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DECREE
of Národná banka Slovenska
of 6 February 2018

on how to demonstrate compliance with conditions for an authorisation to act as an independent financial agent and for an authorisation to act as a financial adviser

Národná banka Slovenska, in accordance with Section 18(17) of Act No 186/2009 on financial intermediation and financial advisory services (and amending certain laws) (hereinafter 'the Act'), has adopted this Decree:

Section 1

(1) Compliance with the condition laid down in Section 18(2)(a) of the Act is to be demonstrated by the submission of:

- (a) the documents referred to in Section 23(1)(a) of the Act;
- (b) a written confirmation from a competent court in Slovakia, or from a body with equivalent jurisdiction in another country, in accordance with Section 23(1)(d) of the Act; and
- (c) a declaration of honour stating that the conditions laid down in Section 23 (1)(b), (c), (e) to (h) of the Act are met.

(2) Compliance with the condition laid down in Section 18(2)(b) of the Act is to be demonstrated by the submission of the documents referred to in Section 21(12)(a) and (b) of the Act.

(3) Compliance with the condition laid down in Section 18(2)(c) of the Act is to be demonstrated by the submission of a written declaration referred to in Section 18(6)(c) of the Act.

(4) Compliance with the condition laid down in Section 18(2)(d) of the Act is to be demonstrated by the submission of:

- (a) a graphical representation of the structure of the closely linked group, indicating the persons and their holdings in accordance with Section 4(k) of the Act;
- (b) a list of the natural persons that have a qualifying holding in the applicant, indicating the percentage of the applicant's share capital held by each person or the percentage of the voting rights in the applicant which each person's holding represents;
- (c) a list of the legal persons that have a qualifying holding in the applicant, indicating for each person its business name, legal form, identification number and registered office address, the amount of its holding in applicant's share capital, and the percentage of the applicant's share capital which it holds or the percentage of the voting rights in the applicant which its holding represents.

(5) Compliance with the condition laid down in Section 18(2)(e) of the Act is to be demonstrated by the submission of:

- (a) a description of the applicant's technical equipment, in particular information on the applicant's information system, including the security of data transfer to the financial institution and to Národná banka Slovenska;
- (b) draft internal regulations on anti-money laundering and countering the financing of terrorism (AML/CFT) measures;

- (c) draft internal regulations on the handling of customers' or potential customers' complaints in accordance with Section 26(1) to (5) of the Act;
- (d) draft internal regulations on the prevention of conflicts of interest in accordance with Section 27(1) to (3) of the Act;
- (e) draft internal regulations on the rules governing direct contact with customers or potential customers;
- (f) draft internal regulations on the keeping of records on the applicant's activities in accordance with Section 36(1) to (5) of the Act; and
- (g) a graphical representation of the proposed organisational structure, enabling an assessment of the division and arrangement of powers between the members of the statutory body, the statutory body, the members of the supervisory board, the supervisory board, and the professional guarantors of the applicant.

(6) In the case of an applicant applying for an authorisation to act as an independent financial agent that would also perform financial intermediation through subordinate financial agents, compliance with the condition of Section 18(2)(e) of the Act is to be demonstrated by submitting, in addition to the documents mentioned in paragraph 5, draft internal regulations on the relations of the applicant's statutory body, the members of the applicant's statutory body, the applicant's professional guarantor, or the applicant's other staff with the applicant's subordinate financial agents, and on ensuring the fulfilment of the obligations referred to in Section 29(1) and (2) of the Act.

(7) Compliance with the condition laid down in Section 18(2)(f) of the Act is to be demonstrated by the submission of the documents referred to in Section 18(6)(g) of the Act.

Section 2

(1) Section 1(1) applies equally to demonstrating compliance with the requirement for trustworthiness laid down in Section 18(3)(a) of the Act. Compliance with the requirement for full capacity to perform legal acts laid down in Section 18(3)(a) of the Act is to be demonstrated by a declaration of honour from the applicant.

(2) Section 1(2) applies equally to demonstrating compliance with the condition laid down in Section 18(3)(b) of the Act.

(3) Compliance with the condition laid down in Section 18(3)(c) of the Act is to be demonstrated by the applicant's written declaration referred to in Section 18(7)(c) of the Act.

(4) Section 1(5)(a) to (f) applies equally, and Section 1(6) applies mutatis mutandis, to demonstrating compliance with the condition laid down in Section 18(3)(d) of the Act.

Section 3

This Decree takes effect on 23 February 2018.

Jozef Makúch
Governor