

**DECREE
of 20 August 2020**

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

Pursuant to Article 4e(4), Article 16(7), Article 17c(3), Article 17n(3), Article 20(4) and Article 26g(4) of Act No. 21/1992 Coll., on Banks, as amended, and Article 1(8), Article 2a(1), Article 2b(4), Article 2cd(3), 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 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 decision 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. a decision of the member meeting to reduce the basic membership contribution pursuant to Article 5a(3) of the Act on Credit Unions;
 3. a decision of the member meeting to dissolve a credit union pursuant to Article 5a(3) of the Act on Credit Unions;
 4. permission to change the legal form of a credit union to a joint-stock company;

5. 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 4e(3) of the Act on Banks;
- c) prior consent to
 1. the acquisition of a major holding pursuant to Article 17c(3) of the Act on Banks;
 2. the merger or demerger of a bank pursuant to Article 17n(3) of the Act on Banks;
 3. the merger or demerger of a credit union pursuant to Article 2cd(3) of the Act on Credit Unions.

(2) This Decree regulates the supporting documents attesting to the trustworthiness, competence and experience of senior officers of a financial holding entity or a mixed-activity financial holding entity.

Article 2

Definitions 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 three 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 has resided for a period of more than six consecutive months in the last three years,
 2. in which a natural person who is a Czech national, has resided for a period of more than six consecutive months in the last three years if the information necessary for assessing the absence of a criminal record is not contained in an annex to the extract from the Criminal Register; or
 3. in which the foreign legal entity has or in the last three 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 three 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 made by the applicant of the legal capacity of the natural person if this person is not an entity subject to data kept in the main register of residents and if the applicant does not submit a report on the results of the suitability assessment for this 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 ten years and which relates 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, and the international legal entity identifier (LEI) 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 the person concerned is authorised by the supervisory authority of another Member State to operate as a regulated institution or is the controlling entity of such a person 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 ten largest shareholders according to their share of voting rights, or of all shareholders if a legal entity has fewer than ten, 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 means 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 three accounting periods or for the period during which the entity has been conducting business if the latter period is shorter than three accounting periods; if the entity 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 three 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 three 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 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 12ad(1) 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 three 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,¹⁾ 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 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 transformation²⁾ with subsequent 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 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 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) information on the intentions and reasons leading to the transfer of assets;
- b) a list of the entities involved³⁾ in the transfer of assets and, for each of those entities, its identification data and an indication of whether it is the terminating entity or the acquiring entity;
- c) a project for the transfer of assets of the bank pursuant to the act governing transformations of commercial companies and cooperatives,¹¹⁾ as well as information containing at least:

1. the changes that are to be made to the business plan of the acquiring bank and a description of how a sufficient amount of capital is to be secured;
2. a timetable for the implementation of the transfer of assets and a plan for the organisational, technical, operational and personnel integration of the acquiring bank;
3. a description of the effects of the transfer of assets on the performance of the activities of the acquiring bank;

- d) information on the anticipated effects of the transfer of assets on the level of capital of the acquiring bank on an individual and consolidated basis, expressed as the change in capital ratios pursuant to the directly applicable EU regulation governing prudential requirements,¹⁾ and information on the assumptions for continuous compliance with those capital ratios on an individual and consolidated basis after the transfer of assets;
- e) reports of the statutory bodies of the entities involved in the transfer of assets or, if applicable, consents to such reports not being drawn up;
- f) an expert report on the transfer of assets or, if applicable, consents to such a report not being drawn up;
- g) an expert opinion on the essential elements of the transfer of assets project if an export report is not drawn up pursuant to subsection f) above;
- h) the closing financial statement and the opening balance sheet of the acquiring bank and the auditor's report on the verification thereof, or the interim financial statement and the auditor's report on the verification thereof;
- i) a list of senior officers of the acquiring bank and an indication of changes thereto resulting from the transfer of assets;
- j) information on closely related persons where the transfer of assets creates close relationships between those persons, and information on entities in which the acquiring bank is to acquire a major holding;
- k) the identification data of the persons who, as a result of the transfer of assets, are to acquire or increase a qualifying holding in the acquiring bank or gain control over it, including an indication of size of the share in the registered capital or voting rights or other form of exercising significant influence over the management.

