

# **Full wording of Act No. 6/1993 Coll., on the Czech National Bank, as amended**

## **Act No. 6/1993 Coll., on the Czech National Bank,**

**as amended by Act No. 60/1993 Coll., Act No. 15/1998 Coll., Act No. 442/2000 Coll., the Constitutional Court ruling promulgated under No. 278/2001 Coll., Act No. 482/2001 Coll., Act No. 127/2002 Coll., Act No. 257/2004 Coll., Act No. 377/2005 Coll., Act No. 57/2006 Coll., Act No. 62/2006 Coll., Act No. 230/2006 Coll., Act No. 160/2007 Coll., Act No. 36/2008 Coll., Act No. 124/2008, Act No. 254/2008 Coll., Act No. 281/2009 Coll., Act No. 285/2009 Coll., Act No. 295/2009 Coll., Act No. 145/2010 Coll., Act No. 156/2010 Coll., Act No. 41/2011 Coll., Act No. 92/2011 Coll., Act No. 136/2011 Coll. (part), Act No. 139/2011 Coll., Act No. 357/2011 Coll., Act No. 428/2011 Coll., Act No. 227/2013 Coll., Act No. 135/2014 Coll., Act No. 204/2015 Coll., Act No. 375/2015 Coll., Act No. 377/2015 Coll., Act No. 258/2016 Coll., Act No. 183/2017 Coll., Act No. 89/2018 Coll., Act No. 111/2019 Coll., Act No. 277/2019 Coll., Act No. 192/2020 Coll., Act No. 238/2020 Coll., Act No. 219/2021 Sb., Act No. 353/2021 Coll., Act No. 417/2021 Coll., Act No. 129/2022 Coll. and Act No. 462/2023 Coll.**

## **PART ONE**

### **BASIC PROVISIONS**

#### **Article 1**

(1) The Czech National Bank shall be the central bank of the Czech Republic, the authority performing financial market supervision and the resolution authority.

(2) The Czech National Bank shall be a legal entity under public law having its registered address in Prague.

(3) The Czech National Bank shall be entrusted with the powers of an administrative authority to the extent defined in this Act and in other legal rules.

#### **Article 1a**

The Czech National Bank shall be part of the European System of Central Banks pursuant to the Treaty on the Functioning of the European Union<sup>20)</sup> and the Protocol on the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the “Statute”)<sup>21)</sup> and shall contribute to the fulfilment of the tasks and objectives of the European System of Central Banks.

<sup>20)</sup> Article 282 of the Treaty on the Functioning of the European Union (consolidated version).

<sup>21)</sup> Article 1 of Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank.

## Article 2

(1) The primary objective of the Czech National Bank shall be to maintain price stability. In addition, the Czech National Bank shall work to ensure financial stability and the safe and sound operation of the financial system in the Czech Republic. Without prejudice to its primary objective, the Czech National Bank shall support the general economic policies of the Government leading to sustainable economic growth and the general economic policies in the European Union with a view to contributing to the achievement of the objectives of the European Union. The Czech National Bank shall act in accordance with the principle of an open market economy.

(2) The Czech National Bank shall perform the following tasks:

- a) set and implement monetary policy;
- b) issue banknotes and coins;
- c) manage the circulation of currency, administer payments and clearing between banks, foreign banks carrying on banking activities in the Czech Republic through a branch (hereinafter “foreign bank branch”) and credit unions, promote smooth and efficient operation thereof, and contribute to the safety, soundness and efficiency of payment and settlement systems and to the development thereof;
- d) supervise the activities of entities operating on the financial market (Article 44(1));
- e) set macroprudential policy by identifying, monitoring and assessing risks jeopardising the stability of the financial system and, in order to prevent or mitigate these risks, contribute by means of its powers to the resilience of the financial system, the reduction of growth in systemic risks and the maintenance of financial stability; where necessary, it shall cooperate with the relevant state authorities in setting macroprudential policy;
- f) carry on other activities pursuant to this Act and pursuant to other legal rules.

(3) When performing its tasks, the Czech National Bank shall cooperate and negotiate agreements within the scope of its fields of competence with the central banks of other countries, with foreign authorities engaged in financial market supervision, foreign resolution authorities, international financial organisations and international organisations engaged in financial market supervision and with other foreign and international authorities which perform similar duties to the Czech National Bank.

(4) The Czech National Bank shall consider the potential impact of decisions it wishes to issue in connection with performing supervision pursuant to paragraph 2(d) on the stability of the financial system of another Member State of the European Union, taking into account the facts available at the time of issuance thereof, in particular in cases of emergency which might affect the functioning of financial systems.

## Article 2a

(1) The Czech National Bank shall be part of the European System of Financial Supervision<sup>18)</sup> and cooperate with the European Systemic Risk Board<sup>19)</sup> and with European Supervisory Authorities<sup>20)</sup>.

(2) The Czech National Bank shall inform the European Systemic Risk Board about significant measures to mitigate risks that could jeopardise the stability of the financial system in the Czech Republic.

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<sup>18)</sup> Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board.

<sup>19)</sup> Regulation (EU) No 1092/2010 of the European Parliament and of the Council.

<sup>20)</sup> 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.

Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC.

Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC, as amended by Directive of the European Parliament and of the Council No 2011/61/EU.

### Article 3

(1) The Czech National Bank shall submit a report on monetary development to the Chamber of Deputies of Parliament at least twice a year for review. If the Chamber of Deputies so resolves, the Czech National Bank shall submit an extraordinary report on monetary development within thirty days. The resolution of the Chamber of Deputies must state what the extraordinary report should contain.

(2) The report on monetary development shall be submitted to the Chamber of Deputies by the Governor of the Czech National Bank, who in such an event shall be entitled to attend the session of the Chamber of Deputies and must be called upon to speak.<sup>1c)</sup>

(3) The Chamber of Deputies shall acknowledge the report on monetary development or shall ask for a revised report.

(4) If the Chamber of Deputies asks for a revised report, the Czech National Bank shall within six weeks submit a revised report that complies with the requirements of the Chamber of Deputies.

(5) The Czech National Bank shall inform the public on monetary development at least once every three months in a manner allowing remote access.

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<sup>1c)</sup> Article 52(2) of Act No. 90/1995 Coll., on the Standing Orders of the Chamber of Deputies.

### Article 3a

The Czech National Bank shall submit a financial stability report to the Chamber of Deputies for information at least once a year. This report shall also contain the macroprudential policy strategy. The Czech National Bank shall also publish this report in a manner allowing remote access.

## Article 3b

(1) When performing its tasks, the Czech National Bank may issue recommendations, notices or warnings addressed to the public, authorities of the Czech Republic, or individual entities or entities defined by type.

(2) If the publication of recommendations, notices or warnings could jeopardise the fulfilment of the tasks of the Czech National Bank, it shall not be possible to provide them under a legal rule governing free access to information.

## **PART TWO**

### **ORGANISATION OF THE CZECH NATIONAL BANK**

#### Article 4

The Czech National Bank shall comprise:

- a) a headquarters having its registered address at Prague;
- b) branch offices;
- c) special-purpose organisational units.

#### Article 5

(1) The supreme governing body of the Czech National Bank shall be the Bank Board of the Czech National Bank (hereinafter referred to as the “Bank Board”). The Bank Board shall set monetary and macroprudential policy and the instruments for implementing these policies. It shall decide upon the fundamental monetary and macroprudential policy measures of the Czech National Bank, measures in the area of financial market supervision and measures in the area of resolution.

(2) Furthermore, the Bank Board shall, in particular:

- a) set forth the principles for the activities and transactions of the Czech National Bank;
- b) approve the budget of the Czech National Bank;
- c) set forth the organisational structure and fields of competence of the organisational units of the Czech National Bank;
- d) define the types, amounts and uses of the funds of the Czech National Bank;
- e) execute the rights and duties arising from labour-law relations in respect of the staff of the Czech National Bank; the Bank Board may delegate these activities to other members of staff;
- f) grant its consent to the entrepreneurial activities of the staff of the CNB.
- g) fix the salary and other emoluments of the Governor; the salaries and other emoluments of Deputy Governors and other members of the Bank Board shall be fixed by the Governor;
- h) decide on appeals against the decisions of the Czech National Bank in the first instance.

