

## **ACT ON DEPOSIT PROTECTION AND AMENDING CERTAIN LAWS**

The full wording of Act No 118/1996 Coll. of the National Council of the Slovak Republic of 20 March 1996 on the protection of bank deposits (and amending certain laws), as amended by Act No 154/1999 Coll., Act No 397/2001 Coll., Act No 492/2001 Coll., Act No 340/2003 Coll., Act No 186/2004 Coll., Act No 554/2004 Coll., Act No 650/2004 Coll., Act No 747/2004 Coll., Act No 578/2005 Coll., Act No 209/2007 Coll., Act No 421/2008 Coll., Act No 659/2007 Coll., Act No 552/2008 Coll., Act No 276/2009 Coll., Act No 492/2009 Coll., Act No 70/2010 Coll., Act No 505/2010 Coll., Act No 233/2012 Coll., Act No 352/2013 Coll., Act No 213/2014 Coll., Act No 371/2014 Coll., Act No 239/2015 Coll., and Act No 125/2016 Coll.

The National Council of the Slovak Republic has adopted the Act as follows:

### **Section I**

#### **PART ONE BASIC PROVISIONS**

##### **Article 1**

##### **Purpose of the Act**

(1) The purpose of this Act is to lay down a legal scheme for the protection of deposits held in accounts with banks<sup>1</sup> and branches of foreign banks<sup>1</sup> and to provide for compensation for such deposits if they become unavailable.

(2) This Act shall not apply, unless paragraph 3 provides otherwise, to:

- (a) contractual protection schemes<sup>1aa</sup> other than deposit protection schemes under this Act, including systems ensuring adequate deposit protection above the level defined in Article 9(2);
- (b) institutional protection schemes<sup>1ab</sup> other than deposit protection schemes under this Act.

(3) Contractual and institutional protection schemes as referred to in paragraph 2 require adequate financial resources or financing mechanisms for the performance of their functions. Such contractual and institutional protection schemes shall be subject to the provisions of Articles 4(8) and 22(d) as appropriate.

##### **Article 2**

##### **Introductory provisions**

(1) A Deposit Protection Fund (hereinafter referred to as the 'Fund') shall be established under this Act as an institutional basis for the statutory system of deposit protection in the Slovak Republic (hereinafter referred to as 'deposit protection scheme') for

the purpose of ensuring the performance of activities, rights and duties in connection with the protection of deposits; the establishment of the Fund shall be forthwith reported to the European Commission by the Ministry of Finance of the Slovak Republic (hereinafter ‘the Ministry of Finance’) and to the European supervisory authority (European Banking Authority) by Národná banka Slovenska.<sup>1c</sup> The tasks of the Fund will include the accumulation of financial contributions (hereinafter referred to as ‘contributions’) from banks and branches of foreign banks for the payment of compensation for unavailable deposits held in banks and branches of foreign banks and their management in accordance with this Act. The Fund shall also perform activities related to the management and use of the financial resources of the National Resolution Fund (hereinafter referred to as ‘the National Fund’) in accordance with a separate law<sup>1a</sup>.

(2) The Fund shall be established as a legal person incorporated in the Commercial Register. The details of the Fund’s activities and organisation shall be laid down in the Fund’s statutes in accordance with this Act.

(3) The Fund shall not be established as a state fund as defined in a separate law<sup>2</sup>.

### **Article 3**

#### **Definition of selected terms**

(1) For the purposes of this Act, ‘deposit’ means a claim of a natural or legal person as defined in this Act (hereinafter referred to as ‘depositor’) to compensation for funds the depositor has deposited with a bank or a branch of a foreign bank in a banking transaction<sup>2a</sup> carried out in the depositor’s own name and for own account or for funds the bank or the branch of a foreign bank has accepted in payment transaction<sup>2b</sup> or as payments<sup>2b</sup> made in favour of the depositor, including interest and other benefits related to the custody of these funds, including deposits as referred to in paragraph 2.

(2) Deposits as defined in this Act shall also be understood to mean:

- (a) deposits which, according to records made by a bank or a branch of a foreign bank in its information system<sup>2c</sup> or in the depositor’s document certifying the ownership of the deposits before they became unavailable, pursuant to paragraph 5, are held in the names of more depositors with identification data for each of them as stipulated in paragraph 4(a) (hereinafter referred to as ‘joint deposit’);
- (b) funds kept in notarial custody<sup>3</sup> with a bank or a branch of a foreign bank provided that the beneficiary of these funds is, or will be, a person whose deposits are protected under this Act and that the notary administering the funds in notarial custody has delivered, to the relevant bank or branch of a foreign bank, written notification containing data on each beneficiary as stipulated in paragraph 4(a), before the day when the funds became unavailable pursuant to paragraph 5.

(3) ‘Eligible deposits’ means deposits as defined in paragraphs 1 and 2, except for those referred to in paragraph 4, in the scope and under the conditions stipulated by this Act. ‘Covered deposits’ are deposits protected in full amount, up to the sum of eligible deposits held by one depositor in a bank or a branch of a foreign bank, the amount of which equals the upper limit of compensation payable under Article 9(2); ‘eligible deposits’ as referred to in Article 9(6) are deposits covered in full amount with unrestricted compensation payable for

unavailable deposits under Article 9(2), during a temporary period and under the conditions set out in Article 9(6).

(4) This Act does not apply to:

- (a) deposits which, according to records made by a bank or a branch of a foreign bank in its information system<sup>2c</sup> or in the depositor's document certifying the ownership of the deposits before they became unavailable pursuant to paragraph 5, are not held in the name of the depositor identified on the basis of the following data:
  - 1. first name, last name, birth registration number<sup>7a</sup> or date of birth, and address of permanent residence if the depositor is a natural person;
  - 2. name, identification number if assigned, and head office address if the depositor is a legal person whose deposits are protected under this Act, as well as the designation of the official register or other official record in which the legal person is registered,<sup>7aa</sup> and the registration number of that person;
- (b) bearer deposits or the balances of cancelled bearer deposit accounts<sup>7b</sup>, primarily in the form of bearer passbooks, bearer certificates of deposit, or bearer treasury bill certificates;
- (c) deposits that are financial instruments<sup>7c</sup>, unless Article 28bf(2) provides otherwise;
- (d) deposits the principal of which is payable in nominal value;
- (e) deposits the principal of which is payable in nominal value only on the basis of a special guarantee or in agreement with by the relevant bank, branch of a foreign bank or third party;
- (f) deposits made by a bank or a branch of foreign bank in its own name or for its own account, including deposits constituting its own source of funding;
- (g) deposits acquired as a result of a criminal act for which the perpetrator was convicted on a money laundering charge;
- (h) deposits of financial institutions;<sup>7f</sup>
- (i) deposits of investment firms;<sup>7g</sup>
- (j) deposits of insurers and reinsurers;<sup>7h</sup>
- (k) deposits of collective investment undertakings;<sup>7i</sup>
- (l) deposits of pension asset management companies, including pension fund assets;<sup>7j</sup>
- (m) deposits of supplementary pension management companies, including supplementary pension fund assets;<sup>7k</sup>
- (n) deposits of public authorities;<sup>7l</sup>
- (o) deposits in the form of debt securities<sup>7g</sup> issued by a bank or as own cheques or bills of exchange.

(5) A deposit shall be considered unavailable in any of the following cases:

- (a) the deposit is held in an account with a bank or a branch of a foreign bank which has been declared unable to repay deposits under Article 8(3);
- (b) the deposit is held in an account with a bank or a branch of a foreign bank where, on the basis of an order issued by a bankruptcy court in bankruptcy proceedings under a separate law<sup>6</sup>, deposit handling has been suspended and where this order entered into effect before the declaration made under Article 8(3).

(6) For the purposes of this Act, ‘banks and branches of foreign banks’ are defined as banks<sup>1</sup> and branches of foreign banks<sup>1</sup> which are required to participate and which participate in deposit protection under Article 4 of this Act; banks and branches of foreign banks under this Act also include legal persons whose banking authorisation<sup>7</sup> expired or was revoked at any time during their participation in the deposit protection scheme under this Act, until all deposits protected under this Act are repaid.

(7) For the purposes of this Act, ‘payment commitments’ means irrevocable payment commitments of a bank or of a branch of a foreign bank towards the Fund which are fully and permanently backed by collateral provided to the Fund which:

- (a) consists of low-risk assets;
- (b) is unencumbered by any third-party rights and is at the disposal of the deposit protection scheme.

(8) For the purposes of this Act, ‘available financial resources’ means cash holdings, deposits and low-risk assets that can be converted into cash within seven working days, and payment commitments up to the amount of their share in the available financial resources as defined in Article 6(6).

(9) For the purposes of this Act, ‘low-risk assets’ means assets as defined in a separate regulation<sup>7m</sup> or assets which are considered to be similarly safe and liquid by the Fund or by Národná banka Slovenska.

#### **Article 4**

##### **Participation of banks in deposit protection**

(1) Banks that accept deposits are required under this Act to participate in the protection of deposits and to pay contributions for this purpose to the Fund, unless this Act provides otherwise.

(2) Branches of foreign banks are required to participate in the protection of deposits and to pay contributions in full in accordance with this Act if they manage deposits:

- (a) which are not protected in the home country of the foreign bank; or
- (b) which are protected in the home country of the foreign bank but to a lesser extent than required by this Act; this provision shall not apply to branches of foreign banks using a single banking licence under the law of the European Union.

(3) Branches of foreign banks are not required to participate in the protection of deposits under this Act if the deposits held with those branches are protected in the home countries of the foreign bank at least to the same extent as required by this Act and on condition that reciprocity is guaranteed; this provision shall not apply to branches of foreign banks using a single banking license under the law of the European Union.

(4) In the case of a bank established in the Slovak Republic, the obligation to participate in the deposit protection scheme shall not apply in respect of deposits accepted by its branch located in a country which is not a Member State of the European Union or a Member State of the European Economic Area (hereinafter referred to as ‘Member State’), and in which deposits are subject to statutory protection under the law of that country,

irrespective of the deposit protection scheme of the Slovak Republic.

(5) The amount of compensation for unavailable deposits held with a branch of a foreign bank participating in the deposit protection scheme of its home country may not exceed the amount of compensation payable under this Act.

(6) To the extent and under the terms laid down in this Act, deposits held with banks and branches of foreign banks (hereinafter referred to as 'banks') are subject to protection and the Fund shall pay compensation for such deposits if they become unavailable.

(7) The requirement to participate in the protection of deposits under this Act will become effective on the day when the bank accepts the first deposit protected under this Act.

(8) The level and scope of deposit protection under this Act may not be the object of competition or promotion<sup>8</sup>, this prohibition shall equally apply to differences in the scope and level of deposit protection in the Member States. This shall be without prejudice to the provisions of Article 12(4)(e) and (5a) of this Act.

(9) In reporting the authorisation of a bank under a separate regulation<sup>8a</sup>, Národná banka Slovenska shall inform the European supervisory authority (European Banking Authority) as to which deposit protection scheme the newly authorised bank will participate in.

## **PART TWO CONTRIBUTIONS TO THE FUND**

### **Article 5 Types of contributions**

(1) Banks shall pay the following contributions to the Fund:

- (a) initial contribution;
- (b) annual contribution;
- (c) extraordinary contribution.

(2) The initial contribution is a one-off contribution.

