

## DECREE

of 21 February 2023

### **amending Decree No. 355/2020 Coll., on applications and certain information pursuant to the Act on Banks and the Act on Credit Unions.**

Pursuant to Article 4(7), Article 5(5), Article 16(7), Article 20(4) and Article 26g of Act No. 21/1992 Coll., on Banks, as amended, and pursuant to Article 1(8), Article 2a(1), Article 2b(4), Article 5a(3) and Article 13(6) of 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, as amended:

#### Article I

Decree No. 355/2020 Coll., on applications and certain information pursuant to the Act on Banks and the Act on Credit Unions, shall be amended as follows:

1. In the introductory sentence, the text “Article 4(8)” shall be replaced by the text “Article 4(7)”.

2. In Article 1(2), the words “professional qualifications” shall be inserted after the word “trustworthiness”.

3. Article 1(3) reads:

“(3) This Decree further stipulates a specimen application form for consent to the acquisition of or increase in a qualifying holding in a bank or credit union so that it reaches or exceeds 20%, 30% or 50%, or to taking control of a bank or credit union, and the content of the annexes to this application.

4. The heading of Article 11 reads:

**“Supporting documents proving trustworthiness, professional qualifications and experience of senior officers of a financial holding entity or a mixed-activity holding company**

(Regarding Article 26g of the Act on Banks)”.

5. In Article 11(1), in the introductory part of the provision, the word “financial” shall be inserted after the word “mixed” and the words “professional qualifications” shall be inserted after the word “trustworthiness”.

6. In Article 11(1)(e), the word “working” shall be deleted, the words “including his envisaged” shall be replaced by the words “and further” and the words “connected with this position” shall be added at the end of subparagraph (e).

7. In Article 11(2), the text “paragraph 2” shall be replaced by the text “paragraph 1,” the words “including the competence” shall be replaced by the words “and further

competence” and the words “ensuing from this position” shall be replaced by “connected with this position”.

8. In Article 14(1), subparagraph (j) shall read:

“(j) a summary of positions in bodies of other legal entities to which the proposed officer was elected, appointed or otherwise named (hereinafter referred to as the “elected body”), and other positions held in these entities in the last 10 years and identification data for each of those legal entities, their line of business, the designation of the position held and the term of the performance of the position in this legal entity”;

9. In Article 14, (4) reads:

“(4) If, in connection with the acquisition of or increase in a qualifying holding in a bank or a credit union or in connection with the acquisition of a bank or a credit union, there should be a change in a member of the statutory body and, in the case of a credit union, also of the credit committee, who holds an executive managerial position in the bank or credit union, the applicant for the proposed officer for this member shall attach

- a) identification data;
- b) documents for an assessment of trustworthiness;
- c) a curriculum vitae containing information on education and on professional experience;
- d) an overview of positions in elected bodies of other legal entities and other positions held in these entities over the past 10 years, and for each of these legal entities its identification data and line of business, the designation of the position, information on whether, in the case of membership in an elected body, it is an executive or non-executive member, and the term of the performance of the position in this legal entity, and further an indication of whether the proposed person intends to continue to hold the specified positions in these legal entities concurrently with the position in the bank or credit union to which this person is proposed;
- e) a description of the proposed officer’s financial and personal relationships with the bank or credit union and the senior officers of the bank or credit union, the parent companies or subsidiaries of the bank or credit union and the senior officers of these companies and with shareholders with qualifying holdings in the bank or credit union;
- f) the position that the proposed officer is to hold in the organisational structure of the bank or credit union and a brief description of the performance of the duties in terms of the entrusted powers and responsibilities; and
- g) the applicant’s report on the results of the evaluation of the suitability of the proposed officer for the performance of the duties that the proposed officer is to hold, in terms of meeting the requirements of trustworthiness, professional

qualifications and experience of this person and in terms of the collective suitability of the competent elected body as a whole”.

10. In Article 15, the words “or if the Czech National Bank has them available in their current form. The applicant shall substantiate the reason for non-submission to the Czech National Bank.” shall be added at the end of paragraph 3.
11. In Article 17(2), the text “and 14” and the words “to the acquisition of or increase in the qualifying holding in a credit institution” shall be deleted.
12. Annex 1 shall be deleted.

## Article II

### **Effect**

This Decree shall take effect on the first day of the month after the date of its promulgation, with the exception of Article I(3) and (12), which shall take effect on 19 July 2023.

Governor:

Aleš Michl