#### Article 6

(1) The Bank Board shall consist of seven members, comprising the Governor of the Czech National Bank, two Deputy Governors of the Czech National Bank and four other members of the Bank Board of the Czech National Bank.

(2) The Governor, Deputy Governors and other members shall be appointed and relieved from office by the President of the Republic.

(3) No person shall be allowed to hold the position of member of the Bank Board more than twice.

(4) The members of the Bank Board shall be appointed for a term of six years.

(5) Membership of the Bank Board shall be incompatible with the position of member of a legislative body, member of the Government and membership of the governing, supervisory or inspection bodies of other banks or commercial undertakings, and the performance of any independent gainful occupation, except for scientific, literary, journalistic, artistic and pedagogical activities and except for management of own assets. Membership of the Bank Board shall be incompatible with any activity which might cause any conflict of interest between the performance of this activity and membership of the Bank Board.

(6) Any citizen of the Czech Republic who:

- a) is fully competent to perform legal acts,
- b) has completed a university education,
- c) is of integrity,
- d) is a person of recognised standing and professional experience in monetary matters or in the area of the financial market, may be appointed a member of the Bank Board.

(7) For the purposes of this Act, “of integrity” shall refer to a natural person who has not been lawfully convicted of a criminal offence.

(8) The members of the Bank Board shall be staff of the Czech National Bank.

(9) The performance of duties of a Bank Board member shall terminate:

- a) with the expiration of his term of office,
- b) on the day immediately following the day on which written notice of relief from office or of written notice of resignation from office is delivered, or at some later date given in the notice of relief or resignation from office.

(10) A Bank Board member may be relieved from office only if he no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct.<sup>22)</sup> The decision to relieve the Governor from office shall also be delivered to the Governing Council of the European Central Bank.

(11) If the office of Governor is unoccupied, the Bank Board shall authorise one of the Deputy Governors to perform the duties of the Governor until a new Governor is appointed. The authorised Deputy Governor shall perform the duties of the Governor to the full extent of his powers and responsibilities.

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<sup>22)</sup> Article 14.2 of the Protocol (No. 4) to the Statute of the European System of Central Banks and of the European Central Bank.

(1) The Governor, or, in his absence, a Deputy Governor nominated by him, shall chair the meetings of the Bank Board. The Bank Board shall act by a simple majority of the votes cast. The Bank Board shall have a quorum if the Governor, or his nominee, and at least three other members of the Bank Board are present. In the event of a tie, the chairperson shall have the casting vote.

(2) The Bank Board shall approve the Rules of Procedure of the Bank Board.

#### Article 8

The Governor shall represent the Czech National Bank externally and shall also sign legal rules and acts issued by the Czech National Bank and promulgated in the Collection of Laws and International Agreements. A Deputy Governor nominated by the Governor shall act on his behalf to the full extent of his powers and responsibilities.

### **PART THREE**

#### **RELATIONSHIP TO THE GOVERNMENT AND TO OTHER BODIES**

#### Article 9

(1) When carrying out the primary objective of the Czech National Bank and when exercising the powers and carrying out the tasks and duties conferred upon them by the Treaty on European Union, the Treaty on the Functioning of the European Union and the Statute and when performing other activities, neither the Czech National Bank, nor the Bank Board, nor any member of the Bank Board shall seek or take instructions from the President of the Republic, from Parliament, from the Government, from administrative authorities of the Czech Republic, from the bodies, institutions or other entities of the European Union, from governments of Member States of the European Union or from any other body.<sup>23)</sup>

(2) The Czech National Bank and the Government shall inform each other on matters concerning the principles and measures of monetary, macroprudential and economic policy.

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<sup>23)</sup> Article 130 of the Treaty on the Functioning of the European Union (consolidated version).

Article 7 of the Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank.

#### Article 10

(1) The Czech National Bank shall take a position on proposals presented to the Government for consideration that concern the fields of competence of the Czech National Bank.

(2) The Czech National Bank shall act in an advisory capacity vis-à-vis the Government in matters of monetary and macroprudential policy and the financial market.

#### Article 11

(1) The Minister of Finance or another nominated member of the Government may attend the meetings of the Bank Board in an advisory capacity and may submit motions for discussion.

(2) The Governor of the Czech National Bank or a Deputy Governor nominated by him may attend the meetings of the Government in an advisory capacity.

## **PART FOUR**

### **ISSUANCE OF BANKNOTES AND COINS**

#### Article 12

The Czech National Bank shall have the exclusive right to issue banknotes and coins, including commemorative banknotes and coins (hereinafter referred to as “banknotes and coins”).

#### Article 13

The monetary unit in the Czech Republic shall be the Czech koruna (crown), abbreviated as “Kč”. The Czech koruna shall be divided into one hundred hellers.

#### Article 14

The Czech National Bank shall manage the stocks of banknotes and coins, and shall organise the delivery of banknotes and coins from the manufacturers in keeping with the requirements for the circulation of money.

#### Article 15

The Czech National Bank shall organise the printing of banknotes and the minting of coins, and shall see to the protection and security of banknotes and coins that have not been released into circulation and to the safekeeping and destruction of printing plates, dies and invalid and withdrawn banknotes and coins.

#### Article 16

(1) Valid banknotes and coins issued by the Czech National Bank shall be legal tender at their par value in respect of all payments made within the territory of the Czech Republic.

(2) Coins made from precious metals, commemorative banknotes and coins and special coins intended for collection may be sold at prices other than their par value.

Article 16a  
Cancelled

Article 17  
Cancelled

Article 18

Cancelled

#### Article 19

(1) The Czech National Bank may declare invalid and withdraw from circulation any banknotes and coins it has issued. It shall refund their par value by exchanging them for other, newly issued banknotes and coins. The period over which such exchange may take place shall not be less than five years, save as otherwise provided in another legislative act.

(2) At the end of the exchange period, the sum total of the banknotes and coins that have been declared invalid but have not been presented for exchange shall be deducted from the amount of money in circulation that appears in the accounts of the Czech National Bank. This sum shall be income to the Czech National Bank.

#### Article 20

(1) The Czech National Bank shall have the exclusive right to issue trade coins called Bohemian ducats. The provisions of Article 15 shall apply thereto *mutatis mutandis*.

(2) Trade coins shall be coins issued by the Czech National Bank other than legal tender and having no denomination.

#### Article 21

(1) No person shall be allowed to produce, import, offer, sell or otherwise distribute medals, tokens or similar items whose appearance may mislead their holder to believe that they are coins issued by the Czech National Bank.

(2) No person shall be allowed to use the word “coin” when referring to or describing a token, medal or similar item in connection with the offer, sale or other distribution thereof.

#### Article 22

- (1) The Czech National Bank shall set forth by decree:
- a) the par values, dimensions, weight, material, appearance and other attributes of banknotes and coins and the manner of their issuance into circulation;
  - b) the manner of terminating the validity of banknotes and coins and the manner and period of their exchange for other banknotes and coins.

(2) The Czech National Bank shall stipulate in a decree whether a trade coin is issued as one Bohemian ducat or a multiple thereof, and also the dimensions, weight, material, appearance and other attributes of the coin and the date of issuance.

### **PART FIVE**

### **INSTRUMENTS OF MONETARY CONTROL OF THE CZECH NATIONAL BANK**

#### Article 23



The Czech National Bank shall set the interest rates, structures, maturities and other terms and conditions for the transactions it performs pursuant to this Act and other legislative acts and shall determine the types of these transactions and the Czech National Bank's counterparties in them.

#### Article 24

(1) Banks, foreign bank branches and credit unions shall hold a prescribed part of their funds on accounts with the Czech National Bank as required minimum reserves. The required minimum reserves shall be held in Czech koruna and may bear interest.