(3) The annual contribution is the bank's recurrent contribution.

(4) The extraordinary contribution is a contribution paid by banks, for the purpose of replenishing the Fund's resources, specifically for the payment of compensations for unavailable deposits or for the repayment of loans used to pay compensations for unavailable deposits.

### **Article 6 Contribution amount**

(1) The amount of the initial contribution will be EUR 35,000.

(2) The amount of the annual contribution for a given calendar year shall be determined for each bank by 1 April of that calendar year at the latest. The Fund shall calculate the annual contribution for a bank as 0.01% of the total amount of covered deposits held in that bank, on the basis of the average amount of covered deposits in the calendar year directly preceding the calendar year in which that contribution is to be paid, according to the bank's riskiness in the calendar year preceding by two years the calendar year in which the contribution is to be paid, determined by Národná banka Slovenska in accordance with the recommendations of the European supervisory authority (European Banking Authority)<sup>8b</sup>. Národná banka Slovenska shall, by 28 February of that calendar year, provide the Fund with all the data it needs to determine the riskiness of the bank concerned. The details used in the calculation of the annual contribution and of the average amount of covered deposits may be determined by the Fund, which shall publish these details on its website. The Fund shall notify the bank concerned of the amount of the annual contribution determined for that bank according to the first sentence.

(3) The amount of an extraordinary contribution shall be set by the Fund in accordance with this Act [Article 17(1)(j)] for all banks under equal conditions, as up to 0.5% of the value of covered deposits according to their average balance for the calendar quarter preceding the due date of the extraordinary contribution. In exceptional cases, the Fund may, with the prior approval of Národná banka Slovenska, set a higher extraordinary contribution.

(4) The amount of the contributions referred to in paragraphs 2 and 3 shall be set by the Fund so that, by 3 July 2024, the amount of available financial resources should reach at least 0.8% of the total amount of covered deposits (hereinafter referred to as 'target level'). The Fund shall update the target level of available resources in euros every year on the basis of the amount of covered deposits held in banks from data for the end of the previous calendar year. If the amount of available resources falls below the target level, the Fund shall set the amount of contributions so that the target level is restored. If, after the target level is reached for the first time, the amount of available resources falls to less than two-thirds of the target level, the Fund shall set the amount of the annual contribution referred to in paragraph 2 so that that the target level is reached within six years after the fall.

(5) In setting the amount of annual contributions, the Fund shall take into account the amount of its liabilities. In addition, the Fund shall take account of the banking sector's stability, the phase of the economic cycle, and the impact of these contributions on the stability of the banking sector in Slovakia, on the basis of the data determined and provided to the Fund by Národná banka Slovenska by 28 February of the given calendar year.

(6) The amount of available financial resources may include payment liabilities, which may not exceed 30% of the amount of available financial resources.

(7) If, by 3 July 2024, the Fund pays compensations in a total amount exceeding the target level, it may extend the time limit referred to in paragraph 4 by up to four years.

(8) Contributions payable under a separate regulation<sup>1a</sup> shall not be included in the target level.

(9) In calculating the amount of contributions, the Fund may use its own methods with the prior approval of Národná banka Slovenska, taking into account the bank's riskiness,

balance-sheet assets and risk indicators, including capital adequacy, asset quality and liquidity; this shall be without prejudice to the provisions of paragraph 2. The methods used shall be reported to the European supervisory authority (European Banking Authority).

(10) The procedure followed by the Fund in deciding in respect of an annual contribution or of an extraordinary contribution shall not be subject to the general regulations concerning administrative proceedings<sup>11a</sup>, nor to the regulations concerning proceedings in matters related to the financial market<sup>12</sup>. The Fund may take such decisions on its own within the limits stipulated by this Act for contributions to the Fund; such decisions may not be subject to judicial review and hence there is no appeal against them<sup>12aa</sup>. The Fund may, at any time on its own initiative, correct any error it has made in calculating the amount of the annual or extraordinary contribution or in formulating the relevant decision and shall forthwith inform the bank concerned accordingly.

## **Article 7**

### **Contribution schedule**

(1) Banks are required to pay an initial contribution within 30 days of the date when they become obliged to participate in deposit protection in accordance with Article 4(7).

(2) Banks shall pay their annual contribution by 15 June of the relevant calendar year, unless Article 22c(2)(c) provides a different due date for the annual contribution or part thereof.

(3) Banks are required to pay extraordinary contributions by the dates set by the Fund, unless this Act stipulates other due dates for extraordinary contributions.

(4) Banks shall pay their contributions in euros. Where foreign-currency deposits are protected, the foreign currency shall be converted into euros at the reference exchange rate set and published by the European Central Bank or by Národná banka Slovenska<sup>9</sup> for the date when banks are required to assess their average deposit balance for the preceding quarter in accordance with Article 6(2).

(5) Banks in which deposits have become unavailable pursuant to Article 3(5) are not required to pay the Fund contributions which fell due after the date when deposits in that bank became unavailable.

(6) A bank which fails to pay its contribution to the Fund in the correct amount on time shall pay penalty interest calculated from the due amount of the contribution under a separate regulation<sup>9a</sup>.

(7) The provisions of paragraphs 6 and 8 to 10 shall be without prejudice to the bank's responsibilities set out in separate regulations<sup>9b</sup>.

(8) If a bank fails to meet its obligations laid down in this Act, the Fund shall inform Národná banka Slovenska without delay. In cooperation with the Fund, Národná banka Slovenska shall take measures, including sanctions, to ensure that the said obligations are discharged.

(9) If a bank fails to meet its obligations laid down in this Act despite the measures taken under paragraph 8, the Fund shall, with the prior approval of Národná banka Slovenska, notify the bank of its intention to exclude that bank from the deposit protection scheme, at least one month before the date of exclusion. Deposits accepted by the bank before the expiration of this period shall remain protected under this Act, while the bank shall pay contributions for these deposits in accordance with this Act.

(10) If a bank fails to meet its obligations laid down in this Act by the expiry of the period referred to in paragraph 9, the Fund shall exclude the bank from the deposit protection scheme. The date of exclusion of the bank from the deposit protection scheme shall be reported to Národná banka Slovenska and to the bank concerned without delay. The deposits held in the bank as at the date of its exclusion from the deposit protection scheme shall remain protected under this Act, and the bank shall pay contributions for these deposits in accordance with this Act.

### **PART THREE**

#### **COMPENSATION FOR UNAVAILABLE DEPOSITS**

##### **Article 8**

##### **Inability to repay deposits**

(1) If a bank is unable to meet its obligations in respect of deposits for 48 hours, despite using its liquid resources, including its regulatory minimum reserves<sup>10</sup>, the bank shall notify Národná banka Slovenska and the Fund of this fact on the following working day at the latest.

(2) If a bank is placed under receivership<sup>11</sup> and the circumstances mentioned in paragraph 1 arise, the notification referred to in paragraph 1 shall be made by the official receiver.

(3) Národná banka Slovenska shall declare a bank unable to repay deposits within three working days of the receipt of a notification as referred to in paragraph 1, when a permanent lack of liquidity is confirmed and when any other attempt to redress the temporary lack of liquidity has failed. Národná banka Slovenska may also declare a bank unable to repay deposits on its own initiative if its investigations reveal matters presented in this paragraph, without notification as referred to in paragraphs 1 and 2, within three working days of the day when these matters are revealed.

(4) The general regulations concerning administrative proceedings<sup>11a</sup> or other regulations<sup>12</sup> shall not apply to the process of declaring a bank unable to repay deposits; a decision to declare a bank unable to repay deposits may not be subject to review by an administrative court<sup>12aa</sup> and hence there is no appeal against such decisions. Decision-making as referred to in paragraph 3 shall be within the competence of the Bank Board of Národná banka Slovenska.

(5) Národná banka Slovenska shall notify the Fund and bank concerned or the official receiver of its decision to issue a declaration pursuant to paragraph 3.



(6) From the day when deposits in a bank become unavailable pursuant to Article 3(5) to the completion of compensation payments under Article 10(1) and (2), deposit repayment, payment transactions<sup>12a</sup> using deposits and other deposit operations, assignment of claims against the bank from unavailable deposits to other parties, and the netting of claims between the bank and other parties shall be suspended, unless this Act provides otherwise. In the same period, the bank shall be forbidden to accept further deposits, make loans, issue bank guarantees and documentary letters of credit, and enter into other deals which would increase the bank's receivables from or liabilities to other parties; however, the acceptance of loan repayments, including interest and charges, shall not be suspended. In that period, the bank shall also suspend the handling of payment cards it has issued to account holders.

(7) If, in exercising banking supervision, Národná banka Slovenska reveals matters that could lead to the application of any of the procedures referred to in paragraphs 1 to 3, it shall inform the Fund without delay.

## **Article 9**

### **Compensation for unavailable deposits**

(1) Depositors shall be entitled to compensation for their unavailable deposit as referred to in Article 3(5) in euros; compensation under Article 10(14) may also be paid in the currency of a non-euro area Member State. Compensation for deposits protected under this Act may also be paid to a person other than the depositor where this Act so provides.

(2) The Fund shall compensate a depositor or another person authorised under this Act for an unavailable deposit protected hereunder in an amount determined pursuant to paragraphs 3 and 4 and Article 10(8), up to a maximum of EUR 100,000 in total, unless paragraph 6 provides otherwise.

(3) For the purpose of determining the amount of compensation due to a depositor, all the unavailable deposits of that depositor in a bank shall be aggregated, including the depositor's share in joint accounts and notarial custody accounts protected under this Act, as at the day when the deposits became unavailable pursuant to Article 3(5). For each joint account, it shall be assumed that the account holders are entitled to equal portions of the deposit, unless proven otherwise. Interest and other benefits related to the deposits shall be calculated for this purpose according to the balance as at the day when the deposits became unavailable pursuant to Article 3(5). The total amount of unavailable deposits so determined shall, for the purpose of compensation calculation, reduced by all liabilities of the depositor towards the bank, according to the balance as at the day when the deposits became unavailable pursuant to Article 3(5); changes occurring in the balance at a later date shall not be taken into account. The resulting amount of compensation shall be rounded up to whole eurocents.

(4) Where the amount of a deposit held in a bank or the depositor's liabilities to that bank cannot be proven otherwise, the relevant deposit record of the bank shall be considered a decisive evidence, unless a separate law<sup>13b</sup> provides otherwise.

(5) A depositor shall also be entitled to compensation for an unavailable deposit pursuant to paragraphs 1 and 2 when the maturity date of the deposit is beyond the end of the period set for the payment of compensation in accordance with Article 10(1) and (2). This

shall not apply in cases where a ban on deposit transactions has been imposed or the repayment of deposits restricted under separate regulations<sup>14</sup>; subsequent to the removal of this restriction, compensation may be provided to the depositor or to a third party with due regard to the circumstances of the case, subject to the establishment of a right to the deposit or part thereof by the competent authority.

(6) The Fund shall pay compensation for a deposit in full amount, even above the upper limit of compensation for covered deposits pursuant to paragraph 2 if that deposit becomes unavailable pursuant to Article 3(5), over a period of 12 months starting from the date when the deposit was made into a bank account or from the moment it became legally transferrable, if there is evidence that:

- (a) the deposit comes from a transfer or conveyance of a residential real property;
- (b) the deposit serves social purposes and has been acquired in inheritance proceedings or made from funds acquired in inheritance proceedings or from the transfer of inheritance or dowry or from gifts presented on the occasion of marriage, from property owned in common by common-law spouses, severance pays, old-age pensions or other pensions, or from other benefits paid under a separate regulation<sup>14a</sup> or in connection with a person's death;
- (c) the deposit has been made from funds acquired from insurance benefits or claims paid or from compensation for damage caused by a criminal act or false accusation.