Article 5a

Prior consent to the acquisition of a major holding (Re Article 17c(3) of the Act on Banks)

The details of the essential elements of an application for prior consent of the Czech National Bank to the acquisition of a major holding by a bank, a financial holding entity or a mixed-activity financial holding entity pursuant to Article 17b(1) of the Act on Banks shall include

- a) the identification data of the applicant;
- b) the identification data of the entity in which the major holding is to be acquired (hereinafter referred to as "the target company");
- c) the identification data of the entity whose holding is to be transferred to the applicant;
- d) the name of the public register in which the target company is entered, the relevant registration number or other identifying designation, and a current extract or certificate of registration;
- e) information on the current, newly acquired and resulting size of the applicant's holding in the

target company, including

1. information on whether the holding is being acquired directly or indirectly; in the case of indirect acquisition, identification of the person through whom it is being acquired;
2. the quantity, type and nominal value of the holdings the applicant intends to acquire;
3. the applicant's resulting share in the total capital and voting rights of the target company;
4. information on whether the applicant will gain control over the target company;
5. information on whether the applicant will have the right to appoint a member of the management body;
6. the amount and method of determination of the purchase price, the date of payment of the purchase price for the acquired holding, and, where available, an explanation of any difference from the market value;
7. the manner in which the purchase price is recorded in the accounting records;
8. a description of the valuation methods used and, where control of the target company is being gained, expert valuation reports relating to the major holding, if available;

f) the decision of the applicant's competent decision-making body regarding the acquisition of the major holding, together with the minutes of the meeting of that body;

g) a description of the principal terms of the proposed acquisition agreement that may affect the prudential position of the proposed acquirer;

h) a description of the effects of the acquisition of the major holding on the performance of the activities of the applicant, including the effects on its governance system, liquidity and large exposures, covering risk management and mechanisms for ensuring compliance with measures to prevent money laundering and terrorist financing;

i) the target company's financial statements and information on transfers of assets and liabilities for the last three accounting periods or on transfers to be carried out prior to the acquisition of the major holding;

j) the applicant's financial statements and other documents attesting to the applicant's financial soundness, including a description of the individual items, and documentation of the sufficiency, transparency of origin and integrity of the financial resources used for acquiring the major holding, including a description of any use of external funding and group financing and arrangements for their repayment;

k) the applicant's business plan;

l) a plan for organisational, technical, operational and personnel integration and a timetable for the implementation of the transformation and its effects on contracts with other parties, where control of the target company is to be gained or where its prudential impact substantially exceeds the materiality threshold;

m) a statement by the applicant or other confirmation of submission of an application for, or notification of, the acquisition of a qualifying holding to the competent authority, the date of submission of the application or notification, and details of the ownership structure of the target company, where the target company is a financial institution subject to assessment of the acquisition of a qualifying holding;

n) a detailed graphical representation of the group showing shares in the capital and voting rights of partners with controlling interests, if available, together with identification of financial institutions and information on the activities carried on by companies within the group and their geographical reach, where the target company is part of a group;

o) the credit rating of the target company and, where applicable, the overall credit rating of the group to which it belongs, if available;

p) a description of the activities carried on by the target company, indicating whether they are

subject to regulation or supervision under financial market regulations and whether the proposed acquisition is conditional upon separate approval by the competent supervisory authority of the target company;

- q) a statement by the applicant or other confirmation that the proposed acquisition has been notified to the authority exercising consolidated supervision pursuant to Article 17h(1) of the Act on Banks;
- r) confirmation of submission of an application for the acquisition of a qualifying holding, where the target company is a credit institution and the supervisory authority for that company is not the Czech National Bank;
- s) a description of the effects of the acquisition of the major holding on the ownership and organisational structure of the applicant and the target company, as well as the effects on the structures of the group to which the applicant or the target company belongs;
- t) a statement and related information or documents demonstrating that the applicant has assessed whether the target company or members of its management body have been subject to administrative or criminal sanctions in the last ten years in connection with money laundering, terrorist financing or other financial crime on an individual, consolidated or subconsolidated basis, where relevant;
- u) a statement by the applicant or other confirmation that neither the target company nor its senior officers and partners are subject to restrictive measures under European Union law;
- v) a description of any concerted practices by the applicant with other persons, including agreements by the applicant to pursue common interests with another partner in relation to the target company and a description of the future allocation of participation in financing the proposed acquisition.