(2) The required minimum reserves may not exceed 30% of the total liabilities of the entity required to hold required minimum reserves (hereinafter the "obliged entity"), net of its liabilities to other obliged entities. Where the monetary policy of the Czech National Bank so requires, the required minimum reserves may be set differently for obliged entities defined by type.

#### Article 25

Where an obliged entity fails to maintain the required minimum reserves, the Czech National Bank may charge it interest at 5 percentage points above the average Lombard rate in the period in which it should have maintained the required minimum reserves on the amount of the required minimum reserves which the bank fails to provide, and at least of 5%.

#### Article 26

In a decree, the Czech National Bank may stipulate

- a) the amount of the required minimum reserves,
- b) the day from which the obliged entity is required to maintain the required minimum reserves at the stipulated amount,
- c) the period for which the required minimum reserves are maintained,
- d) the set of liabilities on which the required minimum reserves are maintained and the sources of data on such liabilities,
- e) the procedure for determining the required minimum reserves if an obliged entity fails to submit to the Czech National Bank data from which the amount of the required minimum reserves is determined.

### **PART SIX**

### **TRANSACTIONS OF THE CZECH NATIONAL BANK**

Article 27  
Cancelled

Article 28  
Cancelled

Article 29  
Cancelled

Article 29a  
Cancelled

Transactions with the Czech Republic

Article 30

The Czech National Bank shall keep accounts in accordance with the budgetary rules.<sup>24)</sup>

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<sup>24)</sup> Act No. 218/2000 Coll., on Budgetary Rules and on the Amendment of Some Related Acts (The Budgetary Rules), as amended.

Article 31

The Czech National Bank shall offer government bonds for sale pursuant to a legislative act governing the issuance of bonds<sup>3)</sup> and by agreement with the Ministry of Finance may perform on its behalf and for an agreed remuneration activities relating to the management, redemption and transfer of government bonds, the payment of interest on such bonds and other activities as required.

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<sup>3)</sup> Articles 25 and 26 of Act No. 190/2004 Coll., on Bonds, as amended by Act No. 56/2006 Coll.

Article 31a

The Czech National Bank may, by agreement with the Ministry of Finance pursuant to the budgetary rules<sup>24)</sup>, conclude transactions in investment instruments<sup>3b)</sup> or other transactions or carry on activities which the Ministry of Finance is entitled to carry on through the Czech National Bank pursuant to the budgetary rules.<sup>24)</sup> This shall be without prejudice to the provisions of Article 31.

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<sup>3b)</sup> Act No. 256/2004 Coll., on Capital Market Undertakings.

Article 32

Open market operations and credit operations

(1) The Czech National Bank shall be entitled to carry out transactions on the financial market for the performance of its tasks, in particular

- a) keeping accounts of banks, foreign bank branches and credit unions and accepting their deposits,
- b) trading in investment instruments and other securities, foreign exchange, precious metals, receivables and other assets in the form of purchases and sales, repo transactions, deposits, loans, borrowings or futures,
- c) conducting credit operations.

(2) The Czech National Bank shall require adequate collateral when conducting credit operations.

(3) The Czech National Bank may exceptionally provide short-term credit to banks, foreign bank branches or credit unions against adequate collateral or conclude repo transactions for a period of up to three months in order to maintain their liquidity.

### Article 33

(1) The Czech National Bank may issue, and trade in, securities.

(2) The Czech National Bank shall be entitled to maintain a register of securities representing a right to receive repayment of an outstanding amount, issued by

- a) the Czech Republic,
- b) the Czech National Bank,
- c) other issuers.

(3) The Czech National Bank shall be entitled to maintain records linked to the central register of securities maintained by the central depository.<sup>25)</sup>

(4) The Czech National Bank shall be entitled to operate a settlement system with settlement finality pursuant to a legislative act governing capital market undertakings.<sup>26)</sup>

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<sup>25)</sup> Article 100 et seq. of Act No. 256/2004 Coll.

<sup>26)</sup> Article 82 et seq. of Act No. 256/2004 Coll.

### Article 33a

#### Provision of emergency liquidity to the Financial Market Guarantee System

(1) In emergencies where the Financial Market Guarantee System has insufficient funds to carry out its duties arising from the legislation on deposit insurance<sup>43)</sup> and this situation might jeopardise the stability in the financial market, the Czech National Bank may, on request, exceptionally provide it with short-term credit or conclude a repo transaction with it for a period of up to three months.

(2) The short-term credit must be guaranteed by government bonds or other securities underwritten by the Government and owned by the Financial Market Guarantee System.

(3) Only the securities referred to in paragraph 2 may be the subject of repo transactions.

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<sup>43)</sup> Act No. 374/2015 Coll., on Recovery and Resolution in the Financial Market, as amended. Act No. 21/1992 Coll., as amended.

### Article 34

(1) The Czech National Bank may, under terms and conditions customary in the banking sector, keep the accounts of its staff and provide other banking services to them. It may also keep accounts and provide banking services for legal entities. The Czech National Bank shall publish a list of these legal entities in its annual financial report.

(2) A legislative act governing the activities of banks<sup>4)</sup> shall apply mutatis mutandis to the carrying-on of the activities referred to in paragraph 1.

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<sup>4)</sup> Act No. 21/1992 Coll., on Banks, as amended.

Article 34a  
Prohibition of monetary financing

(1) In accordance with the Treaty on the Functioning of the European Union<sup>27)</sup> and the directly applicable implementing legislative act of the European Union,<sup>28)</sup> the Czech National Bank shall be prohibited from providing overdraft facilities or any other type of credit facility to the bodies, institutions or other entities of the European Union, central governments, regional or local authorities or other bodies governed by public law, other entities governed by public law or public undertakings<sup>29)</sup> of the Member States of the European Union; direct purchase of their debt instruments by the Czech National Bank shall also be prohibited.

(2) Paragraph 1 shall not apply to publicly owned banks, foreign banks and credit unions, which, in the context of the supply of reserves, shall be given the same treatment by the Czech National Bank as privately owned banks, foreign banks and credit unions.<sup>44)</sup>

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<sup>27)</sup> Article 123(1) of the Treaty on the Functioning of the European Union (consolidated version).

<sup>28)</sup> Council Regulation (EC) No 3603/93 of 13 December 1993 specifying definitions for the application of the prohibitions referred to in Articles 104 and 104b(1) of the Treaty.

<sup>29)</sup> Article 8 of Council Regulation (EC) No 3603/93.

<sup>44)</sup> Article 123(2) of the Treaty on the Functioning of the European Union (consolidated version).

**PART SEVEN**

**POWERS AND ACTIVITIES OF THE CZECH NATIONAL BANK IN RESPECT OF  
FOREIGN EXCHANGE MANAGEMENT**

Article 35

The Czech National Bank shall:

- a) after discussion with the Government stipulate the exchange rate regime of the Czech currency vis-à-vis foreign currencies, with the proviso that the primary objective of the Czech National Bank must not be jeopardised;
- b) declare the exchange rate of the Czech currency vis-à-vis foreign currencies;
- c) manage international reserves in gold and foreign exchange and
- d) be authorised to conduct payments with other countries.

Article 36

Cancelled

**PART EIGHT**

**OTHER ACTIVITIES AND POWERS OF THE CZECH NATIONAL BANK**

## Article 37

The Czech National Bank, together with the Ministry of Finance, shall prepare and submit to the Government draft legislation on the currency and the circulation of money, and draft legislation concerning the status, competence, organisation and activities of the CNB, save for financial market supervision, the payment system and electronic money issuance.

(2) The Czech National Bank shall cooperate with the Ministry of Finance in preparing draft legislation in the areas of the financial market, the payment system, electronic money issuance, foreign exchange management and the adoption of the single currency, the euro, in the Czech Republic.

## Article 38

(1) The Czech National Bank shall be authorised to operate payment systems. The conditions for payment system operation shall be set forth in an act governing the payment system.