(7) Depositors shall inform their bank of the facts referred to in paragraph 6 when open a deposit account with that bank or immediately afterwards.

(8) The Fund may defer the payment of compensation for a deposit where:

- (a) it is uncertain whether the depositor is entitled to compensation or the deposit is subject to legal dispute;
- (b) the deposit is subject to restrictive measures;<sup>15</sup>
- (c) there was no transaction relating to the deposit within the last 24 months preceding the declaration referred to in Article 8(3) or the decision referred to in Article 3(5)(b), except in the case of a deposit as defined in Articles 716 to 719a of the Commercial Code, unless paragraph 9 provides otherwise;
- (d) the compensation is to be paid in accordance with paragraph 6;
- (e) the compensation is to be paid out by the deposit protection scheme of another Member State in accordance with Article 10(14);
- (f) the depositor or another person claiming compensation is subject to criminal proceedings in connection with money laundering, until the court decides in the matter.

(9) The Fund shall not pay compensation for an unavailable deposit where no transaction was carried out in relation to the deposit within the last 24 months preceding the declaration referred to in Article 8(3) or the decision as referred to in Article 3(5)(b) and the amount of compensation would be lower than the actual expenses incurred by the Fund in providing such compensation.

(10) Disputes related to the payment of compensation under this Act shall be settled by the competent court of law.

## **Article 10**

### **Payment of compensations**

(1) Within five working days of the receipt of a notification as referred to in Article 8(3) or of an executable court ruling as referred to in Article 3(5)(b), the Fund shall decide in respect of the commencement, duration, method and place of compensation payment. The Fund shall announce its decision on the rules of compensation payment to the bank or the bank's official receiver without undue delay.<sup>15aa</sup>

(2) Compensation payment is to be completed within seven working days of the date of declaration of the bank unable to repay deposits under Article 8(3), or of the date of delivery of an executable court ruling under Article 3(5)(b), unless Article 28bf(8) provides otherwise. In justified cases, the Fund may, with the prior consent of Národná banka Slovenska, extend this period by maximum ten working days, where persons as referred to in paragraph 5 are involved, except for depositors and their authorised representatives<sup>15aaa</sup> or commissioned persons<sup>15aab</sup>. This provision shall be without prejudice to the provision of paragraph 9. The general regulation concerning administrative proceedings<sup>11a</sup> or other regulations<sup>12</sup> shall not apply to the issuance of a decision to grant prior consent. Such decisions may not be subject to judicial review and hence there is no appeal against them.<sup>12aa</sup>

(3) The bank concerned or its official receiver shall publish the facts mentioned in paragraph 1, together with the declaration mentioned in Article 8(3), or with the executable court ruling mentioned in Article 3(5)(b), in the nationwide mass media and on the bank's public premises, on the working day following receipt of the Fund's notification referred to in paragraph 1.

(4) The Fund shall, as a general rule, pay compensation of unavailable deposits through a bank. It shall be authorised to instruct the bank accordingly, unless paragraphs 14 and 15 provide otherwise. These instructions shall be binding for the bank.

(5) A person claiming compensation for an unavailable deposit shall, depending on the type of deposit, prove their entitlement to compensation for that deposit; such entitlement is to be proven with a document certifying the ownership of that deposit or with a decision issued by the competent court or another public authority. A natural person claiming compensation will also be required to present a document of identity; a legal person claiming compensation shall submit an extract from the Commercial Register, or from another official register, issued no earlier than one month before the day when the claim for compensation was submitted. The depositor's legal representative shall present a document of identity and the document in which that person is authorised to act on behalf of the depositor or an officially certified copy thereof; where the claim is made by a person other than the statutory body of the legal person concerned, the document must contain a certified signature of the statutory body of that legal person. If the depositor or their legal representative acts via an agent with a power of attorney, the agent shall present a document of identity and submit the power of attorney with an officially certified signature; if the agent is a legal person, the power of attorney must also contain the officially certified signature of that person's statutory body. Where the power of attorney or another document evidencing the agent's authorisation is, in part or fully, written in a foreign language, an officially certified Slovak translation<sup>15ab</sup> is to be presented together with that document. The process of compensation for unavailable deposits shall not take into account any possible restriction imposed on the transferability of

deposits, except for cases where deposit repayment is conditional upon the consent of a third party; the opening of a letter of credit in favour of third parties under a separate regulation<sup>15a</sup> shall also be taken into account. In such cases, compensation shall be paid only with the written consent of the third party, affirmed by an officially certificated signature. Identity may be proven by:

- (a) a valid identity card;<sup>15b</sup>
- (b) a valid passport<sup>15c</sup>, diplomatic passport<sup>15c</sup>, special passport<sup>15c</sup>, or in the case of a foreign national, a residence permit<sup>15d</sup> issued for the Slovak Republic.

(6) In a notification sent pursuant to paragraph 1, the Fund may specify the terms and conditions of compensation payment in the form of non-cash transfers.

(7) Compensation for unavailable deposits shall normally be paid as a lump sum.

(8) The amount of compensation for deposits in foreign currency shall be calculated in euros at the reference exchange rate set and announced by the European Central Bank or Národná banka Slovenska<sup>9</sup> for the day when the deposits became unavailable pursuant to Article 3(5).

(9) Where a depositor or another person as referred to in Article 9(5) fails to submit a claim for compensation within the period specified in paragraphs 1 and 2, the Fund may provide compensation even after the expiration of that period, on the basis of a written request for compensation received from the depositor or another person authorised in accordance with Article 9(5), within three years from the day when the deposits became unavailable pursuant to Article 3(5).

(10) In order to provide evidence of compliance with the conditions and requirements set out in paragraphs 5 and 9, depositors or their legal representatives claiming compensation for unavailable deposits shall provide, or grant access to for the purpose of copying, scanning or recording, the following data and documents:

- (a) personal identification data<sup>15eaa</sup> from their identity document, such as picture, title, first name, last name, maiden name, birth registration number, date of birth, place of birth, address of permanent residence, address of temporary residence, record of restrictions to their legal capacity, type and number of their identity document, issuing authority, date of issue, and validity, if the depositor is a natural person;
- (b) identification data in the scope specified in point 2 of Article 3(4)(a), if the depositor is a legal person;
- (c) contact telephone number, facsimile number and e-mail address, if available;
- (d) documents and data on deposits with, and other receivables and liabilities vis-à-vis, the bank in which deposits have been declared unavailable, and documents and data on the legal representative's power of attorney and on compliance with other requirements and conditions which are necessary for the assessment and documentation of the claim for compensation and for the payment of compensation for unavailable deposits protected under this Act.

(11) Compensation for an unavailable deposit may not be provided and paid out<sup>15eaa</sup> where the person claiming compensation for that deposit or their representative has failed to meet all the requirements and conditions that are necessary for the assessment and

documentation of the claim for compensation and for the payment of compensation for the unavailable deposit protected under this Act.

(12) If, in the period ending on 31 December 2023, the payment of compensations is not come completed within seven days from the declaration referred to in Article 8(3) or from the decision referred to in Article 3(5)(b), the Fund shall, on the basis of the data listed in Article 12(1), ensure that, within five working days of the date of application, depositors are paid at least partial compensation for their inaccessible deposits, in an amount corresponding to at least the average monthly nominal wage of an employee in the Slovak economy determined by the Statistical Office of the SR for the calendar quarter preceding the calendar quarter that precedes the calendar quarter in which the application was submitted. The difference between the compensation paid and the compensation due to the depositor shall be paid in accordance with paragraph 2. The provisions of this paragraph shall be without prejudice to the payment of compensations under Article 28bf(8).

(13) The Fund shall communicate with depositors in the Slovak language.

(14) For unavailable deposits in a bank's branch located in another Member State, the Fund shall pay compensation in its own name through the deposit protection scheme of that Member State; the Fund shall give the relevant deposit protection scheme instructions and financial means for the payment of compensation for unavailable deposits in advance and shall refund the costs of compensation payment.

(15) The Fund shall pay compensations for unavailable deposits in a branch of a foreign bank from another Member State according to the instructions of the deposit protection scheme of that Member State, after receiving financial means for compensation payment from that deposit protection scheme; the Fund shall be responsible for the payment of compensations according these instructions and shall inform the depositors in the name of that deposit protection scheme and shall accept data and documents from them.

(16) Persons other than depositors as referred to in paragraph 5 claiming compensation for their unavailable deposits are to be identified by the date specified in Article 8(3) or in Article 3(5)(b), and where these persons are several in number, the second sentence of Article 9(3) shall apply to them; this shall be without prejudice to the sixth sentence of paragraph 5.

(17) For the purposes of paragraphs 14 and 15 and Article 13(7), a written agreement is to be made between the Fund and the competent deposit protection scheme of another Member State, while the confidentiality obligation mentioned in Article 27 shall remain in effect. The Fund shall report the conclusion of such agreement to the European supervisory authority (European Banking Authority). If assistance is needed for the conclusion of such agreement or a dispute arises in connection with its interpretation, the Fund may request assistance from the European supervisory authority (European Banking Authority) under a separate regulation<sup>15eab</sup>. Failure to conclude such agreement shall be without prejudice to deposit protection under this Act.

## **Article 11**

### **Termination and transfer of certain rights**

(1) With effect from the date of compensation payment, the depositor's claim on the bank shall be deemed to be settled in the amount of the compensation paid to the depositor in accordance with Article 9. On that date, the Fund will become a creditor of the bank in the amount of the compensation it has paid to the depositor; this shall equally apply to compensations paid by the Fund for statute-barred deposits<sup>13a</sup>, while no objection may be raised to the Fund for such limitation.

(2) The Fund may also claim compensation from the bank for its actual expenses incurred in connection with the payment of compensations.

(3) Unless this Act provides otherwise, the legal relationship between the Fund and the bank (on behalf of which the Fund has paid compensations for unavailable deposits) shall be subject to a separate guarantee regulation<sup>15ea</sup>, as appropriate.

(4) The payment of compensations from the Fund shall be without prejudice to the right of depositors or other authorised persons to claim, from the bank in which deposits have become unavailable, repayment of that part of their deposits for which they have received no compensation from the Fund.

#### **Article 11a**

(1) The payment of compensation for unavailable deposits, the amount of accrued interest and other benefits determined in accordance with Article 9(3), and the amount of deposits for which no compensation has been paid shall be recorded in the bank's books, as well as in the official deposit documents stating the deposit balance. Savings books and securities from which the unavailable deposits were compensated for in full amount shall be cancelled without being returned to the depositor.<sup>15f</sup> Unavailable deposits for which full compensation has been paid shall be cancelled free of charge.

(2) The Fund may raise any objection towards a depositor which could have been raised by the bank itself, unless this Act provides otherwise.

