

186
ACT

of 24 April 2009

**on Financial Intermediation and Financial Counselling
and on amendments and supplements to certain laws**

The National Council of the Slovak Republic has adopted the following Act:

Section I

PART ONE

GENERAL PROVISIONS

Article 1

Subject of the amendment

(1) This Act amends

- a) financial intermediation,
- b) financial counselling,
- c) the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents (hereinafter referred to as the “Register”),
- d) supervision over financial intermediation and financial counselling.

(2) This Act does not apply to

- a) pursuance of the activity under Article 2 paragraphs (1), (2) and (4) by a financial institution or its employees pursued by the name and at the expenses of such institution in relation to its own financial services,
- b) provision of contact data on a client or a prospective client to a financial institution, financial agent or financial adviser for the purposes of conclusion, amendment or termination of a contract for the provision of a financial service; the contact data shall mean, in particular, the name, surname, permanent residence, phone number and e-mail address in case of a natural person, or the commercial name, registered office, identification number, if assigned, phone number and e-mail address in case of a legal person,
- c) occasional provision of information on the financial market at the performance of the activities under special legislation¹⁾ or the provision of general information concerning financial services if such general information is not provided in order to conclude a contract for the provision of a financial service,
- d) spread of expert information, opinions or advices by media or any kind of their provision in the manner, of which it is evident that the expert information, opinions or advices are intended for the public and are not of the private advice character,

¹⁾ For example, Act of the Slovak National Council No. 78/1992 Coll. on tax consultants and on the Slovak Chamber of Tax Consultants as amended by subsequent legislation, Act No. 540/2007 Coll. on auditors, audit and supervision over audit performance and on amendments and supplements to Act No. 431/2002 Coll. on accounting as amended by subsequent legislation.

- e) drawing up of expert opinions and performance of expert activities in accordance with a separate regulation,²⁾
- f) the activity of the members of the European System of Central Banks, Národná banka Slovenska in accordance with a separate regulation,³⁾ central banks of other States, the State Treasury, the Debt and Liquidity Management Agency in accordance with a separate regulation⁴⁾ and the competent authorities of other States being entrusted to manage the national debt or participating in the national debt management,
- g) financial intermediation within the insurance and reinsurance sector in relation to insurance risks located outside the territory of the Member States or to the obligations arising from insurance, which have occurred outside the territory of the Member States,
- h) settlement of claims performed for an insurance company, insurance company from another Member State, branch of an insurance company from another Member State, foreign insurance company, branch of a foreign insurance company or a reinsurance company, captive reinsurance company, reinsurance company from another Member State, branch of a reinsurance company from another Member State, foreign reinsurance company and branch of a foreign reinsurance company.

(3) This Act does not apply even to

- a) a legal person providing financial counselling exclusively for its parent companies, its subsidiary companies or for the subsidiary companies of its parent companies,
- b) a person providing financial intermediation or financial counselling within another special activity, to which this Act does not apply, if the provision of such financial intermediation or financial counselling is not remunerated separately,
- c) a person pursuing financial intermediation within the insurance sector, provided that the following conditions are satisfied concurrently:
 - 1. the conclusion of an insurance contract requires only the knowledge of the particular insurance provided upon such insurance contract,
 - 2. the subject of financial intermediation is not insurance contracts within life assurance or within third party indemnity insurance,
 - 3. financial intermediation is a collateral activity of such person,
 - 4. insurance is a supplement to the product or the service provided by the person if such insurance covers the risk of
 - 4a. damage, destruction or loss of the product provided by such person, or
 - 4b. damage or loss of luggage or other insurance risks related to the travelling ordered at such person's, even in case of life assurance or third party indemnity insurance, if such insurance is supplementary insurance to the main insurance covering the insurance risks connected with travelling,
 - 5. the amount of an annual insurance premium per one insurance contract does not exceed the sum five hundred Euro (EUR 500.00) and the validity of such contract, including extensions of its validity, does not exceed the period of five (5) years.

²⁾ Act No. 382/2004 Coll. on experts, interpreters and translators and on amendments and supplements to certain laws as amended by subsequent legislation.

³⁾ Act of the National Council of the Slovak Republic No. 566/1992 Coll. on Národná banka Slovenska as amended by subsequent legislation.

⁴⁾ Act No. 386/2002 Coll. on the national debt and state guaranties amending Act No. 291/2002 Coll. on the State Treasury and on amendments and supplements to certain laws as amended by subsequent legislation.

Article 2

Financial intermediation

(1) Financial intermediation shall mean pursuance of at least one of the following activities:

- a) submission of offers to conclude a contract for the provision of a financial service, conclusion of the contract for the provision of a financial service and pursuance of further activities leading to the conclusion or to the amendment of the contract for the provision of a financial service,
- b) provision of expert assistance, information and advices to a client in order to conclude or terminate a contract for the provision of a financial service,
- c) cooperation at the administration of a contract for the provision of a financial service where the financial service character makes such cooperation possible,
- d) cooperation at the handling and settlement of claims arising to a client from a contract for the provision of a financial service, in particular in connection with the events being crucial for the occurrence of such claims where the financial service character enables such cooperation.

(2) Besides the activities referred to in paragraph (1), financial intermediation within the capital market sector shall include also

- a) provision of investment services⁵⁾, receiving and delegation of client's instructions concerning negotiable securities, mutual fund allotment certificates and securities of foreign subjects of collective investment, and their promotion,
- b) provision of investment counselling in relation to negotiable securities, mutual fund allotment certificates and securities issued by foreign subjects of collective investment.

(3) At the pursuance of the activities referred to in paragraph (2) subparagraph (a), the instructions may be delegated only to a bank, foreign bank pursuing its activities in the Slovak Republic,⁶⁾ securities dealer, foreign securities dealer pursuing its activities in the Slovak Republic,⁷⁾ or to a trust company, foreign trust company pursuing its activities in the Slovak Republic or pursuing the activity of a foreign investment company or offering publicly its securities in the territory of the Slovak Republic.⁸⁾

(4) Besides the activities referred to in paragraph (1), financial intermediation within the insurance or reinsurance sector shall include also recognition, assessment and elaboration of analyses of insurance risks related to the insurance products offered.

(5) Financial intermediation pursued in accordance with this Act constitutes business activities.⁹⁾

Article 3

Financial counselling

(1) Financial counselling shall mean provision of expert assistance, information, opinions, advices and individual financial plans to a client in relation to one or more

⁵⁾ Article 6 paragraph (1) of Act No. 566/2001 Coll. on securities and investment services and on amendments and supplements to certain laws (the Securities Act) as amended by subsequent legislation.

⁶⁾ Act No. 483/2001 Coll. on banks and on amendments and supplements to certain laws as amended by subsequent legislation.

⁷⁾ Act No. 566/2001 Coll. as amended by subsequent legislation.

⁸⁾ Act No. 594/2003 Coll. on collective investment and on amendments and supplements to certain laws as amended by subsequent legislation.

⁹⁾ Article 2 paragraph (2) subparagraph (c) of the Commercial Code.

financial services based on an objective analysis of a sufficient number of available financial services, including the subsequent conclusion or amendment of a contract for the provision of a financial service at the client's request, on behalf of the client and at the client's expenses.

(2) Besides the activities referred to in paragraph (1), financial counselling within the capital market sector shall include also the provision of investment counselling in relation to negotiable securities, mutual fund allotment certificates and securities issued by foreign subjects of collective investment.

(3) Besides the activities referred to in paragraph (1), financial counselling within the insurance or reinsurance sector shall include also recognition, assessment and elaboration of objective insurance risk analyses.

(4) Financial counselling pursued in accordance with this Act constitutes business activities.⁹⁾

Article 4 Definitions

For the purposes of this Act

a) 'financial service' shall mean a service provided by a financial institution or an activity pursued by the financial institution within the sector of

1. insurance or reinsurance,¹⁰⁾
2. capital market,¹¹⁾
3. supplementary pension saving,¹²⁾
4. receiving of deposits,¹³⁾
5. granting credits,¹⁴⁾

b) 'financial institution' shall mean a bank, foreign bank, branch of a foreign bank, insurance company, insurance company from another Member State, branch of an insurance company from another Member State, foreign insurance company, branch of a foreign insurance company or a reinsurance company, captive reinsurance company, reinsurance company from another Member State, branch of a reinsurance company from another Member State, foreign reinsurance company, branch of a foreign reinsurance company, securities dealer, foreign securities dealer, branch of a foreign securities dealer, trust company, foreign trust company, branch of a foreign trust company, foreign investment company, supplementary pension asset management company, occupational pension asset management company,¹²⁾ electronic money institution,¹⁵⁾ another legal person pursuing a payment system and a person granting consumer credits,¹⁶⁾ for the activity of which the licence of Národná banka Slovenska is not required.

c) 'contract for the provision of a financial service' shall mean a written contract between a client and a financial institution, upon which the financial institution provides the client with a

¹⁰⁾ Act No. 8/2008 Coll. on insurance and on amendments and supplements to certain laws as amended by Act No. 270/2008 Coll.

¹¹⁾ Act No. 566/2001 Coll. as amended by subsequent legislation.
Act No. 594/2003 Coll. as amended by subsequent legislation.

¹²⁾ Act No. 650/2004 Coll. on supplementary pension saving and on amendments and supplements to certain laws as amended by subsequent legislation.

¹³⁾ Article 5 subparagraph (a) of Act No. 483/2001 Coll.

¹⁴⁾ Article 5 subparagraph (b) of Act No. 483/2001 Coll.

¹⁵⁾ Article 21 paragraph (2) subparagraph (d) of Act No. 510/2002 Coll. on the payment system and on amendments and supplements to certain laws as amended by subsequent legislation.