(2) The Czech National Bank shall assign a payment system code to a payment service provider which intends to use account numbers pursuant to the international standardisation rules (IBAN) for the accounts it maintains.

(3) The Czech National Bank shall set forth by decree the rules for creating account numbers pursuant to the international standardisation rules (IBAN).

(4) The Czech National Bank shall maintain a list of payment system codes and payment service providers to which it has assigned these codes; it shall publish the list in a manner allowing remote access.

## Article 38a

In order to undertake its tasks arising under Article 2(2)(c), the Czech National Bank shall be entitled to require from a payment system operator, settlement system operator, payment services provider and electronic money issuer information pertaining to the operation of such systems and information pertaining to the provision of payment services and the issuance of electronic money, and these entities shall be obliged to provide such information to the Czech National Bank.

## Article 39

The Czech National Bank shall register the representative offices of foreign banks and financial institutions carrying on banking activities<sup>7)</sup> where such offices are active within the territory of the Czech Republic. The foreign bank or financial institution shall register its representative office prior to commencing its activities. The representative office shall not transact business and shall not be incorporated in the Companies Register.

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<sup>7)</sup> Article 1(1)(b) and Article 1(3) of Act No. 21/1992 Coll., on Banks, as amended.

## Article 40

- (1) The Czech National Bank shall be entitled to engage in investment and commercial activities insofar as is necessary to provide for its own operations.
- (2) The Czech National Bank may establish a legal entity or acquire a holding therein to support the performance of its duties.

## **PART NINE REPORTING AND STATISTICS**

### **HEADING I REPORTING**

#### Article 41

(1) In order to undertake its tasks, the Czech National Bank shall be entitled to require pursuant to this Act or other legal rules the necessary information and documents in the form of statistical statements and statements for supervisory purposes and additional information or reports (hereinafter “statements”) from reporting entities, which shall include

- a) persons subject to its supervision and foreign persons with similar objects of business operating in the Czech Republic,
- b) other persons which are part of the financial corporations sector pursuant to a directly applicable legislative act of the European Union governing the system of national and regional accounts in the European Union,<sup>30)</sup>
- c) persons having information needed to compile statistics on the balance of payments, the international investment position and foreign debt service which the Czech National Bank notifies of inclusion in the list of statistically significant reporting agents; for this purpose, the Czech National Bank shall be entitled to require information necessary to assess statistical significance.

(2) The Czech National Bank may use the statements referred to in paragraph 1 to carry out any of its tasks, unless stipulated otherwise in a legislative act.

(3) Reporting agents shall prepare and submit to the Czech National Bank statements whose content, form, time-limits and manner of compilation for individual groups of reporting agents shall be stipulated by the Czech National Bank in a decree.

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(4) If the submitted statements do not comply with the requirements set pursuant to paragraph 3, or if reasonable doubts arise about their correctness or completeness, the Czech National Bank shall be entitled to require correction, clarification or explanation.

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<sup>30)</sup> Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013, on the European system of national and regional accounts in the European Union, as amended.

### **HEADING II STATISTICS**

## Article 42

(1) In order to undertake its tasks laid down in directly applicable legislative acts of the European Union,<sup>31)</sup> the Czech National Bank shall

- a) ensure statistical reporting, including the collection of data for statistical purposes,
- b) process and generate statistical information and compile, maintain and publish statistics,
- c) participate in the creation of the statistics of the European System of Central Banks and the European Central Bank<sup>32)</sup> and contribute to the compilation of the statistics of the European Union.<sup>33)</sup>

(2) In order to undertake its tasks under paragraph 1, the Czech National Bank shall transmit statistical information and individual data in the required structure and detailed breakdown to the European Central Bank and Eurostat.

(3) In order to undertake its tasks under paragraph 1, the Czech National Bank shall provide methodology for statistical surveys and their processing and use and define the content of the required data, including a description of their structure.

(4) In order to undertake its tasks under paragraph 1, the Czech National Bank shall be entitled to require and use for statistical purposes data and information which are necessary to compile the statistics of the European System of Central Banks, the European Central Bank or the European Union and which are collected by ministries and other administrative authorities on the basis of other legal rules, where such data and information are processed by ministries and other administrative authorities and available in their information systems. At its request, ministries and other administrative authorities shall provide the data to the Czech National Bank free of charge.

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<sup>31)</sup> Article 5 of Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank.

Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank, as amended.

Regulation (EU) 549/2013 of the European Parliament and of the Council, as amended.

<sup>32)</sup> For example, Regulation (EU) No 1071/2013 of the European Central Bank of 24 September 2013 concerning the balance sheet of the monetary financial institutions sector (recast) (ECB/2013/33), as amended, Regulation (EU) No 1072/2013 of the European Central Bank of 24 September 2013 concerning statistics on interest rates applied by monetary financial institutions (recast) (ECB/2013/34), as amended, Regulation (EU) No 1073/2013 of the European Central Bank of 18 October 2013 concerning statistics on the assets and liabilities of investment funds (recast) (ECB/2013/38), Regulation (EU) No 1075/2013 of the European Central Bank of 18 October 2013 concerning statistics on the assets and liabilities of financial vehicle corporations engaged in securitisation transactions (recast) (ECB/2013/40), Regulation (EU) No 1409/2013 of the European Central Bank of 28 November 2013 on payments statistics (ECB/2013/43), Regulation (EU) 2018/231 of the European Central Bank of 26 January 2018 on statistical reporting requirements for pension funds (ECB/2018/2).

<sup>33)</sup> For example, Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment, as amended, Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates, as amended by Commission Regulation (EC) No

747/2008, Commission Regulation (EC) No 601/2006 of 18 April 2006 implementing Regulation (EC) No 184/2005 of the European Parliament and of the Council as regards the format and the procedure for the transmission of data, Commission Regulation (EC) No 602/2006 of 18 April 2006 adapting Regulation (EC) No 184/2005 of the European Parliament and of the Council through the updating of data requirements.

#### Article 43

In order to reduce the burden on reporting agents pursuant to Article 41, the Czech National Bank shall, in connection with directly applicable legislative acts of the European Union and in conformity with the Guidelines of the European Central Bank, apply the criterion of statistical significance and for that purpose may do the following in a decree:

- a) stipulate the scope of reporting for a group of reporting agents or for a type of data to be included in the statement,
- b) define a group of statistically significant reporting agents.

#### Article 43a

(1) The Czech National Bank shall compile, maintain and publish monetary statistics, balance of payments statistics, quarterly financial accounts statistics, financial market statistics, securities statistics and other statistics in its area of competence.

(2) The Czech National Bank shall maintain a list of monetary financial institutions<sup>34)</sup> in the Czech Republic and other similar lists for statistical purposes, which it shall publish in a manner allowing remote access.

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<sup>34)</sup> Council Regulation (EC) No 2533/98, as amended.

Regulation (EC) No 1071/2013 of the European Central Bank, as amended.

#### Article 43b

When collecting and using data and compiling statistics, the Czech National Bank shall cooperate with the Czech Statistical Office, with which it shall exchange for statistical purposes the individual data and statistical information necessary to undertake their tasks.<sup>45)</sup>

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<sup>45)</sup> Article 2a of Council Regulation (EC) No 2533/98, as amended.

#### Article 43c

(1) The application of the right of verification and compulsory collection of statistical information by the Czech National Bank shall be governed by a directly applicable legislative act of the European Union.<sup>35)</sup>

(2) In the verification of statistical data or compulsory collection thereof by way of on-site examination, the provisions of a legal rule governing inspection shall apply to the relationships between the Czech National Bank and the reporting agent.



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<sup>35)</sup> Article 6 of Council Regulation (EC) No 2533/98.

#### Article 43d

In accordance with obligations which are binding on the Czech Republic and which arise from its membership of international organisations, the Czech National Bank shall provide statistical information to the International Monetary Fund, the Organisation for Economic Cooperation and Development, the World Bank and other international institutions.