Article 5b

Prior consent to a merger or demerger (Re Article 17n(3) of the Act on Banks)

(1) The details of the essential elements of an application pursuant to Article 17m(1) and (2) of the Act on Banks for prior consent of the Czech National Bank to the merger or demerger of a bank, a financial holding entity or a mixed-activity financial holding entity approved pursuant to Article 27(1) of the Act on Banks shall include

- a) a specification of the type of transformation, indicating whether it involves a merger or demerger of a bank;
- b) information on the intentions and reasons leading to the transformation referred to in subsection a) above;
- c) a list of the entities involved³⁾ in the transformation, including the entities created by the transformation, and, for each of those entities, its identification data, documents for an assessment of trustworthiness and an indication of whether it is the successor entity, the dissolving entity or the demerged entity;
- d) a project for the transformation of the bank pursuant to the act governing transformations of commercial companies and cooperatives¹²⁾ depending on the chosen type of transformation pursuant to subsection a) above and at least
 1. information on the changes that are to be made to the business plan of the successor entities and a description of how a sufficient amount of capital is to be secured;

- 2. a timetable for the implementation of the transformation and a plan for the organisational, technical, operational and personnel merger or demerger of the entities involved in the transformation
- 3. a description of the effects of the transformation on the performance of the activities of the successor entities, including the effects on their governance systems, liquidity and large exposures, covering risk management and mechanisms for ensuring compliance with measures to prevent money laundering and terrorist financing;
- e) information on the anticipated effects of the transformation on the level of capital of the banks involved on an individual and consolidated basis, expressed as the change in capital ratios pursuant to the directly applicable European Union legislation governing prudential requirements,¹⁾ 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 or reports of the statutory bodies of the banks involved in the transformation, or, if applicable, consents to such reports not being drawn up;
- g) unless the merger involves the bank and its sole shareholder, an expert report or reports containing an expert opinion on the essential elements of the transformation project, or, if applicable, consents to such report or reports not being drawn up;
- h) an expert opinion on the essential elements of the transformation project if an export report is not drawn up pursuant to subsection g) above;
- i) the closing financial statements of the entities involved and the opening balance sheet of the successor or transferring bank and the auditor's reports on the verification thereof, or the interim financial statements and the auditor's reports on the verification thereof;
- j) a list of senior officers of the bank involved or the successor bank and an indication of changes thereto resulting from the transformation, and, for each senior officer of the successor bank, a curriculum vitae containing information on education and professional experience;
- k) information on closely related persons, where the transformation creates close relationships between those persons;
- l) the identification data of the entities which, as a result of the transformation, are to acquire or increase a qualifying holding in the successor bank or gain control over it, and an indication of the size of the share in its registered capital or voting rights or other form of exercising significant influence over its management;
- m) the financial statements of the entities involved and other documents attesting to the successor bank's financial soundness, including a description of the individual items, and documentation of the sufficiency, transparency of origin and integrity of their financial resources in relation to the activities planned by the successor bank after the merger or demerger, where not already included in the documents under subsection i) above.

(2) Where a bank is demerged through a spin-off and only part of its assets is being transferred to newly created or existing legal entities, the information specified in paragraph 1 concerning the successor entities shall also be submitted for the entity being demerged 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 on an individual and consolidated basis or the deposit guarantee scheme changes as a result of the transformation, the application shall also include

- a) information on the competent supervisory authority; and

b) a description of the deposit guarantee scheme and 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;⁵⁾ 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.⁶⁾

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 decision 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 2cd(3) of the Act on Credit Unions)

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

- a) a specification of the type of intended transformation, indicating whether it involves a merger or demerger of a credit union;
- b) information on the intentions and reasons leading to the transformation referred to in subsection a) above;