¹⁶⁾ Act No. 258/2001 Coll. on consumer credits and on amendments and supplements to Act of the Slovak National Council No. 71/1986 Coll. on the Slovak Trade Inspection as amended by subsequent legislation.

financial service, in particular a contract on a current account, an insurance contract, a credit contract, a contract for the purchase of securities, a contract on the portfolio administration, a subscriber contract and an employer contract,¹⁷⁾

d) 'Member State' shall mean a Member State of the European Union or the State being a party to the Agreement on the European Economic Area,

e) 'home Member State' shall mean a Member State, in which the permanent residence or the place of business in case of a natural person, or the registered office or the headquarters¹⁸⁾ in case of a legal person, of a financial intermediary within the insurance or reinsurance sector from another Member State is situated,

f) 'large risk' shall mean an insurance risk related to

1. the non-life insurance class under a separate regulation,¹⁹⁾

2. the non-life insurance class under a separate regulation,²⁰⁾ provided that such insurance risk is related to the policyholder's activity in the field of industry, trade or pursuance of activities in accordance with special legislation,¹⁾

3. the non-life insurance class under a separate regulation,²¹⁾ provided that at least two of the following conditions are satisfied:

3a. the total sum of the insured person's assets does not exceed six million and two hundred thousand Euro (EUR 6,200,000.00),

3b. the net turnover of the insured person does not exceed twelve million and eight hundred thousand Euro (EUR 12,800,000.00),

3c. the average annual number of the insured person's employees for a period of taxation is equal or higher than two hundred and fifty (250) employees,

g) 'durable medium' shall mean each medium which enables to store information in the manner accessible for the use in the future for the period of time corresponding to the information purposes, and which enables unchanged reproduction of the stored information,

h) 'individual financial plan' shall mean a financial plan corresponding to personal requirements and financial capacities of a client or a prospective client, whereas it is evident from the plan character that it is not intended for the public,

i) 'collecting' shall mean the entitlement of a financial agent based on a contract with a financial institution, which includes financial intermediation,

1. to receive sums intended for a client or a financial institution on a financial agent's separate account opened with a bank or a branch of a foreign bank for the purposes of collecting, or

2. to pay claims arising from the concluded contracts for the provision of a financial service or to pay the sums to a client or to a person entitled to the claim payment arising from such contracts (beneficiary),

j) 'person' shall mean a natural person and a legal person, unless in the individual provisions hereof it is stated as only a natural person or only a legal person,

k) 'group with close links' shall mean at least two persons where one person has at least twenty per cent (20 %) direct or indirect holding in the registered capital or share in the voting rights of the other person or controls this person directly or indirectly, or any relationship of two or more persons controlled by the same person.

¹⁷⁾ Articles 57 through 59 of Act No. 650/2004 Coll. as amended by subsequent legislation.

¹⁸⁾ Article 3 subparagraph (s) of Act No. 8/2008 Coll.

¹⁹⁾ Part B, points 4, 5, 6, 7, 11 and 12 of Annex 1 to Act No. 8/2008 Coll.

²⁰⁾ Part B, points 14 and 15 of Annex 1 to Act No. 8/2008 Coll.

²¹⁾ Part B, points 3, 8, 9, 10, 13 and 16 of Annex 1 to Act No. 8/2008 Coll.

Article 5 Clients

(1) For the purposes hereof a client shall mean a person which is provided with financial intermediation or financial counselling.

(2) For the purposes hereof a prospective client shall mean a person to whom an offer or an invitation in order to provide financial intermediation or financial counselling provision is submitted.

(3) For the purposes hereof a non-professional client shall mean a client being a natural person who is provided with financial intermediation or financial counselling for his individual needs or for his family members' needs.

(4) A client that is not a non-professional client (hereinafter referred to as the "professional client") may require to be treated as a non-professional client. Such treatment shall be provided upon the acceptance of a written notice submitted to a financial agent or a financial adviser by the professional client containing the request to be treated as a non-professional client at the application of the activities rules in relation to the client in accordance with this Act; such notice shall contain also the information whether the request applies to one or more financial services within one or more sectors. After the receiving of such notice the financial agent or the financial adviser shall confirm the acceptance of the notice in writing and give one counterpart back to the client.

(5) The provisions under paragraphs (3) and (4) shall be without prejudice to a separate regulation²²⁾ laying down the categorization of clients for the purposes of financial intermediation within the capital market sector and financial counselling within the capital market sector.

Article 6 Financial agent

(1) A financial agent shall mean a person having located its registered office or place of business in the territory of the Slovak Republic and pursuing financial intermediation upon a written contract concluded with a financial institution or upon a written contract concluded with an independent financial agent. The financial agent shall not be allowed to pursue financial counselling.

(2) Unless otherwise stipulated by Articles 11 and 12, financial intermediation may be pursued in the territory of the Slovak Republic only by a financial agent being

- a) an independent financial agent,
- b) a bound financial agent,
- c) a subordinate financial agent.

(3) The words "financial agent", their translations into other languages, or the words or their translations, in which their etyma occur, may be included in a commercial name only by an entrepreneur authorised to pursue financial intermediation in accordance with this Act. Where any confusion may occur, Národná banka Slovenska shall be entitled to require specification of the financial agent's or another entrepreneur's name, and the financial agent or another entrepreneur shall be obliged to accord such request.

²²⁾ Article 8a of Act No. 566/2001 Coll. as amended by Act No. 209/2007 Coll.

Article 7

Independent financial agent

An independent financial agent shall pursue financial intermediation upon a written contract concluded with a financial institution, whereas the independent financial agent may have concluded written contracts concurrently with several financial institutions.

Article 8

Bound financial agent

A bound financial agent shall pursue financial intermediation upon a written contract concluded with a financial institution, whereas the bound financial agent may have concluded a written contract with not more than one financial institution within one sector; this shall not apply to the insurance or reinsurance sector within which the bound financial agent may have concluded a written contract with not more than one insurance company pursuing life assurance and concurrently with not more than one insurance company pursuing non-life insurance.

Article 9

Subordinate financial agent

(1) A subordinate financial agent shall pursue financial intermediation upon a written contract with an independent financial agent or a financial intermediary from another Member State within the insurance or reinsurance sector. The subordinate financial agent may have concluded a written contract concurrently with not more than one independent financial agent or financial intermediary from another Member State within the insurance or reinsurance sector.

(2) Besides the person referred to in paragraph (1), a subordinate financial agent may be also a person pursuing financial intermediation upon a written contract concluded with a financial institution being granted a licence to pursue the activity of an independent financial agent; this shall not hold if such person pursues financial intermediation upon a written contract concluded with the financial institution exclusively in relation to the financial services provided by such financial institution under the licence granted in accordance with a separate regulation.¹⁶⁾

Article 10

Financial adviser

(1) A financial adviser shall mean a person having located its registered office or place of business in the territory of the Slovak Republic and pursuing financial counselling upon a written contract for the provision of financial counselling concluded with a client (hereinafter referred to as the “contract for the provision of financial counselling”). The financial adviser shall not be allowed to pursue financial intermediation.

(2) Unless otherwise stipulated by Article 11, financial counselling may be pursued in the territory of the Slovak Republic only by a financial adviser.

(3) The words “financial adviser”, their translations into other languages, or the words or their translations, in which their etyma occur, may be included in a commercial name only by an entrepreneur being granted a licence to pursue financial counselling in accordance with this Act. Where any confusion may occur, Národná banka Slovenska shall be entitled to

require specification of the financial adviser's or another entrepreneur's name, and the financial adviser or another entrepreneur shall be obliged to accord such request.

Article 11

Financial intermediary from another Member State within the insurance or reinsurance sector

(1) A financial intermediary from another Member State within the insurance or reinsurance sector shall be authorised to pursue financial intermediation or financial counselling within the insurance or reinsurance sector in the territory of the Slovak Republic through a branch or upon the right of the free provision of services within the same scope within which it is authorised to pursue financial intermediation or financial counselling in the insurance or reinsurance sector in its home Member State.

(2) Upon a letter of advice of a competent supervisory authority of the home Member State containing the information that a financial intermediary from another Member State within the insurance or reinsurance sector intends to pursue financial intermediation or financial counselling in the territory of the Slovak Republic in accordance with paragraph (1), Národná banka Slovenska shall notify such supervisory authority of the conditions concerning the pursuance of financial intermediation or financial counselling within the insurance or reinsurance sector in the territory of the Slovak Republic in accordance with this Act within five (5) days from the delivery of such letter of advice.

(3) A financial intermediary from another Member State within the insurance or reinsurance sector shall be entitled to commence with the pursuance of financial intermediation or financial counselling in the territory of the Slovak Republic after the elapse of one (1) month from the date on which the financial intermediary from another Member State within the insurance or reinsurance sector has been notified by the competent supervisory authority of the home Member State of the delivery of the letter of advice to Národná banka Slovenska in accordance with paragraph (2).

(4) If a financial intermediary from another Member State within the insurance or reinsurance sector pursues financial intermediation or financial counselling in the territory of the Slovak Republic, the provisions of this Act shall apply to it accordingly, unless otherwise stipulated hereby.

Article 12

Bound investment agent

(1) A bound investment agent shall mean a person pursuing, on the full and unconditional responsibility of a securities dealer, foreign securities dealer having located its registered office in another Member State,²³⁾ bank or a foreign bank with its registered office in another Member State holding the authorisation to pursue investment services, investment activities and secondary services,²⁴⁾ financial intermediation within the capital market sector and further activities in accordance with a separate regulation²⁵⁾ for the said person upon a written contract. The bound investment agent may pursue financial intermediation only for one of the persons referred to in the first sentence.

(2) A bound investment agent shall not be entitled to dispose of finances or financial instruments of a client.

²³⁾ Articles 65 and 67 of Act No. 566/2001 Coll. as amended by Act No. 209/2007 Coll.

²⁴⁾ Article 11 paragraphs (1) and (2) of Act No. 483/2001 Coll. as amended by Act No. 644/2006 Coll.

²⁵⁾ Article 61a of Act No. 566/2001 Coll. as amended by subsequent legislation.

(3) The provision of paragraph (1) shall apply to a foreign securities dealer having located its registered office in the territory of another Member State and a foreign bank with its registered office in the territory of another Member State provided that a legal regulation valid in their home Member State enables them to use a bound investment agent.

PART TWO

REGISTER

Article 13

General provisions relating to the Register

(1) The Register kept by Národná banka Slovenska shall be established. Národná banka Slovenska may entrust any other legal person with keeping the Register. The Register shall be divided into sub-registers for particular sectors as follows:

- a) insurance and reinsurance,
- b) capital market,
- c) receiving of deposits,
- d) granting credits,
- e) supplementary pension saving.

(2) The sub-register under paragraph (1) subparagraph (a) shall be divided into the lists of

- a) independent financial agents,
- b) bound financial agents,
- c) subordinate financial agents,
- d) financial advisers,
- e) financial intermediaries from another Member State within the insurance or reinsurance sector.