### **PART FOUR**

#### **THE FUND**

##### **Article 12**

##### **Rights and obligations of the Fund and those of banks**

(1) The Fund may, for the purpose of performing its functions effectively, require banks to provide any information or document that is directly related to the Fund's activities, under this Act or under separate regulations<sup>15fa</sup>. Banks in which deposits have become unavailable shall, without undue delay, provide the Fund with the following information and documents: templates of deposit documents; information about the deposits and payables of their clients, including the amount of compensation for unavailable deposits protected under this Act, calculated for individual depositors or other authorised persons pursuant to Article 9(3); a list of all persons to which the provisions of Article 9(6) apply; and other information

and documents in paper or electronic form as requested by the Fund. Should the Fund reveal any discrepancies in the information so provided, it shall rectify these discrepancies or shall report them to the bank in which deposits have become unavailable. This bank shall rectify the discrepancies revealed without undue delay and shall send the rectified information to the Fund, which shall verify it and shall undertake the necessary measures so as to ensure the payment of compensation. The Fund may carry out an inspection at the bank that has been declared unable to repay deposits, as well as at the bank through which compensation payments are to be made, as to whether they perform their tasks in compliance with the general terms and conditions of compensation payment (Article 12(3)) and the Fund's instructions. The Fund or the bank authorised by the Fund shall keep all the documents related to the compensation paid for unavailable deposits in accordance with separate regulations<sup>15g</sup>.

(2) The Fund may also obtain information and documents as referred to in paragraph 1 through its own investigations at the bank and may verify the accuracy and integrity of the information and documents received from the bank. In a bank other than the bank in which deposits have become unavailable or through which the Fund ensures the payment of compensation for such deposits, the Fund may carry out an investigation into data that are subject to banking secrecy only with the prior written approval of Národná banka Slovenska. If, before the deposits become unavailable, any reasonable doubt arises about the accuracy and integrity of the information received from the bank, the Fund may request Národná banka Slovenska to verify that information in detail.

(3) The Fund shall, with the prior approval of Národná banka Slovenska, issue general terms and conditions for the payment of compensation, which must include detailed procedures for claiming compensation and a method for documenting the depositor's entitlement to compensation.

(4) Banks shall be required to:

- (a) pay contributions to the Fund on the prescribed dates and in the prescribed amount;
- (b) supply the Fund with information as specified in paragraph 1, observing the deadlines and methods stipulated by the Fund;
- (c) display on the bank's public premises, in the Slovak language, information about deposit protection in accordance with this Act, including the general terms and conditions of compensation payment stipulated pursuant to paragraph 3;
- (d) submit without delay to the Fund and Národná banka Slovenska an executory judgement of a court of law under Article 3(5)(b);
- (e) make separate records in their information systems of eligible deposits and covered deposits in accordance with this Act;
- (f) provide information to depositors pursuant to subparagraph (c) before the conclusion of a deposit agreement and subsequently once a year during the life thereof in a form shown in Annex 2, including the Fund's website address, in paper form or recorded on another durable storage medium which is available to the depositor, while the depositor shall acknowledge receipt of such information before the deposit agreement is concluded;
- (g) provide depositors with a certificate confirming that their deposits are protected or not protected, in each statement of account with a reference to the form shown in Annex 2;
- (h) provide information to depositors about the facts mentioned in Article 9(3) before the

deposit agreement is concluded.

(5) Banks may not publish information about deposit protection in any other way than that stipulated in paragraph 4(c), (f) to (h) or in a way and under the conditions stipulated by a separate regulation<sup>1</sup>.

(6) The Fund may co-operate and exchange information, in the scope necessary for the performance of its tasks under this Act, with Národná banka Slovenska, the European supervisory authority (European Banking Authority) and the Resolution Council. Národná banka Slovenska and the Resolution Council shall provide the Fund, upon its request, with a methodology for determining a bank's risk profile and with data on the risk profile determined and taken into account for purposes specified in a separate law<sup>1a</sup>, specifically for the performance of its tasks under this Act and under a separate law<sup>1a</sup>. The exchange of information between the Fund and the European supervisory authority (European Banking Authority) shall be subject to the provisions of a separate regulation<sup>15ga</sup>. The Fund may also co-operate and exchange information with entities through which the Fund makes compensation payments and with the institutions of deposit protection schemes and investment protection schemes of other countries.

(7) The Fund shall carry out stress-tests of the deposit protection scheme on a regular basis, at least once in three years, in co-operation with Národná banka Slovenska, the Ministry of Finance, and with banks. For the purposes of these tests, banks shall provide the Fund, upon its request and in time specified by it, with data referred to in paragraph 1; the Fund shall use these data exclusively for the purposes stated in the first sentence and shall preserve them only until necessary. The Fund shall draw up a report on the results of stress tests carried out on the deposit protection scheme and shall submit it to Národná banka Slovenska and the Ministry of Finance without undue delay.

(8) The Fund shall, by 31 March of every calendar year, submit to the European supervisory authority (European Banking Authority) information as of 31 December of the previous calendar year about:

- (a) the total amount of covered deposits in the Slovak Republic;
- (b) the total amount of contributions paid by banks.

(9) The Fund shall publish information on its website about deposit protection in accordance with this Act, mainly about the payment of compensation for unavailable deposits and about the terms and conditions of deposit protection.

(10) Banks operating under different trademarks as defined in a separate regulation<sup>15gb</sup> shall clearly inform their depositors of this fact, as well as of the fact that they will pay compensation for unavailable deposits in accordance with Article 9.

(11) In the case of a depositor having an internet banking or other electronic banking application activated with a bank, the bank may provide information under paragraph 4(f) to (h), Article 22c(2)(b) or Article 22d to the depositor in electronic form and in the same way as it provides other deposit-related information to depositors. At the depositor's request, the bank may also provide information in paper form.



### **Article 13**

#### **Resources of the Fund and their use**

(1) The Fund shall have the following resources:

- (a) contributions from banks as defined in Article 5;
- (b) revenues from the use of financial means pursuant to paragraph 4, including proceeds from the sale of government securities purchased in accordance with paragraph 4(a);
- (c) loans as referred to in paragraph 2;
- (d) financial means obtained by the Fund from the exercise of rights conferred on the Fund in accordance with Article 11;
- (e) repayable financial assistance and government subsidies granted to the Fund in support of the effective functioning of the deposit protection scheme under this Act, within the scope and under the conditions stipulated by separate regulations<sup>15h</sup> and by the State Budget Act for the relevant fiscal year;
- (f) other revenues as referred to in separate laws.

(2) The Fund may apply for a loan to the Investment Guarantee Fund or to Národná banka Slovenska<sup>15ha</sup> or to other banks. A loan from a foreign bank may be requested with the prior approval of Národná banka Slovenska. For loans provided to the Fund, a government guarantee may be granted<sup>15h</sup> under a separate regulation<sup>15i</sup>.

(3) The Fund shall keep its financial resources in a special account with Národná banka Slovenska.

(4) Apart from compensation for deposits under Article 9, the Fund's resources may be used for the following purposes:

- (a) purchase of government securities with a maturity of up to one year from the date of purchase;
- (b) loan repayment as referred to in paragraph 2;
- (c) repayment of repayable financial assistance as referred to in paragraph 1(e);
- (d) the coverage of the Fund's administrative expenses;
- (e) purposes specified in a separate law;<sup>15j</sup>
- (f) the coverage of other expenses under separate laws;
- (g) resolution financing in accordance with a separate law<sup>1a</sup>, up to a maximum of 50% of the target level, unless the Board of the Fund decides otherwise.

(5) If the Fund's resources drop by more than one-third of the target level as a result of their use for any of the purposes set out in paragraph 4(g), the Board of the Fund shall set the amount of annual contributions at a level enabling the target level to be reached within six years from the fall in the Fund's resources by one-third.

(6) The use of the Fund's resources shall be regulated by the Fund's statutes in accordance with this Act.

(7) On expiry of a bank's participation in the deposit protection scheme of the Slovak Republic, the Fund shall transfer the bank's contributions paid for the preceding 12 months,

except for extraordinary contributions, to the deposit protection scheme to which the bank now belongs; this shall not apply if the bank has been excluded from the deposit protection scheme of the Slovak Republic under Article 7(10). If the bank has shifted some of its activities to another Member State and has thus become a participant in another deposit protection scheme, the Fund shall transfer the bank's contributions paid for the preceding 12 months, except for extraordinary contributions, to the deposit protection scheme to which the bank belongs, in an amount proportionate to the amount of covered deposits which are now protected by that scheme.

### **Article 13a**

If the amount of funds provided in accordance with Article 13(4)(g) exceeds the amount of financial resources specified in a separate law<sup>1a</sup>, the Fund shall be entitled to compensation for the difference.

### **Article 14**

(1) The Fund shall keep books of accounts in the prescribed form, duly audited, and to prepare annual financial statements in accordance with a separate regulation<sup>16</sup>.

(2) The annual financial statements of the Fund shall be verified and approved by an auditor.

### **Article 15**

#### **Governing bodies of the Fund**

The Fund shall be governed by the following bodies:

- (a) the Board of the Fund;
- (b) the Executive Board of the Fund;
- (c) the Supervisory Board of the Fund.

### **Article 16**

#### **The Board of the Fund**

(1) The Board of the Fund shall be the Fund's supreme governing body.

(2) The Board of the Fund shall have seven members with a term of office of four years. Three members of the Board shall be elected and recalled by the representatives of banks that are subject to the contribution obligation defined in Article 3, at a meeting of bank representatives, unless this Act provides otherwise. Two members of the Board shall be the representatives of Národná banka Slovenska, appointed and recalled by the Governor of Národná banka Slovenska. The remaining two Board members shall be the representatives of the Ministry of Finance, appointed and recalled by the Minister of Finance. Each member of the Board shall have one vote.

(3) The representatives of individual banks shall be nominated by the statutory bodies of the banks they represent; at the meetings of bank representatives, they shall have voting rights proportional to the annual and extraordinary contributions their banks have paid to the Fund for the period since the last meeting of bank representatives. Each bank may, at a

meeting of bank representatives, elect only one Board member. An absolute majority of votes of all bank representatives shall be required to elect or recall a Board member by the representatives of banks. The procedure to be followed in electing or recalling a Board member elected by the representatives of banks and the details of nominations and proposals for dismissal may be approved by an absolute majority of all votes at a meeting of bank representatives. The matters discussed at such meetings, including the results of Board member elections, shall be recorded in the minutes of the meetings and are to be verified by a notary.

## **Article 17**

### **Tasks of the Board**

(1) The Board of the Fund (hereinafter referred to as ‘the Board’) shall have the following tasks:

- (a) to elect and recall the members of the Executive Board;
- (b) to elect and recall the members of the Supervisory Board, unless this Act provides otherwise;
- (c) to elect and recall the Chairman and Vice-Chairman of the Board;
- (d) to approve procedures for Board and Executive Board meetings;
- (e) to approve the statutes of the Fund;
- (f) to approve the Fund’s budget; including its expenses specified in Article 13(4)(d);
- (g) to approve the annual financial statements of the Fund;
- (h) to approve the annual reports of the Fund, which are to be stored in the public section of the financial statements register;<sup>16a</sup>
- (ch) to decide on compensation payments in accordance with this Act, and to determine the procedure to be followed;
- (i) to formulate the annual financial policy of the Fund;
- (j) to set the amounts of annual contributions and extraordinary contributions, the due dates of extraordinary contributions, and the methodology to be applied to calculate these contributions;
- (k) to approve the general terms and conditions of compensation payment for unavailable deposits in banks;
- (l) to approve procedural rules for the Fund, including procedures for its bodies and other persons for ensuring the payment of compensations for unavailable deposits protected by law;
- (m) to approve the principles of remuneration for members of the Fund’s Executive Board and the Fund’s wage policy;
- (n) to approve procedural rules for the Fund and its bodies, mainly procedures for ensuring the performance of its tasks and activities related to the Resolution Council and the National Fund under a separate law<sup>1a</sup> and the management of annual contributions and extraordinary contributions paid to the National Fund under a separate law<sup>1a</sup>.

