number)

Place	Date	Name of the applicant/person acting on behalf of the applicant and signature
<input type="text"/>	<input type="text"/>	<input type="text"/>

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a/ The person to which authorisation is to be granted.

b/ Act No. 256/2004 Coll., on Capital Market Undertakings, as amended.

c/ Decree No. ... Coll., on applications and certain information pursuant to the Act on Banks and the Act on Credit Unions.

d/ Article 30(1) of the Administrative Procedure Code in conjunction with Article 21 of the Civil Procedure Code.

e/ Article 19(4) of the Administrative Procedure Code.

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

## SPECIMEN

## Application for consent to acquire or increase a qualifying holding in or to control a bank or a credit union

pursuant to Act No. 21/1992 Coll., on Banks, as amended, and Act No. 87/1995 Coll., on Credit Unions and Certain Related Measures and on the Amendment of Czech National Council Act No. 586/1992 Coll., on Income Taxes, as amended, as amended

### I. ADMINISTRATIVE AUTHORITY

Name and address of the administrative authority to which the notification is addressed

<b>Name of administrative authority</b>	Czech National Bank
<b>Address</b>	Na Příkopě 28, 115 03 Prague 1
<b>Mail room</b>	Senovážná 3, 115 03 Prague 1
<b>Electronic mail room</b>	podatelna@cnb.cz
<b>Data box</b>	Data box ID: 8tgaiej

### II. NOTIFYING ENTITY

#### 2. Identification of the notifying entity – natural person

<b>Name</b>	
<b>Birth certificate number/Date of birth<sup>a/</sup>/Identification number<sup>b/</sup></b>	
<b>Address of residence</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	
<b>Mailing address,<sup>c/</sup> if different from the address given above, in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

#### 3. Identification of the notifying entity – legal entity

<b>Name</b>	
<b>Identification number<sup>b/</sup></b>	
<b>Address of registered office in the form</b>	

municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country

**III.  
SUBJECT OF SUBMISSION**

**4. Specification of the subject of submission**

notification of the acquisition of or increase in a qualifying holding in

a bank  
 a credit union

notification of control of

a bank  
 a credit union

**IV.  
OTHER INFORMATION RELATED TO THE SUBJECT OF SUBMISSION**

**5. Information on the company in which a qualifying holding is to be acquired or increased**

<b>Name</b>	
<b>Identification number<sup>b/</sup></b>	
<b>Address of registered office in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

**6. Information on the current, acquired and resulting size of the holding**

Size of holding as of the date of filing the application (in %)		Size of holding to be acquired (in %)		Expected total size of qualifying holding after consent is granted (in %)	
Total		Total		Total	
of which		of which		of which	
direct holding	indirect holding	direct holding	indirect holding	direct holding	indirect holding

**If the notifying entity holds an indirect share, it shall identify the person through whom it holds the indirect share, including a specification of the following information: name, identification number, address of the registered office in the form: municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country**

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**7. Identification of the person from whom the holding is to be acquired**

Order	Name/Company name	Birth certificate number/Date of birth <sup>a/</sup> /Identification number <sup>b/</sup>	Address of residence/registered office in the form municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	Total size of the holding to be acquired	Manner of acquiring the holding	Expected date of acquisition of the holding
1.						
2.						
3.						

**V.  
LIST OF ANNEXES**

8. A numbered list of annexes to this application pursuant to the Decree<sup>d/</sup> or, if applicable, to other legislation or for the purposes of the proceedings; for each annex provide a link to the relevant provision of the Decree and, where more than one annex is submitted in respect of the same matter, state the number submitted (also indicate the numbers on the annexes themselves; if an annex is made up of more than one document, in addition to numbering them, mark them with letters).

Annex No.	Name of annex	Number

**VI.  
DECLARATION**



I hereby declare that the information given in the notification and the annexes is true, current and complete.

## VII. IDENTIFICATION OF OTHER PERSONS

This notification is submitted by the notifying entity

### 9. Identification of the person authorised to act on behalf of the notifying entity<sup>e/</sup>

<b>Position</b>	
<b>Name</b>	
<b>Date of birth/Identification number<sup>b/</sup></b>	
<b>Address of residence/registered office in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	
<b>Mailing address,<sup>c/</sup> if different from the address given above, in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

This notification is submitted by the notifying entity's representative

### 10. Identification of the person representing the notifying entity (if the notifying entity is represented by a proxy on the basis of a power of attorney)

<b>Information on the representative<sup>f/</sup></b>	
<b>Name</b>	
<b>Date of birth/Identification number<sup>b/</sup></b>	
<b>Address of residence/registered office in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	
<b>Mailing address,<sup>c/</sup> if different from the address given above, in the form</b> municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	

Other optional information

Specific information that will speed up contacting you if necessary and the resolution of potential problems

(data box ID, e-mail, phone number)

Place	Date	Name of the notifying entity/person acting on behalf of the applicant and signature
<input type="text"/>	<input type="text"/>	<input type="text"/>

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a/ Indicate if no birth certificate number has been assigned.

b/ Indicate if a birth certificate number has been assigned.

c/ Article 19(4) of the Administrative Procedure Code.

d/ Decree No. ... Coll, on applications and certain information pursuant to the Act on Banks and the Act on Credit Unions.

e/ Article 30(1) of the Administrative Procedure Code in conjunction with Article 21 of the Civil Procedure Code.

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