#### Article 43e

The Czech National Bank shall ensure ongoing protection of confidential statistical information<sup>36)</sup> obtained on the basis of this Act so that it cannot be unlawfully changed, destroyed, lost, transmitted or misused. Such protection shall also apply to joint data for more than one reporting agent from which it is possible to directly determine or identify or indirectly infer an individual reporting agent without expending excessive time or effort.

#### Article 43f

- (1) The Czech National Bank may provide confidential statistical information only
- a) to another member of the European System of Central Banks to the extent and at the level of detail which are necessary to carry out the tasks of the European System of Central Banks,
  - b) to the European Central Bank in order to fulfil the statistical reporting requirements for the purposes of creation of the statistics of the European System of Central Banks,
  - c) to Eurostat for the purposes of creation of the statistics of the European Union,
  - d) to another member of the European System of Central Banks or a member of the European Statistical System where necessary for the development, production or dissemination of the statistics or to enhance their quality,
  - e) to the Czech Statistical Office pursuant to Article 43b,
  - f) for the purposes of the publication of average lending rates pursuant to the legislative act governing consumer credit,
  - g) for the purposes of scientific research on the basis of a contract stipulating the conditions of protection of such information and the exact manner of use thereof in accordance with European Union law and to legal entities whose primary mission is scientific research; the information shall be provided in a form that does not allow direct identification of the reporting agent to which the said information relates, or
  - h) where the agent to which the said information relates has given its consent to the provision thereof and where letters a) to g) do not apply; the confidential statistical information concerned and the purpose for which, and to whom, it is to be provided must be clear from the consent of the said agent, or
  - i) if stipulated in a directly applicable regulation of the European Union.<sup>46)</sup>

(2) The Czech National Bank may publish statistical information if it originates by aggregation of individual data for at least three reporting agents. Where this condition is not met, the Czech National Bank may provide statistical information only as confidential statistical information under paragraph 1. It shall proceed in the same way where the individual reporting agent can be identified indirectly from the statistical information.

(3) The provision of confidential statistical information under the conditions laid down in paragraphs 1 and 2 shall not constitute a breach of confidentiality pursuant to this Act.

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<sup>36)</sup> Article 8 of Council Regulation (EC) No 2533/98, as amended.

<sup>46)</sup> For example, Articles 8 and 8a of Council Regulation (EC) No 2533/98, as amended.

#### Article 43g

The Czech National Bank shall inform the public with the results of statistical surveys in a manner allowing remote access.

### **PART TEN SUPERVISION**

#### Article 44

(1) The Czech National Bank shall perform supervision of:

- a) banks, foreign bank branches, credit unions, electronic money institutions, branches of foreign electronic money institutions, foreign electronic money institutions operating in the Czech Republic through a branch, small-scale electronic money issuers, payment institutions, foreign payment institutions operating in the Czech Republic through a branch, small-scale payment service providers, payment account information administrators, foreign payment account information administrators operating in the Czech Republic through a branch, dynamic currency conversion service providers, operators of payment systems with settlement finality and of the sound operation of the banking system;
- b) investment firms, securities issuers, the central depository, other entities keeping a register of investment instruments, investment companies, investment funds, operators of settlement systems with settlement finality, organisers of investment instrument markets and other persons specified in other legal rules governing capital market undertakings;
- c) insurance corporations, reinsurance corporations, pension funds, pension corporations and other entities active in insurance, supplementary pension savings and private pension schemes pursuant to legislative acts governing insurance, the activities of insurance intermediaries, private pension schemes<sup>9c)</sup> and supplementary pension savings;
- d) entities handling domestic banknotes and domestic coins pursuant to a legislative act governing the circulation of banknotes and coins;
- e) non-bank consumer credit providers, independent intermediaries, intermediaries of special purpose consumer credit, tied agents and foreign intermediaries pursuant to the Consumer Credit Act;
- f) financial holding companies and mixed financial holding companies subject to approval pursuant to the legislative act governing the activities of banks, and
- g) the activities of other entities, where another legal rule so provides.

(2) Except in cases of resolution under the Recovery and Resolution Act, supervision shall include:

- a) decisions on licence, permit and registration applications and approvals pursuant to other legal rules;
- b) inspection of adherence to the conditions stipulated in licences and permits;

- c) inspection of adherence to laws and directly applicable EU regulations, insofar as the Czech National Bank has the power to conduct such inspections under this Act or other legal rules, and inspection of adherence to the decrees issued by the Czech National Bank;
- d) collection of the information needed to perform supervision pursuant to other legal rules and its enforcement, and verification of whether it is true, complete and up-to-date;
- e) the imposition of remedial measures and administrative penalties pursuant to this Act or other legal rules;
- f) proceedings regarding offences.

(3) The Czech National Bank shall also perform supervision of the entities specified in paragraph 1 on a consolidated or group basis as well as supplementary supervision of such entities in financial conglomerates to the extent set forth in other legal rules and directly applicable EU regulations.

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<sup>9c)</sup> Act No. 277/2009 Coll.

Act No. 42/1994 Coll., as amended.

Act No. 38/2004 Coll., on Insurance Intermediaries and Independent Loss Adjusters and on the Amendment of the Trades Licensing Act (Act on Insurance Intermediaries and Independent Loss Adjusters), as amended.

#### Article 44a

(1) The Czech National Bank shall perform supervision of compliance with the obligations set out in the Civil Code as regards the remote conclusion of financial services agreements, supervision of observance of the prohibition of unfair business practices<sup>9k)</sup> and supervision of compliance with the obligations as regards the provision and intermediation of consumer credit agreements<sup>9m)</sup> by persons referred to in Article 44(1) in the performance of the activities pursued by these persons under authorisation, licence or registration obtained from the Czech National Bank or under similar authorisation to operate in the Czech Republic granted by a foreign authority. In performing supervision, the Czech National Bank shall be entitled to require any necessary information and documents from these persons.

(2) The Czech National Bank shall be entitled to impose remedial measures to eliminate identified shortcomings commensurate with the nature and gravity of the violation on a person referred to in Article 44(1) who violates this Act or a legal rule referred to in paragraph 1; it shall specify a reasonable time limit to eliminate the shortcomings.

(3) A person on whom a remedial measure has been imposed pursuant to paragraph 4 shall inform the Czech National Bank that the shortcoming has been eliminated without undue delay after the elimination of the shortcoming and within ten days of the lapse of the specified time limit.

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<sup>9k)</sup> Articles 4 to 5a, Article 6 and Article 12 of Act No. 634/1992 Coll., on Consumer Protection, as amended by Act No. 36/2008 Coll.

<sup>9m)</sup> Act No. 257/2016 Coll., on Consumer Credit.

#### Article 44aa

The Czech National Bank shall ensure that the performance of supervision pursuant to other legal rules<sup>40)</sup> and pursuant to the directly applicable legislative act of the European Union governing

prudential requirements<sup>41)</sup> and also all activities relating to the performance of supervision are separate from and independent of the performance of activities relating to the resolution of entities subject to its supervision under Article 44(1)(a)–(c) and (e) and Article 44(3). The Czech National Bank shall inform the European Commission and the European Banking Authority about the separation of the performance of supervision and the performance of activities relating to resolution of such entities and state the manner of the distribution of duties and responsibilities. This shall be without prejudice to the provisions of Article 5(1).

<sup>40)</sup> For example Act No. 21/1992 Coll., on Banks, as amended, Act No. 256/2004 Coll., the Capital Market Undertakings Act, as amended, Act No. 87/1995 Coll., on Credit Unions and Certain Related Measures and on the Amendment of Czech National Council Act No. 586/1992 Coll., on Income Taxes, as amended, and Act No. 96/1993 Coll., on Building Savings Schemes and State Support for Building Savings Schemes and on the Amendment of Czech National Council Act No. 586/1992 Coll., on Income Taxes, as amended by Czech National Council Act No. 35/1993 Coll., as amended.

<sup>41)</sup> 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.