(2) The decisions of the Board shall be signed by at least two Board members, one of whom must be the Chairman or Vice-Chairman of the Board.

(3) Board members representing banks shall be excluded from the Board's decision-making activities and shall not participate in the Board's activities related to resolution in the financial market under a separate law<sup>1a</sup>; their votes in these matters shall not be taken into account in regard to the assessment of whether the Board has a quorum or to the Board's decision-making activities.

(4) Board members may obtain information and familiarise themselves with any information, document or record concerning the Fund's assets or activities or the management of financial resources for the National Fund under a separate law<sup>1a</sup>. In addition, Board members may obtain information and familiarise themselves with any information, document or record concerning the financial contributions of individual institutions to the National Fund under a separate law<sup>1a</sup> and other information, document or record related to individual institutions in matters of resolution in the financial market under a separate law<sup>1a</sup>; this entitlement, however, shall not apply to Board members who are the representatives of banks.

## **Article 18**

### **The Executive Board of the Fund**

(1) The Executive Board of the Fund shall comprise the Chairman of the Board and two members, who may be elected and recalled by the Board of the Fund.

(2) The Chairman and other members of the Executive Board shall be the employees of the Fund.

## **Article 19**

### **Tasks of the Executive Board**

(1) The Executive Board of the Fund (hereinafter referred as 'the Executive Board') shall be in charge of the day-to-day running of the Fund, including the implementation of decisions taken by the Board of the Fund.

(2) The Executive Board shall act on behalf of the Fund in the scope specified in the Fund's statutes. The legality of written legal acts will require the signature of at least two members of the Executive Board. The statutes will further define in which cases, and to what extent, the members of the Executive Board may act on behalf of the Fund and delegate the right to act on behalf of the Fund.

(3) The Executive Board shall ensure the performance of the Fund's tasks related to resolution in accordance with this law and a separate law<sup>1a</sup>.

## **Article 20**

### **The Supervisory Board of the Fund**

(1) The Supervisory Board shall consist of seven members serving for a term of four years.

(2) Three members of the Supervisory Board shall be the representatives of banks, elected and recalled by the Board upon the recommendation of the banks. Two members of

the Supervisory Board shall be the representatives of Národná banka Slovenska, appointed and recalled by the NBS Governor. Two members of the Board shall be staff representatives of the Ministry of Finance, appointed and recalled by the Minister of Finance.

(3) The Supervisory Board shall elect its Chairman and Deputy Chairman from among its members.

(4) Neither the Board or Executive Board members nor other employees of the Fund may be elected as members of the Supervisory Board of the Fund.

## **Article 21**

### **Tasks of the Supervisory Board**

(1) The Supervisory Board of the Fund (hereinafter referred to as ‘the Supervisory Board’) shall oversee the activities and general efficiency of the Fund, the Board, and the Executive Board, and whether their decisions and actions are in compliance with this Act and other generally binding legal regulations, the general terms and conditions of compensation payment for unavailable deposits in banks, issued under Article 12(3), and with the Fund’s statutes.

(2) The members of the Supervisory Board who are the representatives of banks shall be excluded from the Supervisory Board’s decision-making activities and shall not participate in the Supervisory Board’s activities related to resolution in the financial market under a separate law<sup>1a</sup>; their votes in these matters in regard to the assessment of whether the Supervisory Board has a quorum, or to the Supervisory Board’s decision-making activity, shall not be taken into account.

(3) The members of the Supervisory Board may inspect any document related to the Fund’s activities and request information about all activities related to the use of its resources.

(4) The members of the Supervisory Board may obtain information and familiarise themselves with any information, document or record concerning the Fund’s assets or activities or the management of the National Fund’s resources in accordance with a separate law<sup>1a</sup>. In addition, the members of the Supervisory Board may obtain information and familiarise themselves with any information, document or record concerning the financial contributions of individual institutions to the National Fund under a separate law<sup>1a</sup> and other information, document or record related to individual institutions in matters of resolution in the financial market under a separate law<sup>1a</sup>; this entitlement, however, shall not apply to those members of the Supervisory Board who are the representatives of banks.

## **Article 21a**

### **Office of the Fund**

The Office of the Fund shall perform tasks related to the professional, organisational, administrative and technical activities and day-to-day running of the Fund and its bodies, including activities related to the National Fund. The Office shall employ Fund employees and shall be run by the Chairman of the Executive Board. The roles and responsibilities of the Office shall be laid down in the Fund’s statutes.

**Article 22**  
**Supervision of the Fund's activities**

(1) The Fund shall be subject to supervision<sup>17</sup> by Národná banka Slovenska, aimed at ensuring compliance with the provisions of this Act.

(2) If Národná banka Slovenska reveals any violation of the provisions of this Act by the Fund, it may, as a remedial measure, request dismissal of the members of the Fund's bodies which are responsible for the shortcomings revealed. The Fund's body, or the person who has appointed or elected these members, shall meet that request without undue delay.

**Article 22a**

In addition to the data specified in a separate regulation<sup>17a</sup>, the Commercial Register shall list the first name, last name, address of permanent residence, and birth registration number of each member of the Fund's bodies.

**PART FIVE**  
**COMMON AND TRANSITIONAL PROVISIONS**

**Article 22b**

(1) In order to ensure the operation of the deposit protection scheme in the Slovak Republic, the accumulation of financial contributions from banks within the Fund, the payment of compensation for unavailable deposits that are protected by law, the protection and enforcement of the Fund's rights in relation to depositors, banks and other persons, and to perform and document the tasks and activities of the Fund in accordance with this Act or with separate regulations<sup>15g</sup>, the Fund may ascertain, collect, record, store, use or otherwise process<sup>18a</sup> personal data on the clients of banks, persons subject to Article 9(6), and persons or their agents claiming compensation for unavailable deposits, even without notifying the persons concerned<sup>18</sup> and without their consent. In so doing, the Fund may make copies of documents of identity, using automated or non-automated means, and to process birth registration numbers<sup>7a</sup> and other data and documents specified in Articles 3, 9, 10, 12 and in Article 26(2).

(2) For the purposes set out in paragraph 1, banks shall make available and supply<sup>18a</sup> to the Fund for processing, even without notifying the persons concerned<sup>18</sup> and without their consent, personal data and documents as listed in paragraph 1, in cases specified by this Act or by a separate regulation<sup>18b</sup>. The personal data and documents set out in paragraph 1 may be also made available<sup>18</sup> to the Fund for processing, without informing the persons concerned and without their consent, for the purposes mentioned in paragraph 1, by persons who are subject to the provisions of Article 12(6) or Article 27(1).

(3) The Fund may, without notifying the persons concerned<sup>18</sup> and without their consent, may make available or provide<sup>18a</sup> personal data and documents from its information system as specified in paragraph 1, to banks and other persons who are subject to the

provisions of Article 12(6) or 27(1), for the purposes set out in paragraph 1. Such personal data and documents may be made available or sent abroad only to institutions of deposit protection and investment protection schemes of other Member States.

(4) The representatives of banks in the Fund's bodies shall not be entitled to get acquainted with, nor to handle, any information concerning matters related to resolution under a separate law<sup>1a</sup> and obtained in accordance with Article 12.

#### **Article 22ba**

(1) A branch of a foreign bank taking deposits in the territory of the Slovak Republic and enjoying the benefits of a single banking authorisation under the law of the European Union may, under the conditions laid down in this Act, participate voluntarily in the deposit protection scheme of the Slovak Republic to ensure increased protection for deposits to the extent to which deposit protection under the rules of the country's deposit protection scheme exceeds the highest possible total amount of compensation for unavailable eligible deposits or exceeds the scope of eligible deposits under the rules of the deposit protection scheme in the Member State in which the relevant foreign bank has its head office (hereinafter referred to as the 'home deposit protection scheme'). For the purposes of such participation, a written contract is required to be made between the Fund, the institution of the home deposit protection scheme and the foreign bank whose branch participates in the deposit protection scheme of the Slovak Republic.

(2) If a branch of a foreign bank taking deposits in the territory of the Slovak Republic and enjoying the benefits of a single banking authorisation under the law of the European Union participates voluntarily in the deposit protection scheme of the Slovak Republic, it shall pay annual and extraordinary contributions to the Fund and compensation from the deposit protection scheme of the Slovak Republic only for deposits taken in the territory of the Slovak Republic and protected under this Act, and only in the scope in which deposit protection under the rules of the country's deposit protection scheme exceeds the highest possible total amount of compensation for unavailable deposits or exceeds the scope of eligible deposits under the rules of the home deposit protection scheme.

(3) If deposits held in a branch of a foreign bank that participates voluntarily in the deposit protection scheme of the Slovak Republic become unavailable under the rules of the home deposit protection scheme, then depositors and other persons entitled to compensation for unavailable eligible deposits taken in the territory of the Slovak Republic must have an option to exercise and prove their entitlement to compensation for their unavailable eligible deposits and to the payment of such compensation.

(4) The provisions of this Act shall apply to branches of foreign banks participating voluntarily in the deposit protection scheme of the Slovak Republic; such branches shall publish on their business premises information in the Slovak language about deposit protection within the framework of the home deposit protection scheme, including the rules of that scheme concerning the protection of deposits and the payment of compensation for unavailable deposits.

(5) The participation of a branch of a foreign bank in the deposit protection scheme of the Slovak Republic shall be terminated by written notice of the contract concluded under

paragraph 1; the notice period shall be one year and shall start to lapse on the first day of the calendar year following the day when the written notice is provably delivered to the other contracting parties, unless the third sentence provides otherwise. The Fund may terminate the contract only in case the other contracting parties have failed to meet their obligations under the contract concluded pursuant to paragraph 1, or in case the relevant foreign bank or its branch has failed to discharge obligations under this Act, unless the third sentence provides otherwise. Any of the contracting parties may terminate the contract on the grounds that the scope of deposit protection according to the rules of the home deposit protection scheme is equal to the scope of deposit protection in the Slovak Republic, but no earlier than on a day when the scope of deposit protection in the home country became equal to that in the Slovak Republic unless a later date for the entry into force of the termination is fixed in the contract. Before the participation of a branch of a foreign bank in the deposit protection scheme of the Slovak Republic is terminated, the branch shall pay annual contributions and extraordinary contribution to the Fund in the amount specified in Article 22c(2)(c) and (d). A branch of a foreign bank whose voluntary participation in the deposit protection scheme of the Slovak Republic has been terminated by notice shall publish at its business premises information about this fact in the Slovak language, no later than from the beginning of the notice period until the termination of its participation in the deposit protection scheme of the Slovak Republic; this information shall include the date when the participation of the branch in the deposit protection scheme of the Slovak Republic comes to an end.

