5 DECREE of Národná banka Slovenska of 10 July 2017 on the elements of a bank's application for prior approval to establish a foreign branch

Národná banka Slovenska, in accordance with Article 23(9)(e) of Act No 483/2001 Coll. on banks (and amending certain laws), as amended (hereinafter 'the Act'), has adopted this Decree:

Article 1

A bank's application for prior approval from Národná banka Slovenska to establish a foreign branch (hereinafter 'the application') shall

- (a) state the reasons for establishing the foreign branch and include a description of the economic environment in which it will operate abroad;
- (b) state which of the banking activities under Article 2(2) of the Act the foreign branch will perform, the date on which the foreign branch is expected to begin performing these activities, and the expected scope of these activities;
- (c) state the country in which the bank intends to establish the foreign branch, and the address of the foreign branch's registered office;
- (d) state the planned expenditure related to establishing the foreign branch;
- (e) include the following information about the foreign branch:
 - 1. its organisational structure;
 - 2. the activities to be performed by its organisational units, the number of people it is expected to employ, the division of authority among the managers responsible for its activities;
 - 3. the methodology, technology and software used in the organisation and management of its information system;
 - 4. the organisation of its trade in foreign exchange assets;
 - 5. the organisation of its credit approval process;
 - 6. the organisation of its liquidity management;
 - 7. the organisation of its risk management, including provisions for consolidated risk monitoring;
- (f) state the full name and permanent address of each person nominated to be a manager at the foreign branch with responsibility for any of its activities, and the position for which the person is nominated;
- (g) include information about the organisation and objectives of the foreign branch's internal control system and how the system operates, and state the full name and permanent address of the person nominated to be the foreign branch's internal control and audit officer;
- (h) include information about the legal regulation of the protection or insurance of bank deposits in the country in which the bank intends to establish the foreign branch, including information about whether the branch would be required to participate in the protection or insurance of natural persons' bank deposits in that country regardless of the deposit guarantee scheme in Slovakia¹.

¹ Article 4 of Act No 118/1996 Coll. on the protection of bank deposits (and amending certain laws), as amended.

Article 2

The application shall include

- (a) the foreign branch's business plan which is based on a proposed operating strategy and realistic economic calculations, and which includes but is not limited to a preliminary budget for the first three financial years of the branch's operation and evidence that the branch will be able to perform its banking activities properly;
- (b) documents confirming the ownership or lease of, or other similar interest in, the buildings in which the foreign branch's banking activities will be performed;
- (c) a detailed curriculum vitae of each person nominated to be a manager at the foreign branch with responsibility for any of its activities, and the detailed curriculum vitae of the person nominated to be the branch's internal control and audit officer;
- (d) the results of criminal record checks, not older than three months, showing that the persons nominated to be managers at the foreign branch with responsibility for any of its activities, and the person nominated to be the branch's internal control and audit officer, have no criminal record in Slovakia or, if the person is a foreigner², in the country of the person's habitual residence;
- (e) a written declaration from each person nominated to be a manager at the foreign branch with responsibility for any of its activities, and from the person nominated to be the branch's internal control and audit officer, stating that the person complies with the conditions under Article 7(15)(b) to (g) of the Act;
- (f) a written declaration from each person nominated to be manager at the foreign branch with responsibility for any of its activities, and the person nominated as internal control and audit officer, stating that all documents submitted by that person are complete, accurate, true, authentic and up to date.

Article 3

This Decree repeals Decree No 15/2001 of Národná banka Slovenska of 21 December 2001 stipulating the elements of a bank's application for prior approval to establish a foreign branch (Notification No 592/2001 Coll.).

Article 4

This Decree enters into force on 1 October 2017.

Jozef Makúch Governor

Issuing unit:Regulation DepartmentTel.: +421 2 5787 3301Banking and Payment Services Regulation
SectionFax: +421 2 5787 1118

² Article 2(2) of Act No 404/2011 Coll. on the temporary residence of foreigners (and amending certain laws).