#### Article 44b

(1) For the discharge of the responsibilities laid down in Part Ten hereof, the Ministry of the Interior or the Police of the Czech Republic shall provide the Czech National Bank with

- a) reference data from the basic population register,
- b) data from the population registration information system,
- c) data from the foreign nationals information system.

(2) The data provided pursuant to paragraph (1)(a) shall comprise

- a) surname,
- b) first name(s),
- c) date, place and district of birth, or for a data entity born abroad, date, place and country of birth,
- d) address of residence,
- e) date, place and district of death; for the death of a data entity outside the Czech Republic, date of death, place and state in whose territory the death occurred; if a judicial decision on a declaration of death is issued, date given as the date of death or date which the data entity declared dead did not survive, and date of effect of this decision,
- f) citizenship(s).

(3) The data provided pursuant to paragraph (1)(b) shall comprise

- a) first name(s), surname, maiden name,
- b) date, place and district of birth, or for a citizen born abroad, place and country of birth,
- c) gender,
- d) birth certificate number,
- e) address of permanent residence,
- f) citizenship(s)
- g) date, place and district of death; for a death outside the Czech Republic, date, place and state in whose territory the death occurred,
- h) date given as the date of death in the judicial decision on a declaration of death or date which the data entity declared dead did not survive,

i) date of entry into force of the court decision on the restriction of legal capacity, guardian's first name(s), surname and birth certificate number, date of entry into force of the court decision to lift the restriction of legal capacity; in the case of a guardian to whom a birth certificate number has not been allocated, date, place and district of birth, and for a guardian born abroad, place and country of birth.

(4) The data provided pursuant to paragraph (1)(c) shall comprise

- a) first name(s), surname, maiden name,
- b) date of birth,
- c) citizenship(s),
- d) type and address of residence,
- e) start (end) of residence
- f) birth certificate number if assigned,
- g) date, place and district of death; for a death outside the Czech Republic, state in whose territory the death occurred, or date of death,
- h) date given as the date of death in the judicial decision on a declaration of death or date which the data entity declared dead did not survive.

(5) Of the data provided, only such data as is necessary to perform the particular task may be used in a particular case.

(6) The data kept as reference data in the basic population register shall be used from the agenda information system of population registration or the agenda information system of foreign nationals only if they are in a form preceding the current situation.

(7) In order to prove integrity or credibility by the Czech National Bank, the Czech National Bank shall require an extract from the Criminal Register and a copy from the register of administrative offences maintained by the Criminal Register pursuant to another legal rule or, in cases stipulated by another legal rule, a copy from the Criminal Register. The application for an extract or copy from the Criminal Register and a copy from the register of administrative offences and the extract or copy from the Criminal Register and the copy from the register of administrative offences shall be submitted in electronic form in a manner allowing remote access. In order to prove integrity or credibility in cases stipulated by a special legal rule, the Czech National Bank shall also be entitled to require the birth certificate number from persons whose integrity or credibility is being assessed.

(8) For the purpose of accessing the register referred to in (1)(a) in cases stipulated by a special legal rule, the Czech National Bank shall be entitled to require the identity card number or a similar identification card number from the entity being registered pursuant to other legal rules.

#### Article 44c

Where the Czech National Bank carries on an activity pursuant to this Act that under another legal rule requires a licence, authorisation or registration from the Czech National Bank or is subject to its supervision, the Czech National Bank shall not require a licence, authorisation or registration to carry on such activity and the activity shall not be subject to its supervision.

#### Article 45

(1) In the performance of supervision by way of on-site inspection, the relations between the Czech National Bank and the supervised entities shall be governed by the Inspection Code with the exception of the provisions on cooperation in the area of inspection<sup>11)</sup>. Consultation of the inspection file pursuant to Article 44(2)(b) to (d) shall not be possible.

(2) An employee of the Czech National Bank may not perform supervision in the form of an on-site inspection if, pursuant to the Civil Code, he or she is a person close to the supervised entity or to an entity which has a position in the supervised entity that enables it to influence the activity of the employee.

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<sup>11)</sup> Article 25 of Act No. 255/2012 Coll., on Inspection (Inspection Code)

## Credit ratios

### Article 45a

(1) An entity authorised to provide consumer credit<sup>47)</sup> may not provide consumer credit secured by residential property if this would cause the upper limit of one or more credit ratios to be exceeded, where that limit is set by the Czech National Bank in a provision of a general nature under Article 45b. This shall not apply to consumer credit provided in the current calendar quarter and representing a maximum of 5% of the total amount of consumer loans secured by residential property which such entity provided in the previous calendar quarter, where such entity has recorded those loans as loans that are non-compliant with the condition set forth in the first sentence since their provision and duly justifies their provision in terms of securing the return of such loans. When calculating credit ratios, such entity shall proceed in accordance with the decree referred to in paragraph 6.

(2) For the purposes of this Act, “consumer credit secured by residential property” shall mean consumer credit which is secured by residential property within the meaning of the directly applicable regulation of the European Union governing prudential requirements<sup>41)</sup> or is secured by a right in rem to such residential property. For the purposes of this Act, “consumer credit secured by residential property” shall be deemed to be the provision of consumer credit under a consumer credit contract.

(3) Paragraph 1 shall not apply to consumer credit secured by residential property that is provided to repay one or more consumer loans secured by the same residential property if, at the time of provision, the amount of the loan does not exceed the sum of the outstanding amounts of the principal of the consumer loans to be repaid by that credit.

(4) Breach of obligation under paragraph 1 shall not render a consumer credit contract invalid.

(5) A credit ratio is an indicator that expresses the ratio of

- a) the total amount of the consumer’s debt from consumer loans secured by the same residential property to the value of collateral (hereinafter “LTV”),
- b) the consumer’s expenditure arising from the total amount of the consumer’s debt to the consumer’s income (hereinafter “DSTI”), and
- c) the consumer’s total debt to the consumer’s income (hereinafter “DTI”).

(6) The Czech National Bank shall stipulate in a decree the method and rules for calculating credit ratios, including the definition of the individual items which are part of the calculation.

## Article 45b

(1) Where systemic risks relating to the provision of consumer credit secured by residential property have been identified, the Czech National Bank shall be entitled to issue a provision of a general nature to set an upper limit on one or more credit ratios pursuant to Article 45a(5). If it does so, it shall set a higher upper limit for loans for financing the purchase of owner-occupied residential property of an applicant who is under the age of 36 at the time the loan is granted, or applicants living in a marriage or registered partnership, at least one of whom is not yet 36 at the time the loan is granted, than for other applicants, specifically

- a) by 10 percentage points for the LTV ratio,
- b) by 5 percentage points for the DSTI ratio and
- c) by a one-year multiple of net income for the DTI ratio.

(2) When setting upper limits on credit ratios, the Czech National Bank shall take into account the factors underlying the systemic risk pursuant to paragraph 1, in particular

- a) the evolution of the total volume of consumer credit,
- b) the evolution of the volume of new consumer credit secured by residential property,
- c) the evolution of residential property transaction prices,
- d) the evolution of the ratio of the total volume of consumer credit to consumers' income,
- d) the evolution of the ratio of residential property prices to consumers' income,
- f) the overall macroeconomic developments in the Czech Republic and
- g) the impact on consumers and lenders.

(3) The provision of a general nature pursuant to paragraph 1 shall be issued without a proceeding to propose a provision of a general nature and shall take effect four months after the date of its publication on the Czech National Bank's official board, unless it provides for a later date of effect therein. If this provision of a general nature increases or cancels the upper limit on a set credit ratio, this change shall take effect the day after the date of publication, unless it provides for a later date of effect therein.

(4) The Czech National Bank shall review the reasons for the issuance of the provision of a general nature at least once every six months and shall assess them taking into account the existence and expected further evolution of the factors referred to in paragraph 2. If there has been a material change in these factors, the Czech National Bank shall issue a new provision of a general nature or shall amend or abolish the existing provision of a general nature.