- c) a list of the entities involved in the intended transformation and, for each of those entities, its identification data, documents for an assessment of trustworthiness and, depending on the type of transformation, an indication of whether it is the successor, terminating or demerged credit union;
- d) a project for the transformation pursuant to the act governing transformations of commercial companies and cooperatives⁴⁾ depending on the type of transformation pursuant to subsection a) above, as well as information containing at least
 - 1. the changes that are to be made to the business plan of the successor entities;
 - 2. a timetable for the implementation of the intended transformation, including a plan for the organisational, technical, operational and personnel merger or demerger of the entities involved in the merger or demerger;
 - 3. a description of the effects of the intended transformation on the performance of the activities of the successor entities, including the effects on their governance systems, liquidity and large exposures, covering risk management and mechanisms for ensuring compliance with measures to prevent money laundering and terrorist financing;
- e) information on the anticipated effects of the intended transformation on the level of capital of the credit unions involved on an individual and consolidated basis, expressed as the change in capital ratios pursuant to the directly applicable EU regulation governing prudential requirements,¹⁾ 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 or reports of the statutory bodies of the credit unions involved 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, or, if applicable, consents to such report or reports not being drawn up;
- h) an expert opinion on the essential elements of the transformation project if an expert report is not drawn up pursuant to subsection g) above;
- i) the closing financial statements of the credit unions involved and the opening balance sheet of the successor or transferring credit union and the auditor's reports on the verification thereof, or the interim financial statements and the auditor's reports on the verification thereof;
- j) a list of senior officers of the credit union involved or the successor credit union, including an indication of changes resulting from the transformation, and, for each senior officer of the successor credit union, a curriculum vitae containing information on education and professional experience;
- k) information on closely related persons, where the transformation creates close relationships between those persons;
- l) the identification data of the entities who, as a result of the transformation, are to acquire or increase a qualifying holding in the successor credit union or gain control over it, and an indication of the size of the share or other form of exercising significant influence over the management of the credit unions involved;
- m) the financial statements of the entities involved and other documents attesting to the successor credit union's financial soundness, including a description of the individual items, and documentation of the sufficiency, transparency of origin and integrity of their financial resources in relation to the activities planned by the successor credit union after the merger or demerger, where not already included in the documents under subsection i) above.

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 cooperatives⁷⁾ drawn up in the form of a notarial record; and
- c) an interim financial statement pursuant to the act governing transformations of commercial companies and cooperatives⁶⁾ 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 requirements⁸⁾ 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, professional qualifications and experience of a senior officer of a financial holding entity or a mixed-activity financial 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 financial holding entity (hereinafter referred to as “the holding entity”) to attest to the senior officer’s trustworthiness, professional qualifications 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, and if the information necessary for assessing the absence of a criminal record cannot be documented by means of an annex to the extract from the Criminal Register, 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 professional experience;
- 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, and the competences and powers connected with that position.

(2) The description in paragraph 1(e) may be replaced by an internal regulation of the holding entity regulating the position and the competences and powers connected with 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 4e(4) of the Act on Banks)

(1) The details of the essential elements of an application by a foreign bank pursuant to Article 4b of the Act on Banks for a licence to perform activities in the Czech Republic through its branch shall include information on the applicant and other documents pursuant to paragraph 2 below and information on the branch pursuant to paragraph 4 below.

(2) The information on the applicant and other documents shall include

- a) the identification data of the applicant and a document on a business licence similar to an extract from the Commercial Register or another similar register of entrepreneurs not more than three