(3) The sub-register under paragraph (1) subparagraph (b) shall be divided into the lists of

- a) independent financial agents,
- b) bound financial agents,
- c) subordinate financial agents,
- d) financial advisers,
- e) bound investment agents.

(4) The sub-registers under paragraph (1) subparagraphs (c) through (e) shall be divided into the lists of

- a) independent financial agents,
- b) bound financial agents,
- c) subordinate financial agents,
- d) financial advisers.

(5) Each person may be registered concurrently only in one of the respective lists under paragraphs (2) through (4) within one sub-register under paragraph (1).

(6) The data on the persons referred to in Article 17 and their changes (hereinafter referred to as the “registered data”) shall be entered in the respective lists under paragraphs (2) through (4) within the sub-registers under paragraph (1). For the purposes of the supervision exercise, Národná banka Slovenska shall be entitled to keep the registered data also after deregistration for the period of ten (10) years from the date of its realization.

(7) The person concerned cannot raise an objection against the person acting in the faith in the data published in accordance with Article 17 that such data do not correspond to the actual facts.

(8) The provisions of paragraph (6) and Articles 14 through 17 shall apply accordingly to a legal person entrusted by Národná banka Slovenska in accordance with paragraph (1).

Article 14 **Entry in the Register**

(1) Národná banka Slovenska shall enter a bound financial agent, subordinate financial agent and a bound investment agent in the respective list within the respective sub-registers under Article 13 stated in the application for the entry in the Register (hereinafter referred to as the “application for registration”) submitted by an applicant.

(2) An applicant for the registration of a financial agent shall be a financial institution with which the bound financial agent has concluded a contract under Article 8; the applicant for the registration of a subordinate financial agent shall be an independent financial agent or a financial intermediary from another Member State within the insurance or reinsurance sector with which the subordinate financial agent has concluded a contract under Article 9. The applicant for the registration of a bound investment agent shall be a person authorised to use bound investment agents in accordance with a special law,²⁵⁾ with whom the bound investment agent has concluded a contract under Article 12.

(3) An applicant shall be responsible for the correctness and completeness of the data stated in the application for registration.

(4) The application for registration shall be submitted electronically. Before the submission of the application for registration, an applicant shall be obliged to pay a fee for the application for registration. The fee for the application for registration shall be proceeds of Národná banka Slovenska.

(5) Where the application for registration is complete and the fee for the application for registration is paid in a timely and proper manner, within five (5) working days from the acceptance of the complete application for registration Národná banka Slovenska shall

a) enter a bound financial agent, subordinate financial agent or a bound investment agent in the respective list within the respective sub-register under Article 13 and assign the bound financial agent, subordinate financial agent or the bound investment agent a registration number,

b) notify the applicant electronically of the registration of the bound financial agent, subordinate financial agent or the bound investment agent in the respective list within the respective sub-register under Article 13 and of the assigned registration number.

(6) Where the application for registration is incomplete or the fee for the application for registration is not paid in a timely and proper manner, such application for registration shall be considered not to be submitted and Národná banka Slovenska shall notify the applicant of the fact electronically within five (5) working days after the receiving of the application for registration. The fee for the incomplete application for registration shall not be refunded.

(7) A bound financial agent, subordinate financial agent and a bound investment agent shall be authorised to commence with financial intermediation as from the date of their entry in the Register.

(8) After the receiving of the information under paragraph (5) subparagraph (b), an applicant shall issue a certificate of the entry in the Register (hereinafter referred to as the “certificate”) to a bound financial agent, subordinate financial agent or a bound investment

agent without undue delay. The certificate cannot be assigned to another person and shall not devolve even to a legal successor.

(9) Národná banka Slovenska shall enter an independent financial agent and a financial adviser in the respective list of the respective sub-register under Article 13 within five (5) working days after the effective date of the decision on the granting the respective licence under Article 18 and assign such persons a registration number.

(10) A financial intermediary from another Member State within the insurance or reinsurance sector that has commenced to pursue the activity in the territory of the Slovak Republic shall be obliged to send the data referred to in Article 17 paragraph (6) subparagraphs (a) through (e) to Národná banka Slovenska without undue delay. After the delivery of such data Národná banka Slovenska shall enter the financial intermediary from another Member State within the insurance or reinsurance sector in the respective list of the respective sub-register under Article 13 without undue delay.

(11) Only a person with its permanent residence or registered office located in the territory of the Slovak Republic or a branch of a foreign legal person may be entered in the list of bound investment agents. A person from another Member State may be registered only if a similar register is not kept in such Member State and provided that such bound investment agents act by the name of a securities dealer having located its registered office in the territory of the Slovak Republic.

Article 15

Change of the entry in the Register

(1) An applicant shall be obliged to notify immediately Národná banka Slovenska of the changes in the registered data on a bound financial agent, subordinate financial agent and a bound investment agent by means of an application for change of the entry in the Register (hereinafter referred to as the “application for a change in registration”).

(2) An applicant shall be responsible for the correctness and completeness of the data stated in the application for a change in registration.

(3) The application for a change in registration shall be submitted electronically. Before the submission of the application for a change in registration, an applicant shall be obliged to pay a fee for the application for a change in registration. The fee for the application for a change in registration shall be proceeds of Národná banka Slovenska.

(4) Where the application for a change in registration is complete and the fee for the application for a change in registration is paid in a timely and proper manner, Národná banka Slovenska shall enter the change in the Register and notify an applicant of the realization of the change in the entry electronically within five (5) working days after the acceptance of the complete application for a change in registration.

(5) Where the application for a change in registration is incomplete or the fee for the application for a change in registration is not paid in a timely and proper manner, such application for a change in registration shall be considered not to be submitted and Národná banka Slovenska shall notify an applicant of such fact electronically within five (5) working days after its receiving. The fee for the incomplete application for a change in registration shall not be refunded.

(6) Národná banka Slovenska shall realize the change of the entry of an individual financial agent and a financial adviser within five (5) working days after the acceptance of the notice under Article 18 paragraph (12), after the effective date of the decision on the change of the licence in accordance with Article 18 paragraph (15), or after the effective date of the decision on the imposition of a sanction referred to in Article 39 paragraph (1) subparagraph (d).

(7) Národná banka Slovenska shall realize the change in the entry of a financial intermediary from another Member State within the insurance or reinsurance sector within five (5) working days after the acceptance of the home Member State competent supervisory authority notice of the change in the registered data.

(8) If Národná banka Slovenska realizes the change in the entry of a financial agent having located its permanent residence or registered office in the territory of the Slovak Republic or a financial adviser with its permanent residence or registered office in the territory of the Slovak Republic being authorised to pursue financial intermediation or financial counselling within the insurance or reinsurance sector also in the territory of other Member States, Národná banka Slovenska shall be obliged to notify the competent supervisory authorities in such Member States of such fact without undue delay after the realization of the change in the entry.

Article 16

Deregistration from the Register

(1) Národná banka Slovenska shall deregister an individual financial agent or a financial adviser from the respective list within the respective sub-register under Article 13 in case of the expiration of the authorisation to pursue financial intermediation or financial counselling granted upon the respective licence in accordance with Article 18 to the full extent or for the respective sector within five (5) working days after the expiration of the licence under Article 18.

(2) Národná banka Slovenska shall deregister a bound financial agent, subordinate financial agent or a bound investment agent from the respective list within the respective sub-register under Article 13 if

a) the bound financial agent, subordinate financial agent or the bound investment agent being a natural person

1. has died or has been declared dead,

2. has been deprived of the capacity to enter into legal acts or his legal capacity has been limited,

b) the bound financial agent, subordinate financial agent or the bound investment agent being a legal person has been dissolved,

c) a bankruptcy in relation to the property of the bound financial agent, subordinate financial agent or the bound investment agent has been adjudicated or a petition for bankruptcy has been dismissed for lack of property in accordance with a separate regulation,²⁶⁾

d) the enterprise of the bound financial agent, subordinate financial agent or the bound investment agent or its part has been sold,

e) an applicant has submitted a complete application for deregistration of the bound financial agent, subordinate financial agent or the bound investment agent from the Register (hereinafter referred to as the “application for deregistration”), if the bound financial agent, subordinate financial agent or the bound investment agent has requested the applicant to submit the application for deregistration, or if a contract between the applicant and the bound financial agent, between the applicant and the subordinate financial agent or between the applicant and the bound investment agent expired and the applicant has not concluded a new contract with the bound financial agent, subordinate financial agent or the bound investment agent; in such cases the applicant shall be obliged to submit the application for deregistration of such persons within fifteen (15) days after

²⁶⁾ Act No. 7/2005 Coll. on bankruptcy and restructuring and on amendments and supplements to certain laws as amended by subsequent legislation.

1. the delivery of the request of the bound financial agent, subordinate financial agent or the bound investment agent for the submission of the application for deregistration; in such case the contract concluded between the applicant and the bound financial agent, between the applicant and the subordinate financial agent or between the applicant and the bound investment agent shall become null and void on the date of deregistration from the Register at the latest, or

2. the expiration of the contract concluded between the applicant and the bound financial agent, between the applicant and the subordinate financial agent or between the applicant and the bound investment agent,

f) Národná banka Slovenska ascertains that the bound financial agent, subordinate financial agent or the bound investment agent does not observe the provisions of this Act, particularly the requirements for professional qualifications and credibility,

g) a licence to pursue the activity granted to a financial institution with which the bound financial agent, subordinate financial agent or the bound investment agent has concluded a contract in accordance with Article 8 or Article 12 has expired, if such financial institution has been authorised to perform the activity upon the licence and its rights and obligations do not devolve to a legal successor being granted a licence to pursue the activity,

h) a licence granted in accordance with Article 18 to an independent financial agent with which the subordinate financial agent concluded a contract in accordance with Article 9 has expired to the full extent or for the respective sector.

(3) An applicant shall be obliged to submit the application for deregistration of a bound financial agent, subordinate financial agent or a bound investment agent if the bound financial agent, subordinate financial agent or the bound investment agent has not proved the satisfaction of the requirements for professional qualifications to the applicant within the time limits in accordance with Article 21 paragraph (10) subparagraphs (a) and (b) or if the bound financial agent, subordinate financial agent or the bound investment agent has not proved the satisfaction of the requirements for professional qualifications to the applicant within the time limits in accordance with Article 22 paragraph (2).