## Article 45c

(1) The Czech National Bank may impose a measure to remedy a shortcoming detected on an entity which provides consumer credit in contravention of Article 45a(1). It shall specify a reasonable time limit for that entity to remove the shortcoming detected.

(2) An entity on whom a remedial measure has been imposed pursuant to paragraph 1 shall inform the Czech National Bank that the shortcoming has been removed without undue delay after its removal, but no later than ten days after the lapse of the specified time limit.

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<sup>47)</sup> Article 7 of Act No. 257/2016 Coll.

## Article 45d

## Report on the performance of financial market supervision

(1) The Czech National Bank shall each year compile and submit for information to the Chamber of Deputies, the Senate and the Government a report on the performance of financial market supervision. This report shall be submitted by 30 June of the following year.

(2) The Czech National Bank shall publish the report on the performance of financial market supervision in a manner allowing remote access.

### **PART ELEVEN**

#### **OFFENCES**

##### Article 46

##### Offences

(1) A person shall be deemed to have committed an offence if it

- a) produces, imports, offers, sells or otherwise distributes in contravention of Article 21(1) medals, tokens or similar items that may be mistaken for coins issued by the Czech National Bank, or
- b) uses the word “coin” in contravention of Article 21(2) when referring to or describing a token, medal or similar item in connection with the offer, sale or distribution thereof.

(2) A legal entity or a natural person carrying on business activities shall be deemed to have committed an offence if it

- a) fails to provide necessary information or documents pursuant to Article 44a(1),
- b) fails to comply with an obligation imposed by a remedial measure pursuant to Article 44a(4), or
- c) fails to inform the Czech National Bank that a shortcoming has been eliminated pursuant to Article 44a(5).

(3) As an entity listed in Article 41(1)(a), (b) or (c), a legal entity or a natural person carrying on business activities shall be deemed to have committed an offence if it

- a) fails to prepare or submit a statement pursuant to Article 41(3), or
- b) in contravention of Article 41(4), fails to ensure correction, clarification or explanation regarding a statement.

(4) An entity authorised to provide consumer credit<sup>47)</sup> shall be deemed to have committed an offence if it

- a) provides consumer credit in contravention of Article 45a(1),
- b) fails to comply with an obligation imposed by a remedial measure pursuant to Article 45c(1), or
- c) fails to inform the Czech National Bank that a shortcoming has been removed pursuant to Article 45c(2).

(5) The following fines may be imposed for an offence:

- a) up to CZK 10,000,000 in the event of an administrative offence under paragraph 4(a) or (b),
- b) up to CZK 5,000,000 in the event of an administrative offence under paragraph (1)(a) or paragraph 2(b), or
- c) up to CZK 1,000,000 in the event of an administrative offence under paragraph (1)(b),



paragraph 2(a) or (c), paragraph 3 or paragraph 4(c).

Article 46a  
Publication of the decision on the offence

(1) The Czech National Bank shall publish its final decision on an offence pursuant to this Act without undue delay in a manner facilitating remote access.

(2) The Czech National Bank shall publish its decision pursuant to paragraph 1 without including the identification details of the person found guilty of the offence where publication would

- a) jeopardise the stability of the financial market,
- b) jeopardise ongoing criminal proceedings, or
- c) cause disproportionate harm to the person found guilty of the offence.

(3) The decision pursuant to paragraph 1 shall remain published until the end of the fifth calendar year following the year in which it was published.

Article 46b  
Competence

Offences under this Act shall be heard by the Czech National Bank.

**PART TWELVE**  
**ADMINISTRATIVE PROCEEDINGS**

Article 46c  
Special provisions on appeals

The provisions of the Administrative Procedure Code on appeals<sup>37)</sup> shall be applied to terminate proceedings on an appeal filed against a decision of the Czech National Bank pursuant to this Act or any other act.

Article 46d  
Administrative fees

Administrative fees for acts made by the Czech National Bank pursuant to another legal rule<sup>38)</sup> shall constitute income to the Czech National Bank.

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<sup>37)</sup> Article 90 of Act No. 500/2004 Coll., the Administrative Procedure Code.

<sup>38)</sup> Act No. 634/2004 Coll., on Administrative Fees, as amended.

Article 46e  
Joint provisions on offences heard by the Czech National Bank

(1) Without opening proceedings regarding an offence under this Act or any other legal act, the Czech National Bank may also discontinue a case by means of a resolution if it is apparent, in

light of the significance and extent of the violation of, or danger to, the protected interest that was affected by the offence, the manner of committing the offence, its consequence, the circumstances under which the offence was committed or in light of the behaviour of the suspect after the offence was committed, that the purpose which could be achieved by conducting offence proceedings has been or can be achieved by other means. Only a note shall be made in the file of the resolution on discontinuing a case referred to in the first sentence; the provisions of the act governing liability for offences and proceedings thereon pertaining to notification of discontinuing a case shall not be applied.

(2) The Czech National Bank may in proceedings regarding an offence under this act or any other legal rule also impose a remedial measure on the offender or withdraw a licence pursuant to the relevant legal rule.

(3) The limitation period for an offence to be heard by the Czech National Bank under this Act or any other legal rule or under a directly applicable legislative act of the European Union and for which the law stipulates the rate of a fine, the upper limit of which is at least CZK 1,000,000, or for which it sets the upper limit on the fine on the basis of a multiple of the unlawful gain or on the basis of the annual turnover generated shall be five years. If the limitation period for an offence has been suspended, liability for the offence shall lapse no later than ten years after it was committed.

(4) The consent of the injured party shall not be a circumstance precluding unlawfulness of an offence to be heard by the Czech National Bank under this Act or any other legal rule.

(5) The injured party shall not be a party to the proceedings regarding an offence to be heard by the Czech National Bank under this Act or any other legal rule.

(6) Revenue from fines imposed by the Czech National Bank shall constitute a state budget revenue.

(7) At least one authorised official person participating in offence proceedings conducted by the Czech National Bank in every instance must have a university education at least at master's level in law from a university in the Czech Republic. If the authorised official person does not have the education referred to in the first sentence, he or she must have a university education in another field.

#### Article 46f

The reimbursement of the costs of administrative proceedings conducted by the Czech National Bank shall be regarded as public budget funds for the purposes of the payment thereof. The reimbursement of the costs of administrative proceedings conducted by the Czech National Bank shall be enforced by the customs authority having territorial competence.

### **PART THIRTEEN**

#### **FINANCIAL MANAGEMENT OF THE CZECH NATIONAL BANK**

#### Article 47

(1) The Czech National Bank shall manage its finances in compliance with a budget broken down so as to show clearly the operating and investment expenditure of the Czech National Bank.

(2) The Czech National Bank shall defray the costs of its operations from its income. The profit it generates shall be used to replenish its reserve fund and other funds created from profits and for other purposes in the budgeted amount. It shall transfer the remaining profit to the state budget.

(3) Within three months of the end of the calendar year, the Czech National Bank shall submit an annual financial report to the Chamber of Deputies for review. This report shall include information on the wages of the members of the Bank Board and the senior officers of the Czech National Bank under the direct management of the Bank Board.

(4) The Chamber of Deputies may either:  
a) approve,  
b) acknowledge, or  
c) reject the annual financial report of the Czech National Bank.

(5) If the Chamber of Deputies rejects the financial report of the Czech National Bank, the Czech National Bank shall within six weeks submit a revised report that complies with the requirements of the Chamber of Deputies.

(6) The Czech National Bank shall publish its annual financial report in a manner allowing remote access.

#### Article 47a

The Czech National Bank shall manage its assets, including the international reserves, with due diligence.

#### Article 48

- (1) The Czech National Bank shall keep accounts in accordance with another legal rule.<sup>12a)</sup>
- (2) The annual accounts of the Czech National Bank shall be audited by one or more auditors appointed by agreement between the Bank Board and the Minister of Finance.
- (3) As soon as the annual accounts are approved and audited, the Bank Board shall submit them to the Chamber of Deputies and publish them in a manner allowing remote access.
- (4) The Czech National Bank shall publish an annual report every year in a manner allowing remote access.
- (5) The Czech National Bank shall publish a ten-day report on its financial position in a manner allowing remote access.