### **Article 22c**

(1) A bank which participates in the deposit protection scheme defined in this Act and whose participation is expected to end or to be reduced substantially as a result of merger or consolidation with a foreign bank, the sale of business or part thereof to a foreign bank, or for another reason<sup>18ba</sup>, whereby the bank itself or its legal successor will continue to pursue banking activities in the territory of the Slovak Republic and to participate in the deposit protection scheme of another country (Article 4(2) and (3)), shall ensure, in the interest of depositors, that this change should not reduce the extent of protection for deposits held in this bank and shall publish on its business premises throughout the Slovak Republic, at least twelve months before the change, clear and detailed information for depositors in the Slovak language about:

- (a) the preparation and planned date of a change in the bank's participation in the deposit protection scheme and about its consequences for depositors; this information must be published on the business premises of the bank or its legal successor and continually updated for at least twelve calendar months from the change in the bank's participation in the deposit protection scheme;
- (b) the deposit protection scheme that will, after the change in the bank's participation in deposit protection, ensure protection for deposits held in this bank, in particular the precise designation of this deposit protection scheme; this information is to be published on the business premises of the bank or its legal successor and updated continually while it performs banking activities in the territory of the Slovak Republic.

(2) A bank to which paragraph 1 applies shall be required, at least 12 months prior to a change in its participation in the deposit protection scheme as described in paragraph 1, to



- (a) notify in writing the Fund and Národná banka Slovenska of the precise date of the change in its participation in the deposit protection scheme and to provide evidence that the change will take place without leading to a reduction in the scope of deposit protection compared with deposit protection under this Act;
- (b) deliver, to each depositor whose deposits are affected by the change of the deposit protection scheme the bank participates in, separate written notification of the change, including the date of the change and information about the possible consequences for depositors and their deposits; if a depositor decides to withdraw their deposits or transfer them elsewhere, the bank shall enable such withdrawal or transfer without imposing any sanction on that depositor, even in the case of deposits that are not yet due;
- (c) pay to the Fund, in a verifiable manner, the annual contribution or part thereof that has not yet been paid for the calendar year in which the change in the bank's participation in deposit protection took place pursuant to paragraph 1.

(3) The discharge of the bank's obligations laid down in paragraphs 1 and 2 shall be a condition precedent for a change<sup>18bb</sup> in the bank's participation in the deposit protection scheme under this Act.

(4) If the members of the Fund's bodies are the representatives of a bank which has terminated its participation in the deposit protection scheme under this Act, the membership of this bank's representatives in the Fund's bodies shall also be terminated with effect from the end of the bank's participation.

(5) Information for depositors as specified in paragraph 1(b) shall also be published on their business premises throughout the Slovak Republic by

- (a) foreign banks which, under a separate regulation<sup>18bc</sup>, perform banking activities in the territory of the Slovak Republic through their branches or directly, without establishing a branch, without participating in the deposit protection scheme in accordance with this Act;
- (b) foreign financial institutions which, under a separate regulation<sup>18bc</sup>, perform banking activities in the territory of the Slovak Republic and which are the subsidiaries of foreign banks.

(6) Banks shall, three months after the release of information under paragraph 1, enable depositors to withdraw or transfer, free of charge, part of their eligible deposits exceeding the amount of compensation due in accordance with Article 9, including interest and benefits accrued on that part of the deposit.

#### **Article 22d**

Banks shall inform depositors in writing, in a comprehensible manner in the Slovak language, of the termination of their membership in the deposit protection scheme or of their exclusion from the deposit protection scheme, within 48 hours from such termination or exclusion.

### **Procedure for the introduction of deposit protection**

#### **Article 23**

(1) Banks required to participate in the protection of deposits under this Act shall pay an initial contribution into the Fund's account within thirty days of the effective date of this Act.

(2) Banks shall pay the first instalment of their annual contribution into the Fund's account within twenty days of the receipt of a notification of the amount of the annual contribution to be paid in accordance with Article 6(2).

#### **Article 24**

The inaugural meeting of the Fund's Board shall be convened by Národná banka Slovenska within thirty days of the effective date of this Act.

#### **Article 25**

(1) Deposits in Slovenská sporiteľňa, a.s. [Slovak Savings Bank], Investičná a rozvojová banka, a.s. [Investment & Development Bank] and Všeobecná úverová banka, a.s. [General Credit Bank], including anonymous deposits made before the effective date of this Act, shall be guaranteed in full amount by the State for a period of 18 months from the effective date of this Act.

(2) Within one year of the effective date of this Act, the banks mentioned in paragraph 1 shall, at the request of depositors, convert anonymous deposits into deposit as defined in Article 3(1) at their own expense and under the same conditions as these anonymous deposits were established, with effect from the day when a request for conversion is made. The banks mentioned in paragraph 1 shall publish a notice for depositors on their business premises.

(3) The provisions of Article 16(2), Article 17(b) and Article 20(1) and (2) shall not apply until the date when Slovak Republic becomes a Member State of the European Union.

(4) Until the date when the Slovak Republic becomes a Member State of the European Union, the Board shall have seven members and the Supervisory Board five members. Two members of the Board may be appointed from among the staff members of the Ministry of Finance and recalled by the Minister of Finance; five members may be appointed and recalled by the governor of Národná banka Slovenska, with two of them appointed from among the staff members of Národná banka Slovenska and three nominated by banks as their representatives. The Minister of Finance shall have the right to appoint and recall two members of the Supervisory Board from among the staff of the Ministry of Finance; the governor of Národná banka Slovenska shall have the right to appoint and recall three members of the Supervisory Board, with two of them appointed from among the staff members of Národná banka Slovenska and one nominated by banks as their representative.

(5) The Board shall, within 30 days of the expiration of its term of office, convene an inaugural meeting for the representatives of banks in accordance with Article 16(3). At this meeting, the banks' representatives shall have voting rights proportional to the total amount of annual and extraordinary contributions paid to the Fund by the individual banks in the period from the Fund's establishment to the date of the inaugural meeting.

## **Article 26**

(1) When a special current account marked as ‘notarial custody account’<sup>3</sup> is opened or when the first transaction is carried out in respect of the funds held in such an account, the notary<sup>3</sup> who owns this account shall notify the bank in writing whether any of the funds deposited in this account belongs to a person whose deposits are protected under this Act. If the account contains funds owned by persons whose deposits are protected under this Act, the bank shall, from the date of such notification, treat these funds as any other deposits subject to deposit protection.

(2) For the calculation of the amount of compensation payable for deposits held in such an account in accordance with paragraph 1, the notary<sup>3</sup>, who owns the account shall notify the Fund of the deposits held in the account broken down by depositor and provide supporting evidence.

(3) Compensation for unavailable deposits shall be paid in the same amount as would be provided if each of the depositors had funds in the corresponding amount pursuant to paragraphs 1 and 2 deposited in their own accounts.

(4) A notary designated to act in probate proceedings as a judicial commissioner in an inheritance case, involving an unavailable deposit held in a bank, shall forthwith report in writing to the bank, as well as to the Fund, identification data on that deposit and identification data on the decedent and on the participants in the proceedings whose deposits are protected under this Act, on each of these persons in at least the scope of data specified in Article 3(4)(a). If the notary issues a certificate of inheritance, covering the unavailable deposit in the bank concerned, the notary shall immediately send a copy of that certificate to the bank and the Fund as soon as the certificate has become effective as a valid decision on inheritance; if the inheritance proceedings, the subject matter of which includes the unavailable deposit held in the bank, is not completed with the issuance of a certificate of inheritance, the notary shall inform the relevant bank and the Fund of this fact without undue delay.

## **Article 26a**

(1) A claim for compensation and the amount of compensation payable for an unavailable bank deposit protected under this Act shall be assessed and verified in accordance with the legal regulations valid on the day on which the deposit became unavailable under Article 3(5).

(2) The tasks and activities of the Fund prescribed by this Act shall not be performed for business purposes.<sup>18c</sup>

## **Article 26b**

(1) The Chairman of the Board and the Chairman of the Supervisory Board shall be entitled to remuneration for the performance of their tasks in the amount of EUR 500 per month. The remuneration of the Vice-Chairman of the Board and of the Vice-Chairman of the Supervisory Board shall be EUR 450 per month. The other members of the Board and of

the Supervisory Board shall be entitled to remuneration for their work in the amount of EUR 350 per month. The provisions of the first, second and third sentences shall not apply to the representative of the Ministry of Finance. The activities of Board members and Supervisory Board members shall not be regulated by any separate regulations<sup>18d</sup>.

(2) The performance of activities arising from the tasks of a Board member or of a Supervisory Board member acting as a representative of a bank or of Národná banka Slovenska shall be, for the purposes of labour relations under the Labour Code, deemed to be performance of a public office for which a leave may be granted. Activities arising from the tasks of a Board member or of a Supervisory Board member acting as a representative of the Ministry of Finance may be allowed to be performed even during working hours under a separate regulation<sup>18e</sup>.

### **Article 27**

#### **Duty of confidentiality**

(1) The members of the Board and of the Supervisory Board of the Fund, its employees, and the employees of banks through which the Fund pays compensation for unavailable deposits and other persons involved in the Fund's activities, shall maintain confidentiality about all matters related to banks and their clients which they encounter in the course of business or in direct connection herewith. The confidentiality obligation shall extend beyond the term of membership of the Board or of the Supervisory Board, and the term of employment or other work contract or other legal relationship with the Fund.

(2) The Board may exempt from the duty of confidentiality a member of the Board, the Executive Board or of the Supervisory Board in case of public interest; other persons as listed in paragraph 1 may be exempted from the confidentiality obligation by the Executive Board.

### **Article 28a**

#### **Transitional provisions for amendments in force as of 1 December 2001**

(1) For deposits that are protected under this Act and became unavailable under Article 3(5) before the accession of the Slovak Republic to the European Union, a depositor or another person authorised in accordance with this Act shall be entitled to compensation from the Fund in the amount specified in Article 9(2)(a). For deposits that became unavailable in the period from 1 December 2001 to 30 June 2002 inclusive, however, a depositor or another authorised person shall be entitled to compensation up to the amount of 30 times the average monthly wage or, for deposits that became unavailable after 30 June 2002, up to the amount of 40 times the average monthly wage in the Slovak Republic in the last four-quarters, as recorded by the Statistical Office of the Slovak Republic as at the date when the deposit became unavailable. These multiples of the average monthly wage shall be rounded up to the next 100 koruna.

(2) If any of the multiples calculated and rounded pursuant to paragraph 1 are higher than the equivalent of EUR 20,000 in Slovak koruna, converted at the exchange rate of Národná banka Slovenska as at the date when the deposits became unavailable under

Article 3(5), a depositor or another authorised person shall be entitled to compensation from the Fund up to the equivalent of EUR 20,000 in Slovak koruna.

(3) A depositor's entitlement to compensation and the amount of compensation for a deposit that is protected under this Act and became unavailable pursuant to Article 3(5) before 1 December 2001 shall be assessed and verified in accordance with the regulations valid until 1 December 2001.

(4) The annual contribution payable by home savings banks<sup>20</sup> in the period from 1 December 2001 to 31 December 2002 shall be calculated as 50% of the annual contribution of other banks determined pursuant to Article 6(2); the annual contribution for the period from 1 January 2003 to 31 December 2003 shall be calculated as 75% of the annual contribution for other banks determined pursuant to Article 6(2) and that for the period from 1 January 2004 to 31 December 2004 shall be 90% of the annual contribution for other banks determined pursuant to Article 6(2).

