

OFFICIAL INFORMATION OF THE CZECH NATIONAL BANK

of 19 April 2011

regarding the registration of representative offices of foreign banks and financial institutions carrying on banking activities

The Czech National Bank, in relation to Article 39 of Act No. 6/1993 Coll., on the Czech National Bank, as amended (hereinafter only the “Act”), hereby informs:

I. The purpose of this official information

The purpose of this official information is to provide information about the details of registration, a specimen of the application form and its annexes, in connection with the registration of representative offices of foreign banks and financial institutions¹⁾ (hereinafter jointly a “Representative Office”) performed by the Czech National Bank pursuant to Article 39 of the Act, if such Representative Office operates in the territory of the Czech Republic.

II. Registration of a Representative Office

1. Pursuant to the Act, a foreign bank and a foreign financial institution carrying on banking activities (hereinafter jointly only an “Applicant”) must register its Representative Office before it commences its activities. The mere operation of a Representative Office (representation) does not have the character of the provision of banking services within the territory of the Czech Republic, and as such is not in and of itself a business activity, and thus is not subject to any obligation to establish an independent branch in the Czech Republic in the sense of Article 21 (4) of the Commercial Code. Nor is it a branch of a foreign bank in the sense of Article 5 or Article 5a of the Act on Banks.

2. Legal regulations do not regulate the details for the submission of an application for the registration of a Representative Office (hereinafter only an “Application”), or the prerequisites of such Application. The submission of an Application pursuant to this official information will facilitate its processing and speed up the course of the registration.

III. Application

1. A specimen Application is provided in the annex to this official information.

2. The following annexes must be attached to the Application:

a) the original of a document demonstrating the existence of the Applicant with an indication of the person authorised to act on behalf of the Applicant and the method in which he/she will

¹⁾ Article 1 (1) b) and (3) of Act No. 21/1992 Coll., on Banks, as amended.

act²⁾, not more than 3 months old,

b) the original of a document demonstrating the Applicant's authorisation to carry out business activities pursuant to the Czech National Bank Decree on Applications³⁾,

c) a document on the decision of the Applicant on its intention to establish a Representative Office in the Czech Republic, and if, in the country where the Applicant has its registered office, this plan is subject to the agreement of or a statement from a supervisory body abroad, then also the original of the written statement of that supervisory body on the plan to establish a Representative Office in the Czech Republic,

d) the concept for and plan of activities of the Representative Office for the first 3 years.

IV. Joint information relating to the registration of a Representative Office

1. The authenticity of the signature of the Applicant on the Application or, if the Applicant is being represented, on the power of attorney, while official certification is recommended in the interest of removing doubt.

2. If the Applicant is being represented, it is necessary to submit the original of the power of attorney or similar document demonstrating the authorisation of the representative to represent the Applicant together with the Application.

3. The procedure for the submission of public documents from foreign countries should correspond to the requirements of the Code of Administrative Procedure⁴⁾.

4. To ensure that the list of registered representative offices is correct and up to date, it is essential that the Applicant, without undue delay, notifies the Czech National Bank of any changes to information contained in the Application and its annexes (part III of this official information) and the date on which a Representative Office in the Czech Republic is cancelled.

5. The Czech National Bank will publish the specimen of the Application given in this official information in a manner enabling remote access⁵⁾.

6. The Czech National Bank will publish the list of registered Representative Offices in a manner enabling remote access⁶⁾.

7. It is possible to submit officially certified copies instead of the originals of documents.

²⁾ E.g. the relevant body (as a rule the statutory body) through which the Applicant acts externally, and its members who are authorised to make binding agreements for the Applicant through legal acts (e.g. legal acts may be performed (signed) by each member of the statutory body independently, or by the chairman together with another member of the statutory body and so on.).

³⁾ Article 2 a) of 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, i.e. in particular an extract from a business register abroad that contains information valid at the time the Application is submitted.

⁴⁾ Article 53 (4) of the Code of Administrative Procedure.

⁵⁾ At the time of the announcement of this official information

http://www.cnb.cz/cs/dohled_financni_trh/legislativni_zakladna/banky_a_zalozny/metodiky_vyklady.html.

⁶⁾ At the time of the announcement of this official information in the section Financial Market Supervision, [lists and registers](#).

8. If the nature of the matter excludes the submission of annexes to the application or the presentation of information, and if it is not sufficiently clear from the application itself, it will be sufficient to provide notification of the reasons why such annex cannot be submitted or such information indicated.

V. Cancellation provisions

On the date of the announcement of this official information in the Bulletin of the Czech National Bank the validity expires of the official information of the Czech National Bank No. 15/1994 in the ČNB Bulletin of 16 May 1994 on the registration of representative offices of foreign banks and financial institutions carrying on banking activities, and on the terms of operation of such offices.

Vice-Governor
Prof. PhDr. Ing. Vladimír Tomšík, Ph.D. duly signed

Annex

Application for the registration of a representative office of a foreign bank or a foreign financial institution

Financial Market Regulation and Analyses Department
Responsible employee:
M. Machač, telephone: 224 413 053

SPECIMEN

Application for the registration of a representative office of a foreign bank or foreign financial institution (hereinafter only a “Representative Office”)

I.
ADMINISTRATIVE BODY

1. Name of the administrative body

Name of the administrative body	Czech National Bank
Registered offices	Na Příkopě 28, Prague 1, postcode 115 03
Filing department	Senovážná 3, Prague 1, postcode 115 03

II.
APPLICANT

2. Identification of the applicant (a foreign bank or foreign financial institution)

Name		
Telephone number	E-mail	
Address of the registered offices in the form municipality, part of municipality, street, street number, postcode, state		

III.
INFORMATION RELATING TO THE REPRESENTATIVE OFFICE

3. Basic information about the Representative Office

Name of the Representative Office	
Address of the Representative Office in the Czech Republic in the form municipality, part of municipality, street, street number, postcode	
Telephone number and e-mail address of the Representative Office	

Name and surname of the person who will head the Representative Office in the Czech Republic	
Name and surname of the contact person, if this differs from the above	

4. Numbered list of all annexes (also indicate the numbers on the annexes themselves)

**IV.
DECLARATION**

I declare that the information given in the Application and its annexes is true, current and complete.

**V.
IDENTIFICATION OF OTHER PERSONS**

This Application is submitted by the Applicant

5. Identification of the person acting on behalf of the Applicant / in the name of the Applicant

Designation of function	
Name(s) and surname	
Date of birth	
Residence address in the form municipality, part of municipality, street, street number, postcode, state	
Correspondence address if different from the residence address, in the form municipality, part of municipality, street, street number, postcode, state	

This Application is submitted by a representative of the Applicant

6. Identification of the person representing the Applicant

Information about the representative ¹⁾	
Name(s) and surname / corporate name or name ²⁾	
Date of birth	
Identification number ³⁾	
Address of residence / registered offices in the form municipality, part of municipality, street, street number, postcode, state	
Correspondence address if different from the address of residence / registered offices, in the form municipality, part of municipality, street, street number, postcode, state	

At

Date:

Signature:

¹⁾ For example a lawyer, notary public, general agent.

²⁾ A legal entity shall also indicate the person acting on its behalf.

³⁾ Indicate this if allocated.