(4) Národná banka Slovenska shall deregister a financial intermediary from another Member State within the insurance or reinsurance sector from the respective list of the respective sub-register under Article 13 within five (5) working days after the date of

a) the notice of the financial intermediary from another Member State within the insurance or reinsurance sector of the termination of its activity in the territory of the Slovak Republic,

b) the notice of the competent supervisory authority from the home Member State containing the information that the authorisation granted to the financial intermediary from another Member State within the insurance or reinsurance sector to pursue such activity in its home Member State has expired.

(5) The application for deregistration shall be submitted electronically. Before the submission of the application for deregistration, an applicant shall be obliged to pay a fee for the application for deregistration. The fee for the application for deregistration shall be proceeds of Národná banka Slovenska.

(6) Where Národná banka Slovenska has ascertained the grounds for deregistration in accordance with paragraph (2) subparagraphs (a) through (d) and subparagraphs (f) through (h) and paragraph (4) or an applicant has submitted a complete application for deregistration in accordance with paragraph (2) subparagraph (e) and paragraph (3) and paid a fee for the application for deregistration in a timely and proper manner, within five (5) working days after the ascertaining of the grounds or within five (5) working days after the acceptance of the complete application for deregistration Národná banka Slovenska shall

a) deregister a bound financial agent, subordinate financial agent or a bound investment agent from the respective list of the respective sub-register under Article 13,

b) notify the applicant electronically of the deregistration of the bound financial agent, subordinate financial agent or the bound investment agent from the respective list of the respective sub-register under Article 13.

(7) Where the application for deregistration is incomplete or the fee for the application for deregistration is not paid in a timely and proper manner, such application for deregistration shall be considered not to be submitted and Národná banka Slovenska shall notify an applicant of the fact electronically within five (5) working days after the receiving of the application. The fee for the incomplete application for deregistration shall not be refunded.

(8) The authorisation of a bound financial agent, subordinate financial agent and a bound investment agent to pursue financial intermediation shall become null and void on the date of its deregistration or on the date of the expiration of a contract under Articles 8, 9 or Article 12 provided that such date precedes the date of deregistration.

(9) An applicant shall be obliged to notify, in writing and without undue delay, a bound financial agent, subordinate financial agent and a bound investment agent of the deregistration from the respective list of the respective sub-register under Article 13; this shall not hold in case of the grounds for deregistration referred to in paragraph (2) subparagraphs (a) and (b). The applicant shall also request the bound financial agent, subordinate financial agent or the bound investment agent to return the certificate. The bound financial agent, subordinate financial agent and the bound investment agent shall be obliged to accord such request without undue delay.

(10) If Národná banka Slovenska deregisters a financial agent having located its permanent residence or registered office in the territory of the Slovak Republic or a financial adviser with its permanent residence or registered office in the territory of the Slovak Republic being authorised to pursue financial intermediation or financial counselling within the insurance or reinsurance sector also in the territory of other Member States, Národná banka Slovenska shall be obliged to notify competent supervisory authorities in the Member States of such fact without undue delay after the date of deregistration.

(11) The content of the application for registration, the content of the application for a change in registration and the content of the application for deregistration, the amount of the fee for the application for registration, the amount of the fee for the application for a change in registration and the amount of the fee for the application for deregistration, the manner of the payment of the said fees and the manner of proving of their payment, the maximal number of persons that the application for registration, the application for a change in registration and the application for deregistration may include, a specimen certificate, a registration number structure and further details about the Register shall be laid down in the Provision to be issued by Národná banka Slovenska and published in the Collection of Laws of the Slovak Republic (hereinafter referred to as the “Collection of Laws”).

Article 17

Registered data and published data

(1) The data registered in the list of independent financial agents shall include

- a) the registration number,
- b) the number of the decision on granting the respective licence in accordance with Article 18,
- c) the commercial name or the name, legal form, registered office and the identification number, if assigned, in case of a legal person,
- d) the title, name, surname, personal identification number, permanent residence and the place of business in case of a natural person,
- e) the name, surname and the permanent residence of the members of a statutory body of the independent financial agent in case of a legal person,

- f) the effective date of the decision on granting the respective licence in accordance with Article 18 and on its change,
- g) the date of commencement and the date of expiration of the authorisation to pursue financial intermediation within the insurance or reinsurance sector in the territory of other Member States separately for each Member State and separately for life assurance and for non-life insurance,
- h) the commercial name and the identification number of an applicant, if assigned, in case of a legal person, or the name, surname and the personal identification number of the applicant in case of a natural person separately for each sector in case of the insurance or reinsurance sector; such data shall be registered separately for life assurance and separately for non-life insurance,
- i) the names of other Member States in whose territory the independent financial agent is authorised to pursue financial intermediation in case of the independent financial agent pursuing financial intermediation in the insurance or reinsurance sector in accordance with Article 20,
- j) the date of commencement and the date of expiration of the authorisation to pursue financial counselling within the insurance or reinsurance sector in the territory of other Member States separately for each Member State,
- k) the commercial name and the identification number, if assigned, of each financial institution with which the independent financial agent has concluded a contract in accordance with Article 7,
- l) the date of commencement and the date of expiration of each contract under subparagraph (k),
- m) the date of each successful verification of the independent financial agent's professional qualifications in case of a natural person or each successful verification of professional qualifications of the independent financial agent's statutory body or at least one member of the statutory body and one chief executive of the independent financial agent in case of a legal person; for the purposes hereof the chief executive shall mean the employee of the financial agent or the employee of a financial adviser responsible for the pursuance of financial intermediation or financial counselling,
- n) the date of each completion of special financial education of the independent financial agent in case of a natural person or each completion of special financial education of the independent financial agent's statutory body or at least one member of the statutory body and one chief executive of the independent financial agent in case of a legal person,
- o) the date of registration,
- p) the date of the change of the entry in the Register indicating the registered datum concerned and the change of such datum; these data shall be registered separately for each sector,
- q) the date of deregistration.

(2) Národná banka Slovenska shall publish the data registered in the list of independent financial agents referred to in paragraph (1) subparagraphs (a) through (d), except for the personal identification number, and subparagraphs (f), (g), (i), (j), (o) through (q) in its web-site.

(3) The data registered in the list of bound financial agents shall include

- a) the registration number,
- b) the commercial name or the name, legal form, registered office and the identification number, if assigned, in case of a legal person,
- c) the title, name, surname, personal identification number, permanent residence and the place of business in case of a natural person,

- d) the name, surname and the permanent residence of the members of the bound financial agent's statutory body in case of a legal person,
- e) the ground for deregistration from the Register in accordance with Article 16 paragraph (2),
- f) the names of the Member States in whose territory the bound financial agent is authorised to pursue financial intermediation in case of the bound financial agent pursuing financial intermediation in the insurance or reinsurance sector in accordance with Article 20,
- g) the date of commencement and the date of expiration of the authorisation to pursue financial intermediation within the insurance or reinsurance sector in the territory of other Member States separately for each Member State and separately for life assurance and for non-life insurance,
- h) the commercial name and the identification number of an applicant, if assigned, in case of a legal person, or the name, surname and the personal identification number of the applicant in case of a natural person separately for each sector in case of the insurance or reinsurance sector; such data shall be registered separately for life assurance and separately for non-life insurance,
- i) the date of commencement and the date of expiration of each contract in accordance with Article 8,
- j) the date of registration,
- k) the date of a change of the entry in the Register indicating the registered datum concerned and the change of such datum in the Register; these data shall be registered separately for each sector,
- l) the date of deregistration.

(4) Národná banka Slovenska shall publish, in its web-site, the data registered in the list of bound financial agents, namely the registration number, the name or the commercial name, registered office, legal form and the identification number, if assigned, in case of a legal person, and the name and surname, and the name of the town of the bound financial agent's permanent residence in case of a natural person. In case of the insurance and reinsurance sector, Národná banka Slovenska shall publish the data in accordance with the first sentence separately for life assurance and separately for non-life insurance.

(5) Paragraphs (3) and (4) shall apply accordingly to the data registered in the list of subordinate financial agents and in the list of bound investment agents within the respective sub-register under Article 13 as well as to their publication.

(6) The data registered in the list of financial intermediaries from another Member State within the insurance or reinsurance sector shall include

- a) the registration number,
- b) the name or the commercial name, registered office and the legal form in case of a legal person, or the title, name, surname, date of birth and the permanent residence in case of a natural person,
- c) the name, surname and the address of a long-term residence of the head of a branch and the registered office of the branch if the financial intermediary from another Member State within the insurance or reinsurance sector pursues the activity in the territory of the Slovak Republic through the branch,
- d) the commercial name and the identification number, if assigned, of a financial institution and a financial agent in case of a legal person, or the name, surname, personal identification number of the financial agent in case of a natural person, with which the financial intermediary from another Member State within the insurance and reinsurance sector has concluded a written contract,
- e) the date of commencement and the date of expiration of each contract under subparagraph (d),

- f) the date of registration,
- g) the date of the change of the entry in the Register indicating the registered datum concerned and the change of such datum; these data shall be registered for each sector separately,
- h) the date of deregistration.

(7) Národná banka Slovenska shall publish, in its web-site, the data registered in the list of financial intermediaries from another Member State within the insurance and reinsurance sector referred to in paragraph (6), except for the personal identification number of a financial agent in case of a natural person, with which the financial intermediary from another Member State within the insurance and reinsurance sector has concluded a written contract.

(8) The data registered in the list of financial advisers shall include

- a) the registration number,
- b) the number of the decision on granting the respective licence in accordance with Article 18,
- c) the commercial name or the name, legal form, registered office and the identification number, if assigned, in case of a legal person,
- d) the title, name, surname, personal identification number, permanent residence and the place of business in case of a natural person,
- e) the name, surname and the permanent residence of the members of the financial adviser's statutory body in case of a legal person,
- f) the effective date of the decision on granting the respective licence in accordance with Article 18 and the date of its change,
- g) the date of termination of the respective licence in accordance with Article 18,
- h) the ground for termination of the respective licence referred to in Article 19 paragraph (1),
- i) the names of the Member States in whose territory the independent financial adviser is authorised to pursue financial counselling in case of the financial adviser pursuing financial counselling within the insurance or reinsurance sector in accordance with Article 20,
- j) the date of commencement and the date of expiration of the authorisation to pursue financial counselling within the insurance or reinsurance sector in the territory of other Member States separately for each Member State,
- k) the date of each successful verification of professional qualifications of the financial adviser in case of a natural person, or each successful verification of professional qualifications of the financial adviser's statutory body or at least one member of the statutory body and one chief executive of the financial adviser in case of a legal person,
- l) the date of each completion of special financial education of a financial adviser in case of a natural person or each completion of special financial education of the financial adviser's statutory body or at least one member of the statutory body and one chief executive of the financial adviser in case of a legal person,
- m) the date of registration,
- n) the date of the change of the entry in the Register indicating the registered datum concerned and the change of such datum; these data shall be registered for each sector separately,
- o) the date of deregistration.