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 registered office and actual place of business of the applicant, the intermediary and the ultimate parent undertaking, and the date and place of establishment of the applicant, 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, and giving the contact person in the competent authority responsible for the supervision of the applicant, and, where applicable, of the intermediary and the ultimate parent undertaking, together with that person's contact details;
- 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) a list of senior officers and, for each such person, identification data indicating whether their position is that of an executive or a non-executive member;
- f) the applicant's financial statements;
- g) documents demonstrating that the applicant complies, or, as of the date of the granting of the licence, will comply, with the branch capital adequacy requirements pursuant to Article 12ab of the Act on Banks, and the account agreement pursuant to Article 12ab(4) of the Act on Banks;
- h) information on closely related persons; and
- i) 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,⁹⁾ 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);
- j) a certificate issued by the authority supervising the applicant and, where relevant, also its intermediary or ultimate parent undertaking, confirming compliance with prudential requirements on an individual basis and, where relevant, also on a consolidated basis, and confirming the assessment of the trustworthiness of the applicant and, where relevant, of the intermediary or ultimate parent undertaking, of the members of their management bodies in managerial positions, of controlling shareholders and of beneficial owners; the certificate in relation to those persons shall contain information on any breaches of prudential regulations, insolvency, economic criminal offences and penalties in the area of money laundering and terrorist financing over the past ten years, as well as information on unspent convictions and ongoing proceedings and investigations in those areas;
- k) documents demonstrating that the applicant complies, or, as of the date of the granting of the licence, will comply, with the branch liquidity coverage requirement pursuant to Article 12ac of the Act on Banks, and the account agreement pursuant to Article 12ac(2) of the Act on Banks, as well as
 - 1. a forecast of the determination of the liquidity requirement in relation to the branch's business plan;
 - 2. a funding and liquidity planning strategy;
 - 3. a description of the intended sources of funding of the branch;
 - 4. confirmation that the liquid assets intended for meeting the liquidity requirements are unencumbered and are not counted towards the fulfilment of the capital adequacy requirement; and
 - 5. a description of the liquidity management and governance system demonstrating the ability to manage liquidity under a baseline scenario and a stress scenario;
- l) confirmation issued by the competent authority of the applicant of having received the information on the intention to establish a branch, including the information and documents pursuant to Article 4e(3) of the Act on Banks; and
- m) information on ongoing or planned significant intragroup operations that may materially affect the fulfilment of prudential requirements and the organisational structure of the applicant.

(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) the identification data of at least two persons nominated for the management of the branch pursuant to Article 12ad(1) of the Act on Banks and, where applicable, of the persons nominated as members of the local management committee pursuant to Article 12ad(2) of the Act on Banks, and of the person nominated for the position of the head of the internal control function pursuant to Article 12ad(3) of the Act on Banks, and, for each such 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, and if the information necessary for assessing the absence of a criminal record cannot be documented by means of an annex to the extract from the Criminal Register, 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 professional experience;
 3. a brief description of the position to be performed by that person;
 4. a report by the applicant on the results of the assessment of the suitability of that person for the position in terms of compliance with the requirements for trustworthiness, competence and experience, as well as her or his sufficient time capacity to perform the position;
 5. an overview of the positions currently held in elected bodies and of other positions in other legal persons to which the person has been appointed or otherwise named, and, for each of those legal persons, their identification data, their line of business, the designation of the position performed, and the period during which it has been performed in that legal person;
- 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 governance system applied to the branch, including a description of the system of internal control mechanisms and the method of communication pursuant to Article 12ae(1) of the Act on Banks;
- e) a description of measures against money laundering and terrorist financing, including the identification data of the person authorised in this area, of an assessment of risks and measures to mitigate risks in this area, and of the corresponding internal systems and controls;
- 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 description of the technical support for each activity and the expected number of employees

to perform the planned activities of the branch; technical support means, in particular, adequate information and communication technology systems, an accounting and business documentation system pursuant to Article 12ag of the Act on Banks, including principles and procedures for recording off-balance sheet items, and statistical record-keeping systems

- h) a description of business continuity measures aimed at ensuring the uninterrupted performance of activities and the continuous functioning of the branch, including the identification of critical operations, information and communication technology strategies and the risk management framework pursuant to Regulation (EU) 2022/2554 of the European Parliament and of the Council, and information on the manner in which the branch is included in the applicant's recovery plan;
- i) a description of the manner in which access is ensured for the Czech National Bank to the information necessary for the performance of supervision over the branch;
- j) a description of the critical or important functions pursuant to Article 12ae(4)(a) of the Act on Banks and an assessment of whether the arrangements for ensuring their performance are in line with the intragroup agreements, where the main person performs these functions on behalf of the branch.