#### **Article 28b**

##### **Transitional provisions for amendments in force as of 1 January 2005**

(1) A commercial company not mentioned in Article 3(3)(b) and (c) point one or point two, with the exception of a joint stock company, shall, no later than 15 January 2005, deliver to the bank or branch of a foreign bank in which it holds deposits, an unambiguous written notification stating whether or not its ordinary financial statements compiled in 2004 for the previous accounting period are to be approved by an auditor.<sup>5m</sup>

(2) For the purpose of calculating the quarterly instalments of annual contributions, deposits held by legal persons and protected under Article 3(3)(c) of this Act shall be for the first time included in the average amount of deposits in the fourth calendar quarter of 2004.

#### **Article 28ba**

##### **Transitional provision for amendments in force as of the effective date of this Act**

The amount of contributions payable in 2006 under this Act shall be determined by the Fund for all banks by 27 December 2005 at the latest.

#### **Article 28bb**

##### **Transitional provision**

Compensation for deposits that are protected under this Act and became unavailable before the effective date of this Act shall be provided in accordance with the regulations in force until the effective date of this Act; this shall be without prejudice to the provision of Article 28a(3).

#### **Article 28bc**

##### **Transitional provision for amendments in force as of 1 April 2010**

A joint-stock company not mentioned in Article 3(3)(c) point one or point two shall, no later than 30 April 2010, deliver to the bank or branch of a foreign bank in which it holds

deposits an unambiguous written notification stating whether or not its financial statements compiled for the last accounting period before the delivery of this notification are to be approved by an auditor.

#### **Article 28bd**

##### **Transitional provisions for amendments in force as of 1 September 2012**

(1) The quarterly instalments of the annual contribution for the third and fourth quarters of 2012 shall each amount to 0% of the volume of bank deposits protected under this Act; this shall be without prejudice to the amount of the first-quarter and second-quarter instalments of the annual contribution for 2012.

(2) The Fund shall, by 20 September 2012, refund a bank that part of the quarterly instalment of the annual contribution the bank paid for the third quarter of 2012 in excess of the amount of the quarterly instalment for the third quarter of 2012 specified in paragraph 1.

(3) The annual contribution for 2013 shall amount to 0% of the volume of bank deposits protected under this Act.

#### **Article 28be**

##### **Transitional provisions in force as of 1 August 2014**

(1) The quarterly instalments of the annual contribution for the third and fourth quarters of 2014 shall each amount to 0.01% of the volume of bank deposits protected under this Act; this shall be without prejudice to the amount of the first-quarter and second-quarter instalments of the annual contribution for 2014. The quarterly instalments of the annual contribution for 2014 under the first sentence shall be subject to the regulations in force until 31 July 2014.

(2) The Fund shall, by 20 August 2014, refund a bank that part of the quarterly instalment of the annual contribution the bank paid for the third quarter of 2014 in excess of the amount of the quarterly instalment for the third quarter of 2014 specified in paragraph 1.

#### **Article 28bf**

##### **Transitional provisions for amendments in force as of 15 October 2015**

(1) The provisions of this Act shall also apply to legal relationships governed by this Act, established before 15 October 2015; the establishment of these legal relationships, as well as the legal effects of acts performed before 15 October 2015, shall be treated in accordance with the regulations in force until 14 October 2015, unless paragraphs 2 and 8 provide otherwise.

(2) Deposits held in banks and not withdrawn fully before 15 October 2015 consist of deposits protected by law and ineligible deposits under the regulations in effect since 15 October 2015; with effect from 14 October 2015, eligible deposits also include deposits that are financial instruments, specifically registered certificates of deposit valid and not expired as at 14 October 2015; eligible deposits are protected by the deposit protection scheme in the scope and under the conditions stipulated by the regulations in force since 15

October 2015.

(3) Banks and branches of foreign banks shall, with effect from 14 October 2015, inform depositors without delay of deposits which were protected by law before 15 October 2015 and which ceased to be protected by law on 14 October 2015.

(4) Initial contributions, annual contributions and extraordinary contributions paid to the Fund in accordance with Articles 5 to 7 or Article 22c(2)(d) effective until 15 October 2015 shall not be refunded after 14 October 2015; this shall also apply to the instalments of extraordinary contributions and annual contributions. The instalments of annual contributions for the fourth quarter of 2015 shall be subject to the regulations in force until 15 October 2015.

(5) Each bank participating in the deposit protection scheme under this Act shall, no later than 30 November 2015, deliver written information to the Fund about the amount of covered deposits held in the bank as at 31 October 2015. The Fund shall, without delay, send the information received from individual banks, along with information about the total amount of covered deposits as at 31 October 2015 in banks participating in the deposit protection scheme under this Act to the Resolution Council for purposes set out in separate regulations<sup>15fa</sup>.

(6) The Fund shall set for each bank the amount of annual contribution for 2016 and 2017 no later than 1 April 2016 and 1 April 2017 respectively, under the terms and conditions stipulated for the payment of annual contributions in Articles 6 and 7, unless the second sentence provides otherwise. In setting the amount of annual contributions, the Fund shall use the data available at that time on the average amount of eligible deposits and covered deposits in the individual banks and on the riskiness of individual banks. In determining the riskiness of individual banks for the calculation of annual contributions for 2016 and 2017, Národná banka Slovenska may use the data available on eligible deposits or covered deposits in the individual banks or the combination of these data. The annual contribution for 2016 shall also be calculated for the individual banks on the basis of data on the average amount of eligible deposits in banks in the calendar year 2015.

(7) The first stress tests of the deposit protection scheme shall be carried out by the Fund by 3 July 2017, in accordance with Article 12(7).

(8) Contributions for unavailable deposits protected by law under Article 10(2) shall be paid within:

- (a) 20 working days where the deposits become unavailable in the period from 15 October 2015 to 31 December 2018;
- (b) 15 working days where the deposits become unavailable in the period from 1 January 2019 to 31 December 2020;
- (c) 10 working days where the deposits become unavailable in the period from 1 January 2021 to 31 December 2023.

### **Article 28c**

This Act transposes the legal acts of the European Union listed in Annex 1.

## **Section II**

This Act shall enter into force on 1 July 1996.

Act No 154/1999 Coll. entered into force on 1 July 1999.

Act No 397/2001 Coll. entered into force on 5 October 2001.

Act No 492/2001 Coll. entered into force on 1 December 2001, with the exception of Section I, point 4 of Article 3(3)(c) and Section I, point 17 of Article 9(2)(b), which entered into force as from the effective date of the Treaty of Accession of the Slovak Republic to the European Union.

Act No 340/2003 Coll. entered into force on 1 September 2003.

Act No 186/2004 Coll. entered into force as from the effective date the Treaty of Accession of the Slovak Republic to the European Union.

Act No 544/2004 Coll. entered into force on 1 January 2005.

Act No 650/2004 Coll. entered into force on 1 January 2005.

Act No 578/2005 Coll. entered into force on 16 December 2005.

Act No 747/2004 Coll. entered into force on 1 January 2006.

Act No 468/2005 Coll. entered into force on 1 January 2006.

Act No 209/2007 Coll. entered into force on 1 May 2007.

Act No 659/2007 Coll. entered into force on 1 January 2008 and as from the euro changeover day in the Slovak Republic, i.e. on 1 January 2009.

Act No 421/2008 Coll. entered into force on 1 November 2008.

Act No 552/2008 Coll. entered into force on 13 December 2008.

Act No 276/2009 Coll. entered into force on 10 July 2009.

Act No 492/2009 Coll. entered into force on 1 December 2009.

Act. No 70/2010 Coll. entered into force on 1 April 2010.

Act No 505/2010 Coll. entered into force on 30 December 2010.

Act No 233/2012 Coll. entered into force on 1 September 2012.

Act No 352/2013 Coll. entered into force on 1 January 2014.

Act No 213/2014 Coll. entered into force on 1 August 2014.

Act No 371/2014 Coll. entered into force on 1 January 2015.

Act No 239/2015 Coll. entered into force on 15 October 2015, except for point 29 of Article 10(12) of Section I, which will become effective on 31 May 2016.

Act No 125/2016 Coll. entered into force on 1 July 2016.



**SCHEDULE OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN UNION**

1. Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit guarantee schemes (Special Edition OJ Chapter 6 / Volume 2; OJ L 135, 31.5.1994) as amended by Directive 2005/1/EC of the European Parliament and of the Council of 9.3.2005 (OJ L 79, 24.3.2005) and by Directive 2009/14/EC of the European Parliament and the Council of 11 March 2009 (OJ L 68, 13.5.2009).
2. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6. 2014).
3. Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (recast) (OJ L173, 12.6.2014).

**Annex 2 to Act No 118/1996 Coll., as amended**

**DEPOSITOR INFORMATION TEMPLATE**

Basic information on deposit protection	
Deposits in (insert the name of bank) are protected by:	[insert the name of the relevant deposit protection scheme] (*)
Limit of protection:	EUR 100,000 per depositor per bank (**) [replace by adequate amount if currency is not EUR] [where applicable] The following trademarks are part of your bank [insert all trademarks which operate under the same licence].
If you have more deposits at the same bank:	All your deposits at the same bank are 'aggregated' and the total is subject to the limit of EUR 100,000 [replace by adequate amount if currency is not EUR]. (**)
If you have a joint account with other person(s):	The limit of EUR 100,000 [replace by adequate amount if currency is not EUR] applies to each depositor separately. (***)
Reimbursement period in case of the bank's failure:	Seven working days (****) [replace by another deadline if applicable]
Currency of reimbursement:	Euro [replace by another currency where applicable]
Contact:	[insert the contact data of the relevant deposit protection system (address, telephone number, e-mail, etc.)]
More information:	[insert the website of the relevant deposit protection scheme]
Acknowledgement of receipt by the depositor:	
Additional information (all or some of the below)	

(\*) The scheme responsible for the protection of your deposit.

[Only where applicable:] Your deposit is covered by a contractual scheme officially recognised as a deposit protection scheme. If your bank should become insolvent, your deposits would be repaid up to EUR 100,000 [replace by adequate amount if currency is not EUR].

[Only where applicable:] Your bank is part of an institutional protection scheme officially recognised as a deposit protection scheme. This means that all institutions that are members of this scheme mutually support each other in order to avoid insolvency. If insolvency should occur, your deposits would be repaid up to EUR 100,000 [replace by adequate amount if currency is not EUR].

[Only where applicable:] Your deposit is covered by a statutory deposit protection scheme and a contractual deposit protection scheme. If your bank should become insolvent, your deposits would in any case be repaid up to EUR 100,000 [replace by adequate amount if currency is not EUR].

[Only where applicable:] Your deposit is covered by a statutory deposit protection scheme. In addition, your bank is part of an institutional protection scheme in which all members mutually support each other in order to avoid insolvency. If insolvency should occur, your deposits would be repaid up to EUR 100,000 [replaced by adequate amount if currency is not EUR] by the deposit protection scheme.

(\*\*) General limit of protection

Where deposits are unavailable because the bank is unable to meet its financial obligations, the depositors are repaid by a deposit protection scheme. This repayment covers a maximum of EUR 100,000 [replace by adequate amount if currency is not EUR] per bank. This means that all deposits in the same bank are added up in order to

determine the coverage level. If, for instance, a depositor holds a savings account with EUR 90,000 and a current account with EUR 20,000, he or she will only be repaid EUR 100,000.