<sup>12a)</sup> Act No. 563/1991 Coll., on Accounting, as amended.

## **PART FOURTEEN GENERAL PROVISIONS**

### Article 49

All banking operations of the Czech National Bank, including balances on the accounts it keeps, shall be subject to banking secrecy.

### Article 49a

(1) The Czech National Bank shall publish in a manner allowing remote access the Bulletin of the Czech National Bank (hereinafter the “Bulletin”).

(2) The Bulletin shall be issued in sequentially numbered Volumes marked with serial numbers, with the series terminating at the end of each calendar year.

(3) The Czech National Bank shall issue official information documents of the Czech National Bank, in which it shall provide information, in particular, on the Bank Board’s interest rate decisions, interpretative opinions of the Czech National Bank, the conditions for the transactions of the Czech National Bank and facts important to persons operating in the financial market.

(4) The official information documents of the Czech National Bank shall be signed by a Bank Board member.

(5) The official information documents of the Czech National Bank shall be promulgated in the Bulletin.

### Article 50

(1) The staff of the Czech National Bank shall maintain confidentiality in the performance of their duties. This obligation shall remain in effect even after the termination of their employment or any similar relation to the Czech National Bank. The obligation of confidentiality in matters encountered in the performance of their duties shall also apply to the members of advisory bodies and to auditors.

(2) Persons subject to the obligations referred to paragraph 1 may be exempted from the confidentiality obligation by the Czech National Bank in cases specified by other legislative acts and in other cases in the public interest or where necessary to protect the interests of the Czech National Bank. This shall be without prejudice to the confidentiality obligation laid down in the Statute.<sup>39)</sup>

(3) The staff of the Czech National Bank may not engage in entrepreneurial activities or participate in the entrepreneurial activities of other persons without the prior approval of the Bank Board. This provision shall not apply to the management of own assets and scientific, literary, journalistic, artistic and pedagogical activities.

(4) The staff of the Czech National Bank may not hold office in the statutory or other body

of any corporation unless appointed to such office by the Czech National Bank. This prohibition shall not apply to offices in the body of a corporation which provides housing for the Czech National Bank employee or for a person close to such employee.

(5) The staff of the Czech National Bank shall be obliged to prevent any conflict of interest or abuse of information acquired while performing their duties in the Czech National Bank.

(6) The staff of the Czech National Bank shall be obliged to follow the principles of professional ethics set forth in the Code of Ethics of the Czech National Bank, which shall be approved by the Bank Board.

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<sup>39)</sup> Article 37 of the Protocol (No. 4) on the Statute of the European System of Central Banks and of the European Central Bank.

#### Article 50a

(1) The Czech National Bank shall process personal data to the extent necessary to perform the duties laid down in Articles 1a and 2.

(2) Articles 15 and 18, Article 19 (second sentence), Article 21(4), Article 34(4) and, to the extent corresponding thereto, Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup> shall not apply to personal data processed by the Czech National Bank when maintaining financial stability and performing financial market supervision, which data shall mainly include data on the supervised entity, persons active in it and persons who are business partners or clients of the supervised entity or persons interested in its services as well as persons connected to these persons. The Czech National Bank shall process such data for as long as they may be used in supervision or resolution in accordance with the legal rules governing resolution in the financial market and in related proceedings.

(3) Article 13(3), Articles 14, 15 and 18, Article 19 (second sentence), Article 34 and, to the extent corresponding thereto, Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council shall not apply to personal data processed in connection with the Czech National Bank's activities under the Crisis Act and the Act on Economic Measures for Crisis Situations, which data shall include data on entities carrying out activities authorised by the Czech National Bank, persons active in them and persons who have a business or other relationship with them. The Czech National Bank shall process such data for as long as it carries on activities under these legal rules, the performance of which requires those data, and also for as long as the relevant provisions and effective crisis plans are applied and the consequences of other activities under these legal rules persist or for as long as such data may be used in related proceedings.

(4) Articles 15, 16 and, to the extent corresponding thereto, Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council shall not apply to personal data processed in connection with video recordings made and stored when protecting and safeguarding the Czech National Bank's money operations, which data shall include data on persons entering and located on premises where money operations are performed. The Czech National Bank shall process such data for as long as necessary to protect and safeguard money operations or for as long as such data may be used in related proceedings.

(5) Articles 15, 16 and 18, Article 19 (second sentence), Article 34(4) and, to the extent corresponding thereto, Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council shall not apply to processed personal data obtained by the Czech National Bank from

submitted statements, which data shall mainly include data on the reporting entity, persons active in it and persons who have a business or other relationship with the reporting entities which is subject to the reporting duty. The Czech National Bank shall process such data for as long as they may be subject to compiled statistics or otherwise used in accordance with Article 41(2) or in a related proceeding against the reporting entity.

(6) The Czech National Bank shall provide the Office for Personal Data Protection, to the extent necessary for the said Office to discharge its responsibilities, with information protected by a confidentiality obligation pursuant to another legislative act only if such legislative act so allows.

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<sup>42)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

#### Article 50b

The provisions of this Act relating to securities shall also apply to dematerialised securities unless their nature or this Act precludes it.

### **PART FIFTEEN TRANSITIONAL AND FINAL PROVISIONS**

#### Article 51

The Czech National Bank shall be established by the division of the State Bank of Czechoslovakia.<sup>13)</sup>

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<sup>13)</sup> Article 14 of Constitutional Act No. 143/1968 Coll., on the Czechoslovak Federation, as amended.

#### Article 52

A limit of seven per cent of the revenues of the state budget in the previous year shall be set exceptionally for 1993 for the total stock of credits granted to the Czech Republic pursuant to Article 30(2).

#### Article 53

The rights and duties arising from the employment relations of the State Bank of Czechoslovakia with staff working within the territory of the Czech Republic shall be transferred to the Czech National Bank.

#### Article 54

The property of the State Bank of Czechoslovakia shall be transferred to the Czech National Bank to the extent set forth in a special legislative act.<sup>14)</sup>

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<sup>14)</sup> Constitutional Act No. 541/1992, on the Division of the Property of the Czech and Slovak Federal Republic between the Czech Republic and the Slovak Republic and on its Transfer to the Czech Republic and the Slovak Republic.

#### Article 55

(1) Where the State Bank of Czechoslovakia is named in legal regulations issued prior to the date this Act takes effect and accepted into the legal order of the Czech Republic and in provisions, this shall be taken to mean the Czech National Bank as from the date this Act takes effect.

(2) Provisions issued by the State Bank of Czechoslovakia in force as of the date this Act takes effect shall be deemed provisions issued by the Czech National Bank.

(3) Legal acts performed by the State Bank of Czechoslovakia vis-à-vis persons having their registered address or permanent residence within the territory of the Czech Republic shall be deemed, as from the date this Act takes effect, legal acts performed by the Czech National Bank.

#### Article 56

Cancelled

#### Article 57

Accounts kept by the State Bank of Czechoslovakia within the territory of the Czech Republic as of the date of dissolution of the State Bank of Czechoslovakia shall be deemed accounts kept by the Czech National Bank in compliance with this Act.

#### Article 58

(1) The present senior officers of the State Bank of Czechoslovakia appointed to their posts by the President of the Czech and Slovak Federal Republic from among the citizens of the Czech Republic pursuant to Article 6 of Act No. 22/1992 Coll., on the State Bank of Czechoslovakia, shall perform their duties as members of the Bank Board of the Czech National Bank until the day the members of the Bank Board of the Czech National Bank are appointed pursuant to Article 6(2) and (3).

(2) The Bank Board may allow a derogation from the provisions of Article 6(5) for 1993.

#### Article 60

Act No. 22/1992 Coll., on the State Bank of Czechoslovakia, is hereby repealed.

#### Article 60a

Cancelled

#### Article 61

This Act shall take effect on 1 January 1993.