(9) Národná banka Slovenska shall publish the data registered in the list of financial advisers referred to in paragraph (8) subparagraphs (a) through (d), except for the personal identification number, and subparagraphs (f), (g), (i), (j), (m) through (o) on its web-site.

PART THREE

CONDITIONS FOR PURSUANCE OF FINANCIAL INTERMEDIATION AND FINANCIAL COUNSELLING

Article 18

Licence to pursue the activity of an independent financial agent and a licence to pursue the activity of a financial adviser

(1) To pursue the activity of an independent financial agent and to pursue the activity of a financial adviser in the territory of the Slovak Republic a licence must be granted by Národná banka Slovenska, unless otherwise stipulated by this Act. Národná banka Slovenska shall decide on the granting of a licence to pursue the activity of an independent financial agent and on the granting of a licence to pursue the activity of a financial adviser. (2)

Where an applicant is a legal person, to be granted the licence in accordance with paragraph (1) the following conditions must be satisfied:

- a) credibility of a natural person being a statutory body of the applicant or a natural person being a member of the applicant's statutory body, a natural person being a member of a supervisory body of the applicant and the applicant's chief executive,
- b) professional qualifications of a natural person being the statutory body of the applicant or at least one natural person being a member of the applicant's statutory body, or at least one applicant's chief executive,
- c) credibility and professional qualifications of the applicant's employees who are to pursue the activity, which includes financial intermediation or financial counselling, provided that the applicant intends to pursue financial intermediation or financial counselling by means of its employees,
- d) transparency of the group with close links which also the persons controlling²⁷⁾ the applicant belong to,
- e) technical and organizational preparedness of the applicant to pursue financial intermediation or financial counselling.

(3) Where an applicant is a natural person, to be granted the licence in accordance with paragraph (1) the following conditions must be satisfied:

- a) credibility of the applicant and his full capacity to enter into legal acts,
- b) professional qualifications of the applicant,
- c) credibility and professional qualifications of the applicant's employees who are to pursue the activity, which includes financial intermediation or financial counselling, provided that the applicant intends to pursue financial intermediation or financial counselling by means of his employees,
- d) technical and organizational preparedness of the applicant to pursue financial intermediation or financial counselling.

(4) Where the applicant is a legal person, the application for granting the licence in accordance with paragraph (1) shall include

- a) the commercial name, registered office, legal form and the identification number, if assigned,
- b) the name, surname, personal identification number and the permanent residence of a natural person being a statutory body of the applicant or a natural person being a member of the applicant's statutory body, a natural person being a member of a supervisory body of the applicant and the applicant's chief executive,
- c) the information whether it requests for granting the licence to pursue the activity of an independent financial agent or the licence to pursue the activity of a financial adviser,

²⁷⁾ For example, Article 8 subparagraph (h) of Act No. 566/2001 Coll.

- d) specification of the sectors within which it intends to pursue financial intermediation or financial counselling,
- e) declaration of the applicant of the completeness, correctness, truthfulness and up-to-dateness of the data stated in the application, including its annexes.

(5) Where the applicant is a natural person, the application for granting the licence in accordance with paragraph (1) shall include

- a) the name, surname, personal identification number, permanent residence or the place of business, if different from the permanent residence,
- b) the information whether he requests for granting the licence to pursue the activity of an independent financial agent or the licence to pursue the activity of a financial adviser,
- c) specification of the sectors within which he intends to pursue financial intermediation or financial counselling,
- d) declaration of the applicant of the completeness, correctness, truthfulness and up-to-dateness of the data stated in the application, including its annexes.

(6) Where the applicant is a legal person, the application in accordance with paragraph (1) shall be supported by the annexes as follows

- a) documents proving credibility of a natural person being a statutory body of the applicant or a natural person being a member of the applicant's statutory body, a natural person being a member of a supervisory body of the applicant and the applicant's chief executive,
- b) documents proving professional qualifications of the natural person being the statutory body of the applicant or at least one natural person being a member of the applicant's statutory body, or at least one applicant's chief executive,
- c) written declaration of the applicant containing the information that all its employees by means of whom it intends to pursue financial intermediation or financial counselling are credible and professionally qualified,
- d) the abstract of the Companies Register or the similar register kept in the State in whose territory the registered office of the applicant is situated, issued maximally three (3) months before its submission, or the document proving the establishment of the legal person,
- e) documents proving transparency of the group with close links, which the applicant belongs to, containing the amount of direct and indirect shares in the registered capital or in voting rights of the legal person within such group as well as a graphical representation of the structure of such group,
- f) documents proving technical and organizational preparedness of the applicant to pursue financial intermediation or financial counselling.

(7) Where the applicant is a natural person, the application in accordance with paragraph (1) shall be supported by the annexes as follows

- a) documents proving credibility of the applicant and his declaration on word of honour proving his full capacity to enter into legal acts,
- b) written declaration of the applicant containing the information that all his employees by means of whom he intends to pursue financial intermediation or financial counselling are credible and professionally qualified,
- c) documents proving technical and organizational preparedness of the applicant to pursue financial intermediation or financial counselling.

(8) Národná banka Slovenska shall decide on the application under paragraph (1) within thirty (30) days after the delivery of a complete application.

(9) Národná banka Slovenska shall reject the application under paragraph (1) if the applicant has not proved satisfaction of the conditions referred to in paragraphs (2) or (3) or if the granting of the licence in accordance with paragraph (1) is in conflict with other provisions of this Act or a special law.

(10) Credibility of natural persons referred to in paragraphs (2) and (3) shall be proved

to Národná banka Slovenska on the date of the submission of the application under paragraph (1).

(11) The conditions referred to in paragraphs (2) and (3) must be satisfied continuously throughout the entire period of the validity of the licence to pursue the activity of an independent financial agent and the licence to pursue the activity of a financial adviser. Where the activity of a statutory body or a member of the statutory body or the employment of the chief executive responsible for the pursuance of the activity including financial intermediation or financial counselling terminates, the independent financial agent and the financial adviser shall be obliged to ensure a substitute for such person without undue delay.

(12) An independent financial agent and a financial adviser shall be obliged to notify Národná banka Slovenska of the changes in the facts referred to in paragraphs (2) through (7) without undue delay.

(13) The licence under paragraph (1) cannot be assigned to another person and shall not devolve even to a legal successor.

(14) The licence under paragraph (1) may contain also the conditions stipulated by this Act that must be fulfilled by an independent financial agent or a financial adviser before the commencement of the pursuance of financial intermediation or financial counselling, or the conditions that must be observed by the independent financial agent or the financial adviser at the pursuance of financial intermediation or financial counselling. Upon the licence under paragraph (1) pursuance of certain activities may be restricted.

(15) At the request of an independent financial agent or a financial adviser the licence under paragraph (1) may be changed upon the decision of Národná banka Slovenska. The provisions of paragraphs (1) through (9) shall apply to the application for the change of the licence under paragraph (1) and to the procedure of Národná banka Slovenska concerning the application proceedings.

(16) A licence to pursue the activity of an independent financial agent and a licence to pursue the activity of a financial adviser may be returned. In case of the return in accordance with the first sentence the documents must be returned in a written form and delivered to Národná banka Slovenska.

(17) The manner in which the fulfilment of the conditions referred to in paragraphs (2) and (3) must be proved, and the details concerning the requirements for the application for granting the licence to pursue the activity of an independent financial agent and the application for granting the licence to pursue the activity of a financial adviser shall be laid down in the Provision to be issued by Národná banka Slovenska and published in the Collection of Laws.

Article 19

Expiration of a licence to pursue the activity of an independent financial agent and a licence to pursue the activity of a financial adviser

(1) A licence to pursue the activity of an independent financial agent and a licence to pursue the activity of a financial adviser shall expire

a) on the date of the dissolution of the independent financial agent or the financial adviser, in case of a legal person,

b) upon the death of the independent financial agent or the financial adviser or upon the declaration of the independent financial agent or the financial adviser dead, in case of a natural person,

c) on the date on which the property of the independent financial agent or the financial adviser was assigned for bankruptcy or on the date on which the petition in bankruptcy was dismissed due to lack of the property in accordance with a separate regulation,²⁶⁾

- d) in case of the independent financial agent or the financial adviser having located their permanent residence or registered office out of the territory of the Slovak Republic on the date of the adjudication of bankruptcy related to the property of these persons, on the date of the dismissal of the petition in bankruptcy due to lack of the property or on the date of the termination of the activity of these persons in the territory of the State of their permanent residence or registered office,
- e) on the date of the return of such licences,
- f) on the date of the sale of the independent financial agent's or the financial adviser's enterprise or its part,
- g) upon the deprivation or restriction of the capacity of the independent financial agent or the financial adviser to enter into legal acts in case of a natural person,
- h) on the effective date of the decision on the withdrawal of such licences,
- i) provided that the independent financial agent or the financial adviser has not submitted a motion for the entry of financial intermediation or financial counselling in the Companies Register within three (3) months after the granting of the licences.

(2) An independent financial agent and a financial adviser shall be obliged to notify Národná banka Slovenska in writing of the facts referred to in paragraph (1) subparagraphs (a), (c), (d) and (f) without undue delay after their occurrence. The independent financial agent and the financial adviser shall be obliged to prove the submission of the motion for the entry in the Companies Register to Národná banka Slovenska within seven (7) days after its submission.

Article 20

Financial intermediation within the insurance or reinsurance sector and financial counselling within the insurance or reinsurance sector in the territory of another Member State

(1) A financial agent within the insurance or reinsurance sector or a financial adviser within the insurance or reinsurance sector having located its permanent residence or registered office in the territory of the Slovak Republic which has decided to pursue financial intermediation within the insurance or reinsurance sector or financial counselling within the insurance or reinsurance sector in the territory of another Member State shall be obliged to notify Národná banka Slovenska of such fact. An applicant shall be obliged to notify Národná banka Slovenska of such fact on behalf of a bound financial agent within the insurance or reinsurance sector or a subordinate financial agent within the insurance or reinsurance sector which has decided to pursue financial intermediation within the insurance or reinsurance sector in the territory of another Member State.

