

DECREE
No 16/2014
of Národná banka Slovenska
of 2 September 2014

on the disclosure of information by banks and branches of foreign banks

In accordance with Article 37(14)(c) to (e) of Act No 483/2001 Coll. on banks and on amendments to certain laws, as amended (hereinafter “the Act”), Národná banka Slovenska stipulates as follows:

Article 1

(1) Information on a bank and branch of a foreign bank, on their activities, and on any remedial measures or penalties imposed on them shall contain:

- a) the organisational chart, in the case of a bank: the total number of registered employees and, separately, the number of registered managerial employees in accordance with Article 7(20) of the Act; in the case of a branch of a foreign bank: the average number of employees per year;
- b) date of entry in the Commercial Register, the issue date of the banking licence and the date on which banking activities licensed by Národná banka Slovenska actually commenced;
- c) a list of banking activities licensed by Národná banka Slovenska that are performed;
- d) a list of banking activities licensed by Národná banka Slovenska that are not performed;
- e) a list of banking activities licensed by Národná banka Slovenska whose performance has been restricted, temporarily suspended, cancelled, or for which the licence to perform them has been revoked;
- f) a citation of the statement of the valid decision under which a remedial measure was imposed ¹⁾ during the relevant calendar quarter;
- g) a citation of the statement of the valid decision under which a penalty was imposed ²⁾ during the relevant calendar quarter.

(2) Information on a bank’s financial indicators shall contain:

- a) data from the balance sheet published in accordance with the requirements of International Financial Reporting Standard No 7;³⁾
- b) data from the profit and loss statement published in accordance with the requirements of International Financial Reporting Standard No 7;
- c) the aggregate amount of exposures without identified impairment,⁴⁾ broken down by the exposure classes referred to in a separate regulation;⁵⁾
- d) the aggregate amount of impaired exposures,⁴⁾ broken down by the exposure classes referred to in a separate regulation;⁵⁾

¹⁾ For example, Article 22(1)(a) and (b) of Act No 530/1990 Coll. on bonds, as amended, Article 50(1)(a) to (c) and (e) to (p) of Act No 483/2001 Coll. on banks and on amendments to certain laws, as amended, Article 60(1)(a) to (d), (f) and (g) of Act No 429/2002 Coll. on the Stock Exchange, as amended.

²⁾ For example, Article 22(1)(c) and (2) of Act No 530/1990 Coll. on bonds, as amended, Article 50(1)(d) of Act No 483/2001 Coll. on banks and on amendments to certain laws, as amended, Article 60(1)(e) of Act No 429/2002 Coll. on the Stock Exchange, as amended, Article 38 of Act No 747/2004 Coll. on Supervision of the Financial Market and on amendments to certain laws, as amended.

³⁾ Commission Regulation (EC) No 1725/2003 of 29 September 2003 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ Special edition, Chapter 13/Volume 32), as amended.

⁴⁾ Decree of Národná banka Slovenska on the submission of statements, reports and other disclosures by banks and branches of foreign banks for supervision purposes (Notification No 222/2014 Coll.).

⁵⁾ Article 112 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).

- e) the aggregate amount of defaulted exposures,⁴⁾ broken down by the exposure classes referred to in a separate regulation;⁵⁾
- f) the difference between aggregate on-balance sheet assets and aggregate on-balance sheet liabilities according to estimated maturity.⁴⁾

(3) Information disclosed by a branch of a foreign bank on its financial indicators shall contain:

- a) the annual accounts of the foreign bank;
- b) the consolidated accounts of the foreign bank;
- c) the annual report of the foreign bank;
- d) the consolidated annual report of the foreign bank;
- e) the audit report of an independent auditor regarding the foreign bank's annual accounts forming part of the annual accounts of the foreign bank;
- f) the audit report of an independent auditor regarding the foreign bank's consolidated annual accounts forming part of the consolidated annual accounts of the foreign bank.

(4) Information on the bank's ten largest resident shareholders owning at least 5% of the bank's registered capital shall include for:

- a) a natural person:
 - 1. first and last name,
 - 2. date of birth,
 - 3. share in the capital of the bank,
 - 4. share of voting rights in the bank,
- b) a natural person-entrepreneur:
 - 1. name and business name,
 - 2. identification number,
 - 3. place of business,
 - 4. registration number in an official register or other official record,
 - 5. main line of business,
 - 6. share in the capital of the bank,
 - 7. share of voting rights in the bank,
- c) a legal person not mentioned under (d) to (f):
 - 1. name and business name,
 - 2. legal form,
 - 3. registered office,
 - 4. identification number,
 - 5. main line of business,
 - 6. share in the capital of the bank,
 - 7. share of voting rights in the bank,
- d) a municipality or higher territorial unit
 - 1. name,
 - 2. identification number,
 - 3. share in the capital of the bank,
 - 4. share of voting rights in the bank,
- e) the National Property Fund of the Slovak Republic
 - 1. identification number,
 - 2. share in the capital of the bank,
 - 3. share of voting rights in the bank,
- f) state administration body
 - 1. name,
 - 2. registered office,
 - 3. identification number,

4. share in the capital of the bank,
5. share of voting rights in the bank.