[Only where applicable:] This method will also be applied if a bank operates under different trademarks. The [insert the name of the account-holding bank] also trades under [insert all other trademarks of the same bank]. This means that all deposits with one or more of these trademarks are in total covered up to EUR 100,000.

#### (\*\*\*) Limit of protection for joint accounts

In the case of joint accounts, the limit of EUR 100,000 applies to each depositor.

[Only where applicable:] However, deposits in an account to which two or more persons are entitled as members of a business partnership, association or grouping of a similar nature, without legal personality, are aggregated and treated as if made by a single depositor for the purpose of calculating the limit of EUR 100,000 [replace by adequate amount if currency is not EUR].

In some cases [insert cases defined in national law] deposits are protected above EUR 100,000 [replace by adequate amount if currency is not EUR]. More information can be obtained under [insert the website of the relevant deposit protection scheme].

#### (\*\*\*\*) Reimbursement

The responsible deposit protection scheme is [insert name and address, telephone, e-mail and website]. It will repay your deposits (up to EUR 100,000 [replace by adequate amount if currency is not EUR]) within [insert repayment period as is required by national law] at the latest, from [31 December 2023] within [seven working days].

[Add information on emergency/interim payout if repayable amount(s) are not available within seven working days.]

If you have not been repaid within these deadlines, you should contact the deposit protection scheme since the time to claim reimbursement may be barred after a certain time limit. Further information can be obtained under [insert the website of the responsible deposit protection scheme].

#### Other important information

In general, all retail depositors and businesses are covered by deposit protection schemes. Exceptions for certain deposits are stated on the website of the responsible deposit protection scheme. Your bank will also inform you on request whether certain products are covered or not. If deposits are covered, the bank shall also confirm this in the statements of accounts.

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## Endnotes:

- 1) Act No 483/2001 Coll. on banks (and amending certain laws), as amended.
- 1aa) For example: Act No 8/2008 on insurance (and amending certain laws), as amended; Act No 39/2015 on insurance (and amending certain laws).
- 1ab) Article 113(7) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013), as amended.
- 1c) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European supervisory authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010), as amended.
  - 1a) Act No 371/2014 Coll. on resolution in the financial market (and amending certain laws).
  - 2) Act No 303/1995 Coll. on budgetary rules, as amended.
  - 2a) Article 2(i) of Act No 482/2009 Coll., as amended.
  - 2b) Article 2 (2) of Act No 492/2009 Coll. on payment services (and amending certain laws).  
Article 780 (1) of the Civil Code.  
Articles 709 (1) and 719a of the Commercial Code.
  - 2c) Article 4(1)(g) of Act No 428/2002 Coll. on protection of personal data.
  - 3) Article 70(2) of Act No 323/1992 Coll. on notaries and notarial activities (the Notarial Code), as amended by Act No 526/2002 Coll.
  - 6) Act No 328/1991 Coll. on bankruptcy and composition, as amended.
  - 7) Articles 63 and 64 of Act No 483/2001 Coll.
  - 7a) Article 2 of Act No 301/1995 Coll. on the personal identification number.
  - 7aa) For example: Article 3a and Articles 27 to 33 of the Commercial Code; Article 2(2) and Articles 10 and 11 of Act No 34/2002 Coll.; Article 9(1) and (2) and Article 10 of Act No 147/1997 Coll.; Article 9(1) and (2) and Article 11 of Act No 213/1997 Coll., as amended by Act No 35/2002 Coll.; Articles 6, 7, 9 and 9a of Act No 83/1990 Coll., as amended; Article 6(1) and Article 7 of Act No 182/1993 Coll., as amended; and Article 5(1) and (2) of Act No 222/1996 Coll. on the organisation of local state administration (and amending certain laws).
  - 7b) Articles 782, 785, 879d and 879e(5) of the Civil Code.
  - 7c) Articles 5, 99(3)(h) and 99(15) of Act No 566/2001 Coll. on securities and investment services (and amending certain laws) (the Securities Act), as amended.
  - 7d) Article 4(1)(118) of Regulation (EU) No 575/2013 Coll., as amended.
  - 7e) Article 2(1) of Act No 297/2008 Coll. on the prevention of money laundering and terrorist financing (and amending certain laws).
  - 7f) Article 4(1), point 26, of Regulation (EU) No 575/2013, as amended.
  - 7g) Act No 566/2001 Coll., as amended.
  - 7h) Act No 8/2008 Coll., as amended. Act No 39/2015 Coll.
  - 7i) Act No 203/2011 Coll. on collective investment, as amended.
  - 7j) Act No 43/2004 on the old-age pension saving scheme (and amending certain laws), as amended.
  - 7k) Act No 650/2004 Coll. on the supplementary pension scheme (and amending certain laws), as amended.
- 7l) For example: Act No 136/2001 Coll. on the protection of competition (and amending Act No 347/1990 Coll. on the organisation of ministries and other central state administration authorities of the Slovak Republic), as amended; Act No 747/2004 Coll. on financial market supervision (and amending certain laws), as amended; Act No 757/2004 Coll. on courts (and amending certain laws), as amended.

- 7m) Article 336(1) of Regulation (EU) No 575/2013, as amended (Table 1: Items belonging to category 1 or 2).
- 8) Act No 147/2001 Coll. on advertising (and amending certain laws), as amended by Act No 23/2002 Coll.
- 8a) Article 19(7) of Act No 483/2001 Coll., as amended by Act No 520/2011 Coll.
- 8b) Article 16 of Regulation (EU) No 1093/2010, as amended.
- 12aa) For example: Article 248(d) of Act No 99/1963 Coll. - the Civil Procedure Code, as amended; Article 7(h) of Act No 162/2015 Coll. - the Administrative Court Procedure Code.
- 9) Section 12(12.1) of the Protocol on the Statute of the European System of Central Banks and the European Central Bank (OJ C 321 E, 29.12.2006). Article 28(2) of Act No 566/1992 Coll., as amended.
- 9a) Article 517(2) of the Civil Code.  
Article 3 of Regulation No 87/1995 Coll. of the Government of the Slovak Republic implementing certain provisions of the Civil Code.  
Article 77(2) of Act No 510/2002 Coll.
- 9b) For example: Articles 50 to 65 of Act No 483/2001 Coll.
- 10) Article 20 of Act No 566/1992 Coll.
- 11) Articles 53 to 62 of Act No 483/2001 Coll.
- 11a) Act No 71/1967 Coll. on administrative proceedings (the Administrative Procedure Code), as amended.
- 12) Act No 747/2004 Coll. on financial market supervision (and amending certain laws), as amended.
- 12a) Article 2 (2) of Act No 492/2009 Coll.
- 12aa) Article 7(h) of the Administrative Court Procedure Code.
- 13b) Article 781(2) of the Civil Code.
- 14) For example: Article 325(2)(c) of the Civil Dispute Procedure Code; Articles 179 and 180 of the Civil Non-Dispute Procedure Code.
- 14a) Article 29(3) of Act No 43/2004 Coll., as amended by Act No 183/2014 Coll.  
Article 15(c) of Act No 650/2004 Coll.
- 15) For example: Act No 126/2011 Coll. on the implementation of international sanctions, as amended by Act No 394/2011 Coll.
- 15a) Articles 682 to 691 of the Commercial Code, as amended.
- 15aa) Articles 54 and 55 of Act No 483/2001 Coll.  
Article 8, Article 14(1)(a) and (l) and Article 50(3)(a) and (4) of Act No 328/1991 Coll., as amended.
- 15aaa) Article 22(1) and Articles 31 to 33b of the Civil Code, as amended by Act No 509/1991 Coll.
- 15aab) Article 20(2) of the Civil Code, as amended by Act No 509/1991 Coll.
- 15ab) Act No 36/1997 Coll. on experts and interpreters, as amended by Act No 238/2000 Coll.
- 15b) Act No 162/1993 Coll. on identity cards, as amended.
- 15c) Act No 381/1997 Coll. on travel documents, as amended.
- 15d) Act No 48/2002 Coll. on the residence of foreigners (and amending certain laws), as amended.
- 15ea) Article 492 and Articles 546 to 550 of the Civil Code.
- 15eaa) Article 7(3) and Article 10(1)(d) of Act No 428/2002 Coll.
- 15eab) Article 19 of Regulation (EU) No 1093/2010, as amended.
- 13a) Articles 101 and 785 of the Commercial Code, as amended.  
Article 397 of the Commercial Code.
- 15f) Article 9 of Regulation No 47/1964 of the Ministry of Finance Regulation on monetary services to the public, as amended by Regulation No 31/1990 Coll. of the State Bank of Czechoslovakia.
- 15fa) For example: Act No 371/2014 Coll., as amended; Article 16(1) of the Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to ex ante contributions to resolution financing arrangements (OJ L 11, 17.1.2015).

- 15g) For example: Act No 431/2002 Coll.; Act No 395/2002 Coll. on archives and registries (and amending certain laws).
- 15ga) Article 70 of Regulation (EU) No 1093/2010, as amended.
- 15gb) Act No 506/2009 Coll. on trademarks.
- 15h) Article 8(1)(i) and (2) and Article 13(1)(e) of Act No 523/2004 Coll. on budgetary rules for public administration (and amending certain laws), as amended.  
Articles 8 to 13 of Act No 386/2002 Coll. on state debt and state guaranties (and amending Act No 291/2002 Coll. on the State Treasury and amending certain laws), as amended.
- 15ha) Articles 18, 19, 23 and 27(2) of Act No 566/1992 Coll., as amended.
- 15i) Article 2(3) and Articles 8 to 13 of Act No 386/2002 Coll.
- 15j) Article 4(3)(first sentence) of Act No 384/2011 Coll. on a special levy on selected financial institutions (and amending certain laws), as amended by Act No 233/2012 Coll.
- 16) Act No 431/2002 Coll.
- 16a) Article 23 of Act No 431/2002 Coll., as amended.
- 17) Article 36 of Act No 566/1992 Coll., as amended.  
Act No 747/2004 Coll. on financial market supervision (and amending certain laws).
- 17a) Article 28(1)(a) to (e), (h), and (i) of the Commercial Code, as amended.
- 18) Article 4(5) and Article 7(3) of Act No 428/2002 Coll.
- 18a) Article 4(1)(a), (b) and (c), Article 7(3), 7(5)(second sentence), and 7(6)(second sentence), Article 8(2), and Article 10(6) of Act No 428/2002 Coll.
- 18b) Article 91(3) of Act No 483/2001 Coll.
- 18ba) For example: Articles 69 and 69a and Articles 476 to 488 of the Commercial Code.
- 18bb) Article 36(1) and (2)(first sentence) and Articles 39 and 492 of the Civil Code.
- 18bc) Article 11(1) to (3) of Act No 483/2001 Coll., as amended by Act No 603/2003 Coll.
- 18c) Article 2(1) of the Commercial Code.
- 18d) For example: Article 1(2)(b) of Act No 283/2002 Coll. on the reimbursement of travel expenses.
- 18e) Article 61(5) of Act No 400/2009 Coll. on the civil service (and amending certain laws), as amended by Act No 505/2010 Coll.
- 20) Article 2(2) of the Act No 310/1992 Coll. on home savings, as amended.
- 15fa) Article 20(4) of the Commission Delegated Regulation (EU) No 2015/63.

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