(2) Národná banka Slovenska shall notify the competent supervisory authority of another Member State of such intention within thirty (30) days after the acceptance of the letter of intent in accordance with paragraph (1). The data published in compliance with Article 17 shall be included in the notice. Národná banka Slovenska shall notice also the persons referred to in paragraph (1) thereof.

(3) Persons referred to in paragraph (1) may commence with the pursuance of financial intermediation within the insurance or reinsurance sector or financial counselling within the insurance or reinsurance sector in the territory of another Member State after the elapse of one (1) month from the delivery of the notice of the fulfilment of the duty to inform in accordance with paragraph (2) to Národná banka Slovenska.

Professional qualifications and credibility

Article 21

(1) For the purposes hereof the professional qualifications shall mean theoretical knowledge and practical experience of the natural persons referred to in paragraphs (4) through (9) to pursue financial intermediation or financial counselling in a proper manner and at a sufficient professional level.

(2) The following levels of professional qualifications have been stipulated:

- a) basic level of professional qualifications,
- b) intermediate level of professional qualifications,
- c) higher level of professional qualifications,
- d) the highest level of professional qualifications.

(3) The professional qualifications in case of

a) the basic level of professional qualifications shall mean completed minimally secondary professional education and the completion of special financial education for each sector in which the person has been authorised to pursue financial intermediation within three (3) months after the first registration in the respective list of the respective sub-register under Article 13 at the latest,

b) the intermediate level of professional qualifications shall mean completed

1. secondary professional education, two (2) years of practical experience within the respective sector, successfully passed professional examination and the completion of special financial education for each sector within which the person has been authorised to pursue financial intermediation, or

2. university education and successfully passed professional examination,

c) the higher level of professional qualifications shall mean completed

1. secondary professional education, five (5) years of practical experience within the respective sector, successfully passed professional examination and the completion of special financial education for each sector within which the person has been authorised to pursue financial intermediation, or

2. full secondary general education or full secondary professional education, three (3) years of practical experience within the respective sector, successfully passed professional examination and the completion of special financial education for each sector within which the person has been authorised to pursue financial intermediation, or

3. university education, three (3) years of practical experience within the respective sector and successfully passed professional examination,

d) the highest level of professional qualifications shall mean

1. full secondary general education or full secondary professional education, ten (10) years of practical experience within the respective sector, successfully passed professional examination leading to a certificate and the completion of special financial education for each sector within which the person has been authorised to pursue financial intermediation, or

2. university education, five (5) years of practical experience within the respective sector and successfully passed professional examination leading to a certificate.

(4) A bound financial agent being a natural person, a statutory body or at least one member of the statutory body of the bound financial agent being a legal person must meet the requirements for the basic level of professional qualifications.

(5) A subordinate financial agent being a natural person, a statutory body or at least one member of the statutory body of the subordinate financial agent being a legal person must satisfy the requirements for the intermediate level of professional qualifications; where the subordinate financial agent pursues financial intermediation only within one sector it must meet the requirements for the basic level of professional qualifications during the first two (2) years after the first registration in the respective list of the respective sub-register under Article 13.

(6) A bound investment agent being a natural person, a statutory body or at least one member of the statutory body and the chief executive of the bound investment agent being a legal person must meet the requirements for the basic level of professional qualifications.

(7) An independent financial agent being a natural person, a statutory body or at least one member of the statutory body and the chief executive of the independent financial agent being a legal person must meet the requirements for the higher level of professional qualifications.

(8) A financial adviser being a natural person, a statutory body or at least one member of the statutory body and the chief executive of the financial adviser being a legal person must meet the requirements for the highest level of professional qualifications.

(9) Each employee of a bound financial agent, subordinate financial agent and a bound investment agent pursuing the activity, which includes financial intermediation, must meet the requirements for the basic level of professional qualifications. Each employee of an independent financial agent pursuing the activity, which includes financial intermediation, must meet the requirements for the intermediate level of professional qualifications. Each employee of a financial adviser pursuing the activity which includes financial counselling must meet the requirements for the higher level of professional qualifications.

(10) Professional qualifications shall be proved

a) by a bound financial agent and a bound investment agent to an applicant within three (3) months after the first registration in the respective list of the respective sub-register under Article 13,

b) by a subordinate financial agent

1. to the applicant on the date of the submission of the application for registration in the respective list of the respective sub-register under Article 13,

2. to the applicant within three (3) months after the first registration in the respective list of the respective sub-register under Article 13; the satisfaction of the requirements for the basic level of professional qualifications shall be proved provided that the subordinate financial agent pursues financial intermediation only in one sector, or

3. to the applicant without undue delay in case of the satisfaction of the requirements for the intermediate level of professional qualifications; the applicant shall be obliged to notify Národná banka Slovenska of the meeting of the requirements for the intermediate level of professional qualifications within one (1) month after the proving thereof at the latest,

c) by an independent financial agent and a financial adviser to Národná banka Slovenska on the date of the application for the granting the licence under Article 18,

d) by an employee of a financial agent, employee of a bound investment agent or employee of a financial adviser to a financial agent or a financial adviser within three (3) months after the actual commencement of the pursuance of the activity, which includes financial intermediation or financial counselling.

(11) The professional qualifications shall be proved

a) upon a certified copy of a document proving obtained education stipulated for particular levels of professional qualifications,

b) upon a certificate of the length of practical experience within the respective sector stipulated for particular levels of professional qualifications and of the activity pursued during such practical experience,

c) upon a certificate of the special financial education completion,

d) upon a document of successful passing the professional examination or upon a certificate of successful passing the professional examination leading to the certificate.

Article 22

(1) Persons referred to in Article 21 paragraphs (4) through (9) must complete their professional qualifications continuously.

(2) The natural person who must meet the requirements for the basic level of professional qualifications shall be obliged to undergo a verification of his professional qualifications by the completion of special financial education at least every four years. The natural person who must meet the requirements for the intermediate level of professional qualifications shall be obliged to undergo the verification of his professional qualifications by the completion of special financial education and successful passing a professional examination at least every four years. The natural person who must meet the requirements for the higher level of professional qualifications and the natural person who must meet the requirements for the highest level of professional qualifications shall be obliged to undergo the verification of its professional qualifications by the completion of special financial education and successful passing the professional examination or successful passing the professional examination leading to a certificate every two years.

(3) The professional examination for particular sectors and for particular levels of professional qualifications shall be ensured by Národná banka Slovenska or by a legal person entrusted by Národná banka Slovenska. Prior to undergoing the professional examination the examinees shall be obliged to pay a fee in a proper and timely manner; the fee shall not be refunded in case of failing the examination. The fee for undergoing the professional examination shall be proceeds of Národná banka Slovenska. Where the professional examination is ensured by the legal person entrusted by Národná banka Slovenska, the fee for undergoing the examination shall be proceeds of such legal person.

(4) A financial agent, bound investment agent and a financial adviser shall be responsible for professional qualifications of their employees and for the verification of professional qualifications in accordance with paragraph (2). For such purposes the financial agent, bound investment agent and the financial adviser shall be obliged to keep special register containing, at least, the following data and documents:

- a) the name and surname of the employee,
- b) sectors within which the employee is authorised to pursue the activity, which includes financial intermediation or financial counselling,
- c) the date of commencement of the pursuance of the employee's activity, which includes financial intermediation or financial counselling, separately for each sector,
- d) the date of the completion of each special financial education separately for each sector and the documents proving such fact,
- e) the certificate of successful passing the professional examination by the employee separately for each sector provided that the undergoing the professional examination is required for the respective level of professional qualifications,
- f) certified copies of documents proving obtained education determined for particular levels of professional qualifications.

(5) The provisions of Articles 21 and 23 shall not apply to a financial intermediary from another Member State within the insurance or reinsurance sector.

(6) For the purposes hereof, the special financial education shall mean trainings, courses and other forms of education aimed to provide the person who completed it with sufficient informedness on financial services, to improve the quality of his theoretical knowledge and practical skills necessary for the pursuance of the activities, which include financial intermediation or financial counselling. The special financial education shall be performed for the respective sector.

(7) The professional examination leading to a certificate shall mean a special professional examination; in case that the examination is passed successfully the certificate shall be obtained. The certificate shall prove that the person who has passed the examination

leading to a certificate successfully has sufficient cognizance and theoretical knowledge of financial services within such scope and quality to be able to draw up an objective analysis of available financial services within the respective sector.

(8) The content as well as the scope of the professional examination leading to a certificate, the manner of its undergoing, the amount of the fee for its undergoing, the manner of the payment of such fee and further details about the professional examination shall be determined in the Provision to be issued by Národná banka Slovenska and published in the Collection of Laws.

(9) The content and the scope of special financial education, the manner of its performance as well as further details about the special financial education shall be determined by a generally binding legal regulation to be issued by the Ministry of Finance of the Slovak Republic.

Article 23

(1) For the purposes hereof, the credible person shall mean a natural person who

a) has not been lawfully sentenced for a criminal offence against the right of property, for a criminal offence committed in relation to a management function performance or for a wilful criminal offence; these facts are proved by means of an extract from the Criminal Record Register²⁸⁾ presented not more than three (3) months after it was issued; in case of a foreigner,²⁹⁾ these facts are proved by a similar certificate issued by the competent authority of the State of the foreigner's permanent or usual residence,

b) did not work in the last ten (10) years in a position of a member of Board of Directors, member of a supervisory body, proctor, chief executive in direct managing competence of the Board of Directors and chief executive responsible for performance of internal audit, was not a statutory body or a member of a statutory body in a financial institution or a pension asset management company whose licence to pursue its activity or a similar licence issued by the competent authority in the State of its registered office has been withdrawn, or in a legal person whose licence to pursue financial intermediation or in a legal person whose licence to pursue financial counselling has been withdrawn or that did not act in the last ten (10) years as a financial agent or a financial adviser being a natural person whose licence to pursue financial intermediation has been withdrawn or whose licence to pursue financial counselling has been withdrawn or who has been deregistered on the grounds referred to in Article 16 paragraph (2) subparagraph (f), at any time in the period of one (1) year before the withdrawal of the licence to pursue financial intermediation or the licence to pursue financial counselling or before deregistration,

c) did not did not work in the last ten (10) years in a position of a member of Board of Directors, member of a supervisory body, proctor, chief executive in direct managing competence of the Board of Directors and chief executive responsible for performance of internal audit, was not a statutory body or a member of a statutory body in a financial institution or a pension asset management company which was placed under compulsory receivership, at any time in the period of one (1) year before it was placed under the compulsory receivership,

d) did not did not work in the last ten (10) years in a position of a member of Board of Directors, member of a supervisory body, proctor, chief executive in direct managing competence of the Board of Directors and chief executive responsible for performance of

²⁸⁾ Articles 10 through 12 of Act No. 330/2007 Coll. on the Criminal Record Register and on amendments and supplements to certain laws as amended by Act No. 644/2007 Coll.