(5) Information on the bank's ten largest non-resident shareholders owning at least 5% of the bank's registered capital shall include for

a) a natural person:

1. first and last name,
2. date of birth,
3. address of permanent residence or place of business,
4. state,
5. share in the capital of the bank,
6. share of voting rights in the bank,

b) a legal person

1. name and business name,
2. registered office,
3. state,
4. share in the capital of the bank,
5. share of voting rights in the bank.

(6) Information on the bank's shareholders not referred to in paragraph (4) shall contain:

- a) the number of shareholders,
- b) share in the capital of the bank,
- c) share of voting rights in the bank.

(7) Information on the structure of the consolidated banking group of which the bank is a member, in regard to the interrelations and composition of the group shall contain:

- a) the business name of the entity that is the parent undertaking of the bank, the registered office of this entity, its main activity, and the name of the country in which it predominantly operates, and for each member of the consolidated group, its business name, registered office, main activity, and the name of the country in which it predominantly operates;
- b) the organisational chart of the consolidated group;
- c) the bank's share in the capital of, and share of voting rights in, each member of the consolidated group which it controls.

Article 2

(1) The information specified in Article 1 and in a separate regulation⁶⁾ shall be disclosed on the website of the bank or the branch of a foreign bank, in the state language⁷⁾ or in the Czech language⁸⁾, in a format that allows it to be copied; this information may, on request, be viewed at the business premises of any organisational unit of the bank or the branch of a foreign bank. Disclosures under Article 1 shall be published on the website at least up to the time that the corresponding disclosures for the next calendar quarter or the next calendar year are published.

(2) The information specified in Article 1 and in a separate regulation⁶⁾ shall be disclosed according to the status as at the last day of the relevant calendar year, with the exception of the

⁶⁾ Title VIII of Regulation (EU) No 575/2013 of the European Parliament and of the Council.

⁷⁾ Act of the National Council of the Slovak Republic No 270/1995 Coll. on the state language, as amended.

⁸⁾ Article 3(4) of Act of the National Council of the Slovak Republic No 270/1995 Coll. on the state language, as amended.

information specified in Article 1(2) and in a separate regulation⁹⁾, which shall be disclosed according to the status as at the last day of the relevant calendar quarter.

(3) The information specified in Article 1, with the exception of the information specified in Article 1(2) and in a separate regulation⁶⁾, shall be disclosed according to the status as at the last day of the relevant calendar year and not later than 90 days after their approval.

(4) The information specified in Article 1(2) and in a separate regulation⁸⁾ shall be disclosed not later than 45 days after the last day of the relevant first to third calendar quarter, and not later than 90 days after the last day of the relevant fourth calendar quarter.

(5) Where the accounting period is a fiscal year rather than a calendar year, the deadlines referred to in paragraphs (2) to (4) shall be extended by the period of time between the end of the calendar year and the end of the fiscal year.

Article 3

(1) For the purposes of this Decree, a material misstatement shall be deemed where:

a) the bank or branch of a foreign bank:

1. states in the list mentioned in Article 1(1)(c) an activity that it is not licensed to perform by Národná banka Slovenska;
2. fails to state in the list mentioned in Article 1(1)(e) an activity whose performance has, by a decision of a competent authority, been restricted, temporarily suspended, cancelled, or the licence to perform it has been revoked;
3. miscites the statement of a valid decision under which a remedial measure or penalty has been imposed;
4. discloses information on financial indicators in which the value of a relevant indicator is inaccurate by at least 5%;

b) information disclosed by the bank regarding its ten largest shareholders owning not less than 5% of the bank's registered capital specified in Article 1, contains any inaccurate information.

(2) Disclosed information that has been found to be incomplete or to contain a material inaccuracy shall be conspicuously indicated with the words "INCORRECT INFORMATION", and the information correcting the incomplete information or the material inaccuracy shall be conspicuously indicated with the words "CORRECTED INFORMATION".

Article 4

This Decree transposes and implements the legally binding acts of the European Union specified in the Annex hereto.

Article 5

Decree No 15/2010 of Národná banka Slovenska of 21 September 2010 on disclosures by banks and branches of foreign banks (Notification No 387/2010 Coll.), as amended by Decree No 19/2011 of Národná banka Slovenska of 29 November 2011 (Notification No 506/2011 Coll.), is hereby repealed.

⁹⁾ Article 437(1)(d) and (e) and Article 438(c) to (f) of Title VIII of Regulation (EU) No 575/2013 of the European Parliament and of the Council.

Article 6

This Decree shall enter into force on 1 October 2014.

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Governor

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List of transposed and implemented legally binding acts of the European Union:

1. Council Directive 89/117/EEC of 13 February 1989 on the obligations of branches established in a Member State of credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents (OJ Special edition, Chapter 06/Volume 1),

2. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013),

3. 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).