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 ten largest shareholders according to their share of the voting rights or of all shareholders, if it has fewer than ten, 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 three 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, its identification data, its line of business and information on the size of its 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 bodies of other legal entities to which the proposed officer has been elected, appointed or otherwise named (hereinafter referred to as the "elected body") and other positions held in those entities in the last ten years, and, for each of those legal entities, its identification data and line of business, the designation of the position held and the period during which it has been performed 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. their 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, its identification data and 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. their 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, and if the information necessary for assessing the absence of a criminal record cannot be documented by means of an annex to the extract from the Criminal Register, the 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, in connection with the acquisition of or increase in a qualifying holding in a bank or a credit union or in connection with the gaining control of a bank or a credit union, there is a change in a member of the statutory body and, in the case of a credit union, also of the credit committee who holds an executive managerial position in the bank or credit union, the applicant shall attach, for the person proposed for that member

- a) their identification data;
- b) documents for an assessment of trustworthiness;
- c) a curriculum vitae containing information on education and professional experience;
- d) an overview of the positions in elected bodies of other legal entities and other positions held in those entities over the past ten years, and, for each legal entity, its identification data and line of business, the designation of the position held, information on whether, in the case of membership in an elected body, the position is that of an executive or a non-executive member, and the period of the performance of the position in that legal entity, as well as an indication as to whether the proposed officer intends to hold the given positions in those legal entities concurrently with the position in the bank or credit union to which that person is proposed;
- e) a description of the proposed officer's financial relationships and personnel relations with the bank or credit union and the senior officers of the bank or credit union, the parent company and subsidiary of the bank or credit union and the senior officers of those companies, and with shareholders with qualifying holdings in the bank or credit union;

- f) the position that the proposed officer is to hold in the organisational structure of the bank or credit union and a brief description of the duties to be performed in terms of the powers and responsibilities entrusted; and
- g) a report by the applicant on the results of the assessment of the proposed officer's suitability to perform the position that the proposed officer is to hold in terms of that person's compliance with the requirements for trustworthiness, professional qualifications and experience and in terms of the collective suitability of the relevant elected body as a whole.

PART SIX

COMMON, TRANSITIONAL AND REPEALING PROVISIONS

Article 15

Common provisions

(1) Annexes to applications shall be submitted in a 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) A document on having no criminal record issued by a foreign country pursuant to Article 2(a)(1) may be replaced by an extract from the Criminal Register together with an annex containing the information recorded in the criminal register of that foreign country.

(4) The applicant is not required to submit the information or documents required by this Decree if they are publicly available in their current form in public administration information systems or if the Czech National Bank has them available in their current form. The applicant shall substantiate the reason for not submitting that information or those documents to the Czech National Bank.

(5) The applicant shall inform the Czech National Bank of the name and contact details of the contact person for the given proceedings before the Czech National Bank.

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 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.

Governor:

p.p. Marek Mora

Deputy Governor

Annex 2 to Decree No. 355/2020 Coll.

SPECIMEN

**Application for consent to acquire or increase a qualifying holding
in or to gain control of 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

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	podatelna@cnb.cz
Data box	Data box ID: 8tgaiej

**II.
NOTIFYING ENTITY**

2. Identification of the notifying entity – natural person

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

3. Identification of the notifying entity – legal entity

Name	
Identification number^{b)}	
Address of registered office in the form 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

Name	
Identification number ^{b)}	
Address of registered office in the form 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 of which		Total of which		Total 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 ^{a)} /Identification number ^{b)}	Address of residence/register ed office in the form municipality, municipal district, street, house number, orientation number, orientation letter, postcode, country	Total size of the holding to be acquire d	Manner of acquirin g the holding	Expected date of acquisitio n of the holding
1.						
2.						
3.						

**V.
LIST OF ANNEXES**

8. A numbered list of annexes to this application pursuant to the Decree^{d)} 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^{e)}

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

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

- 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. 355/2020 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.

¹⁾ 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.

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

³⁾ Article 3(3) of the Act on Transformations of Commercial Companies and Cooperatives.

⁴⁾ Articles 70, 250 or 339 of the Act on Transformations of Commercial Companies and Cooperatives.

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

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

⁷⁾ Articles 361 and 365 of the Act on Transformations of Commercial Companies and Cooperatives.

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

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

¹¹⁾ Article 339 of the Act on Transformations of Commercial Companies and Cooperatives.

¹²⁾ Articles 70 and 250 of the Act on Transformations of Commercial Companies and Cooperatives.