²⁹⁾ Act No. 48/2002 Coll. on the residence of foreigners and on amendments and supplements to certain laws as amended by subsequent legislation.

internal audit, was not a statutory body or a member of a statutory body in a financial institution or a pension asset management company or a statutory body, member of a statutory body or chief executive in a financial agent or a financial adviser in relation to which a bankruptcy was adjudicated or a petition for bankruptcy was dismissed because of lack of property or bankruptcy proceedings were cancelled because the bankrupt's property was insufficient to cover the costs of bankruptcy proceedings and the official receiver's consideration,²⁶⁾ at any time during the period of one (1) year before the bankruptcy adjudication,

e) was not fined lawfully more than fifty per cent (50 %) of the amount which he could have been imposed according to this Act or special legislation,³⁰⁾

f) carried out his functions in the last ten (10) years or pursued business activities reliably, honestly and without the breach of generally binding legal regulations, and having regard to these facts offers a guarantee that he will pursue financial intermediation or financial counselling, including the fulfilment of the obligations arising from generally binding legal regulations and from internal management acts, reliably, honestly and without the breach of generally binding legal regulations.

(2) A bound financial agent being a natural person, subordinate financial agent being a natural person, bound investment agent being a natural person, each employee of the bound financial agent, subordinate financial agent and the bound investment agent pursuing the activity, which includes financial intermediation, must be credible.

(3) The credibility shall be proved

a) by a bound financial agent in accordance with paragraph (2) and by a bound investment agent in accordance with paragraph (2) to an applicant on the date of the submission of the application for registration in the respective list of the respective sub-register under Article 13,

b) by a subordinate financial agent in accordance with paragraph (2) to the applicant on the date of the submission of the application for registration in the respective list of the respective sub-register under Article 13,

c) by an employee of a financial agent or a financial adviser to a financial agent or a financial adviser on the date of the actual commencement of the pursuance of the activity, which includes financial intermediation or financial counselling.

(4) Article 18 shall apply accordingly to the manner of proving the credibility of a bound financial agent, bound investment agent, subordinate financial agent and an employee of a financial agent or a financial adviser.

Organizational requirements for pursuance of financial intermediation and financial counselling

Article 24

(1) A financial agent and a financial adviser shall be obliged, adequately to the character and the scope of the activity in accordance with this Act,

a) to implement, exercise and observe the procedures of decision-making and the organizational structure within which the relationships of subordination and superiority are specified unambiguously and provably and duties, powers and responsibilities are assigned with emphasis on the identification of the persons responsible for the pursuance of financial intermediation or financial counselling and the persons pursuing financial intermediation or financial counselling,

b) to adjust the organizational structure so that it shall be able to ensure proper and safe

³⁰⁾ For example, Act No. 483/2001 Coll. as amended by subsequent legislation, Act No. 566/2001 Coll. as amended by subsequent legislation, Act No. 8/2008 Coll. as amended by subsequent legislation.

pursuance of the activity and prevent the occurrence of a conflict of interests,
c) to adjust the relationships between the statutory body and the employees and the powers and responsibilities of a financial agent and a financial adviser as regards the matters of the protection against legalisation of proceeds of crime and against terrorism financing,
d) to ensure that the persons responsible for pursuance of financial intermediation or financial counselling and the persons pursuing financial intermediation or financial counselling are acquainted with generally binding legal regulations and internal management acts that must be followed to fulfil their obligations properly,
e) to employ staff having experience, knowledge and professional qualifications necessary for compliance with assigned duties and activities,
f) to keep proper records on their activity and on internal organization.

(2) Where a statutory body of a financial agent or a statutory body of a financial adviser has more members, the financial agent or the financial adviser shall be obliged to appoint one member of the statutory body responsible for pursuance of financial intermediation or financial counselling.

Article 25

(1) In case of a legal person, an independent financial agent and a financial adviser shall be obliged to include a chief executive in their organizational structure. The independent financial agent and the financial adviser under the first sentence shall be obliged to provide the chief executive with the access to all the information and materials necessary for the proper pursuance of his activity.

(2) In case of a natural person, an independent financial agent shall be obliged to include a chief executive in his organizational structure only provided that he pursues financial intermediation by means of subordinate financial agents.

(3) The duty under paragraph (1) shall apply to a bound financial agent and a subordinate financial agent only provided that it pursues financial intermediation by means of its employees.

(4) The obligation under paragraph (1) shall apply to a financial institution that has concluded a contract in accordance with Article 8 with at least one bound financial agent.

(5) In case of a natural person, the obligations under this Act related to a chief executive shall be performed by an independent financial agent or a financial adviser; this shall not hold in case that the chief executive is included in the organizational structure of the independent financial agent.

(6) The chief executive of a financial agent or a financial adviser shall be responsible, in particular, for

a) monitoring of the observance of the obligations of the employees pursuing the activity, which includes financial intermediation or financial counselling, and for taking measures to remedy the deficiencies occurred at the pursuance of such activity,

b) providing the employees pursuing the activity under subparagraph (a) with expert assistance at the fulfilment of the obligations under this Act,

c) checking and handling the complaints of clients of a financial agent or a financial adviser in accordance with Article 26.

(7) The chief executive of an independent financial agent shall be responsible also for

a) pursuance of the activities referred to in paragraph (6) also in relation to a subordinate financial agent, with which the independent financial agent has concluded a contract in accordance with Article 9, and its clients,

b) performance of the control under Article 29 over the activity of the subordinate financial agent with which the independent financial agent has concluded a contract in accordance with

Article 9.

- (8) The chief executive of a financial institution shall be responsible for
- a) pursuance of the activities referred to in paragraph (6) also in relation to a bound financial agent, with which the financial institution has concluded a contract in accordance with Article 8, and its clients,
 - b) performance of the control under Article 29 over the activity of the bound financial agent with which the financial institution has concluded a contract in accordance with Article 8.

(9) The natural person being a statutory body of a financial agent, financial adviser or a financial institution, a member of a statutory body of the financial agent, financial adviser under Article 24 paragraph (2) or the financial institution shall be responsible for the proper pursuance of the chief executive's activity.

Article 26

(1) A financial agent and a financial adviser shall be obliged to draw up and observe internal management acts determining registration of clients' or prospective clients' complaints. The financial agent and the financial adviser shall be obliged to introduce and implement effective and transparent procedures of proper checking and prompt handling the clients' or prospective clients' complaints and to keep a record of each received complaint and steps taken to handle the complaint.

- (2) The obligations referred to in paragraph (1) shall apply also to
- a) a financial institution in relation to the clients' complaints concerning the activity of a bound financial agent, with which the financial institution has concluded a contract in accordance with Article 8,
 - b) an independent financial agent in relation to the clients' complaints concerning the activity of a subordinate financial agent, with which the independent financial agent has concluded a contract in accordance with Article 9.

(3) In order to ensure the observance of the obligations referred to in paragraph (1) a financial institution and an independent financial agent shall be obliged to draw up and apply a separate internal regulation.

- (4) The record under paragraph (1) must contain the following data:
- a) the name, surname and the residence address of a complainant in case of a natural person, the name or the commercial name and the registered office of the complainant in case of a legal person,
 - b) the subject of the complaint,
 - c) the date of the complaint delivery,
 - d) identification of the persons against whom the complaint is lodged,
 - e) assessment of the fact whether the complaint is well-founded,
 - f) the steps taken to handle the complaint,
 - g) the date of the complaint handling.

(5) A financial institution, financial agent and a financial adviser shall be obliged to handle a complaint and take steps to handle the complaint within thirty (30) days after its delivery and to notify a client of the manner in which the complaint is handled within the same time limit. In well-founded cases the financial institution, financial agent and the financial adviser may extend the period of time under the first sentence to not more than sixty (60) days after the complaint delivery, whereas the financial institution, financial agent and the financial adviser shall notify the complainant of the reasons of the extension of the time limit to sixty (60) days within thirty (30) days after the complaint delivery.

(6) The details about organizational requirements for the pursuance of financial intermediation or financial counselling may be determined in the Provision to be issued by

Article 27

Conflict of interests

(1) A financial agent and a financial adviser shall be obliged to take measures necessary for ascertaining of the conflict of mutual interest between the financial agent or the financial adviser in case of a natural person, a statutory body, members of its statutory body in case of a legal person and its employees, persons linked with the financial agent or the financial adviser upon the control relation;²⁷⁾ if the conflict of interests cannot be avoided at the pursuance of financial intermediation or financial counselling, a client shall be notified of the character and the reason of the conflict before the pursuance of financial intermediation or financial counselling and in case of its pursuance the client's interests must be preferred to own interests, and in case of the conflict of clients' interests equal and appropriate treatment of all clients must be ensured.

(2) An independent financial agent, statutory body of the independent financial agent, member of the statutory body of the independent financial agent and an employee of the independent financial agent may not be

a) a member of a statutory body of a financial institution, proctor of the financial institution, member of a supervisory body of the financial institution or an employee of the financial institution; this shall not apply

1. in case of the financial institution which has concluded a contract under Article 7 with the independent financial agent,

2. if the financial institution and the independent financial agent are part of a group with close links,

3. if the prudential rules of the independent financial agent's business contain procedures of the avoidance of the conflict of interests at the pursuance of financial intermediation by the natural persons referred to in the initial sentence hereof,

b) another financial agent, statutory body of another financial agent or a member of the statutory body of another financial agent, proctor of another financial agent, member of a supervisory body of another financial agent or an employee of another financial agent,

c) a financial adviser, statutory body of the financial adviser or a member of the statutory body of the financial adviser, proctor of the financial adviser, member of a supervisory body of the financial adviser or an employee of the financial adviser.

(3) A bound financial agent, statutory body of the bound financial agent, member of the statutory body of the bound financial agent and an employee of the bound financial agent may not be

a) a member of a statutory body of a financial institution, proctor of the financial institution, member of a supervisory body of the financial institution or an employee of the financial institution; this shall not apply

1. in case of the financial institution which has concluded a contract under Article 8 with the bound financial agent,

2. if the financial institution and the bound financial agent are part of a group with close links,

3. if the prudential rules of the bound financial agent's business contain procedures of the avoidance of the conflict of interests at the pursuance of financial intermediation by the natural persons referred to in the initial sentence hereof,

b) another financial agent, statutory body of another financial agent or a member of the statutory body of another financial agent, proctor of another financial agent, member of a supervisory body of another financial agent or an employee of another financial agent; this

shall not apply if such financial agent pursues financial intermediation within different sectors than the bound financial agent,

c) a financial adviser, statutory body of the financial adviser or a member of the statutory body of the financial adviser, proctor of the financial adviser, member of a supervisory body of the financial adviser or an employee of the financial adviser.

(4) A subordinate financial agent, statutory body of the subordinate financial agent, member of the statutory body of the subordinate financial agent and an employee of the subordinate financial agent may not be

a) a member of a statutory body of a financial institution, proctor of the financial institution, member of a supervisory body of the financial institution or an employee of the financial institution,

b) another financial agent, statutory body of another financial agent or a member of the statutory body of another financial agent, proctor of another financial agent, member of a supervisory body of another financial agent or an employee of another financial agent; this shall not apply provided that

1. the following conditions are met concurrently:

1a. it is the independent financial agent, which has concluded a contract under Article 9 with the subordinate financial agent,

1b. the independent financial agent and the subordinate financial agent are part of a group with close links,

1c. the prudential rules of the subordinate financial agent's business contain procedures of the avoidance of the conflict of interests at the pursuance of financial intermediation by the natural persons referred to in the initial sentence hereof, or

2. another financial agent pursues financial intermediation within different sectors than the subordinate financial agent,

c) a financial adviser, statutory body of the financial adviser or a member of the statutory body of the financial adviser, proctor of the financial adviser, member of a supervisory body of the financial adviser or an employee of the financial adviser.

(5) A financial adviser, statutory body of the financial adviser, member of the statutory body of the financial adviser and an employee of the financial adviser may not be

a) a member of a statutory body of a financial institution, proctor of the financial institution, member of a supervisory body of the financial institution or an employee of the financial institution,

b) a financial agent, statutory body of another financial agent or a member of the statutory body of the financial agent, proctor of the financial agent, member of a supervisory body of another financial agent or an employee of the financial agent,

c) a statutory body of another financial adviser or a member of the statutory body of another financial adviser, proctor of another financial adviser, member of a supervisory body of another financial adviser or an employee of another financial adviser.

(6) A person exercising supervision over a financial agent may not be

a) a financial institution or a person being its statutory body, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative,

b) a person being a part of a group with close links, which the financial institution or the natural person being a statutory body of such person, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative, belongs to,

c) a financial adviser or a natural person being its statutory body, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative,

d) a person being a part of a group with close links, which the financial adviser or the natural person being a statutory body of such person, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative, belongs to,

e) another financial agent or the natural person being its statutory body, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative,

f) a person being a part of a group with close links, which the financial agent under subparagraph (e) or the natural person being a statutory body of such person, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative, belongs to.

(7) The provision of paragraph (6) shall not apply if a financial agent and the persons referred to in paragraph (6) are part of a group with close links and concurrently the financial agent has concluded contracts under Articles 7, 8 or 9 only with the persons being a part of such group with close links.

(8) A person exercising supervision over a financial adviser may not be

a) a financial institution or a natural person being its statutory body, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative,

b) a person being a part of a group with close links, which the financial institution or the natural person being a statutory body of such person, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative, belongs to,

c) a financial agent or a natural person being its statutory body, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative,

d) a person being a part of a group with close links, which the financial agent or the natural person being a statutory body of such person, member of its statutory body, its proctor, member of its supervisory body or its employee, or its close relative, belongs to.

(9) The provisions of paragraph (1), paragraph (2) subparagraph (b), paragraph (3), paragraph (4) subparagraph (b), paragraph (5) subparagraph (b), paragraphs (6), (7), paragraph (8) subparagraph (c), and paragraph (8) subparagraph (d) shall apply accordingly to the conflict of interests of a bound investment agent.

(10) The provisions of paragraphs (1) through (9) shall be without prejudice to special legislation regularizing the conflict of interests.

PART FOUR

ACTIVITY RULES IN RELATION TO CLIENTS

Article 28

General rules

(1) A financial agent and a financial adviser shall be obliged to pursue financial intermediation or financial counselling in compliance with the principles of fair business relations, with professional care and in the interest of a client.

(2) A financial agent and a financial adviser shall be obliged to maintain confidentiality of all facts they got to know in connection with pursuance of financial intermediation or financial counselling and cannot misuse them for their own benefit or for the benefit of another person even after the termination of the financial intermediation or financial counselling pursuance. The fulfilment of the obligations under a separate regulation³¹⁾ shall not be considered as a breach of the duty to maintain confidentiality.

(3) The interchange of information between a financial agent, financial institutions and

³¹⁾ Act No. 297/2008 Coll. on protection against legalisation of proceeds from criminal activity and on protection against financing of terrorism and on amendments and supplements to certain laws.

other authorities under special legislation³²⁾ shall not be considered as a breach of the duty to maintain confidentiality.

(4) Where a financial agent is entitled to collect money, the following sums shall be considered as paid:

a) the sums paid by means of a financial agent to a financial institution at the moment of their receiving by the financial agent or at the moment of crediting the financial agent's special account with the sums,

b) the sums intended for a client or a beneficiary, which have been paid by means of a financial agent, at the moment of their receiving by the client or the beneficiary, or at the moment of crediting the client's or the beneficiary's account with the sums; such sums must be transferred to the client's account or to the beneficiary's account within three (3) days after their receiving by the financial agent at the latest.

(5) The financial resources intended for a financial institution or to a beneficiary entitled upon a contract for the provision of a financial service placed in the financial agent's special account shall not be the financial agent's property and in case that the bankruptcy in relation to the financial agent's property is adjudicated such financial resources shall not be included in the bankrupt's assets.¹⁵⁾

(6) The provisions of paragraphs (1) through (5) and of Articles 29 through 36 shall apply to the activity rules in relation to clients of a financial agent within the capital market sector and a financial adviser within the capital market sector, unless otherwise stipulated by Article 37 paragraph (2).

Article 29

(1) A financial institution shall be obliged to exert all effort that may be required from it to ensure that a breach of the obligations under this Act, special legislation or other generally binding legal regulations related to the pursuance of financial intermediation by a bound financial agent, with which the financial institution has concluded a contract in accordance with Article 8, does not occur. An individual financial agent shall be obliged to exert all effort that may be required from it to ensure that a breach of the obligations under this Act, special legislation or other generally binding legal regulations related to the pursuance of financial intermediation by a subordinate financial agent, with which the individual financial agent has concluded a contract in accordance with Article 9, does not occur.

(2) For the purposes of paragraph (1) a financial institution shall be obliged to check systematically the observance of the obligations under this Act, special legislation or other generally binding legal regulations related to the pursuance of financial intermediation by a bound financial agent, with which the financial institution has concluded a contract in accordance with Article 8, and an individual financial agent shall be obliged to check systematically the observance of the obligations under this Act, special legislation or other generally binding legal regulations related to the pursuance of financial intermediation by a subordinate financial agent, with which the individual financial agent has concluded a contract in accordance with Article 9.

(3) A contract under Article 8 or Article 9 must contain provisions enabling a financial institution and an independent financial agent to act in compliance with paragraphs (1) and (2).

(4) For the purposes of paragraphs (1) through (3), a contract under Article 8 or Article 9 must include the entitlement of a financial institution or an independent financial agent

³²⁾ For example, Article 134 paragraph (3) of Act No. 566/2001 Coll. as amended by subsequent legislation, Article 40 paragraph (3) of Act No. 8/2008 Coll.

- a) to require repeated completion of special financial education of a bound financial agent or a subordinate financial agent where the financial institution or the independent financial agent ascertains that the bound financial agent or the subordinate financial agent does not act with professional care,
- b) to require taking measures leading to the removal of the deficiencies occurrence reasons and to the remedy of the ascertained deficiencies of the bound financial agent or the subordinate financial agent,
- c) to withhold the consideration of the bound financial agent or the subordinate financial agent arising to the bound financial agent or to the subordinate financial agent from such contract up to taking the measures under subparagraph (b), to reduce such consideration or not to pay such consideration if the bound financial agent or the subordinate financial agent has broken the activity rules in relation to clients or caused damage to a client,
- d) to terminate the contract under Article 8 or Article 9 and submit the application for deregistration without undue delay if the bound financial agent or the subordinate financial agent has broken the provisions of this Act, special legislation or other generally binding legal regulations related to the pursuance of financial intermediation repeatedly or significantly.

(5) A financial institution and an independent financial agent shall be obliged to take adequate organizational measures for the purposes of the fulfilment of the obligations referred to in paragraphs (1) and (2), in particular to adopt a separate internal regulation laying down the procedure of the financial institution and of the independent financial agent concerning the fulfilment of such obligations.

(6) Within thirty (30) days after the end of a calendar quarter the chief executive of a financial institution or the chief executive of an independent financial agent shall be obliged to submit, to Národná banka Slovenska, a report on the fulfilment of the obligations of the financial institution or the independent financial agent referred to in paragraphs (1) and (2) containing the data on the check and ascertainment of the breach of the obligations by a bound financial agent or by a subordinate financial agent and on the exercise of the entitlement under paragraph (4). The content, structure and the manner of the submission of such report may be determined in the Provision to be issued by Národná banka Slovenska and published in the Collection of Laws.

Article 30 **Liability for damage**

(1) A financial agent and a financial adviser shall be responsible for damage caused at the pursuit of financial intermediation or financial counselling.

(2) An individual financial agent and a financial adviser must conclude a third party indemnity insurance contract concerning the damage caused at the pursuance of financial intermediation or financial counselling before the commencement of the pursuance of such activities and the insurance must be valid throughout the entire period during which the activities are pursued. Unless otherwise stipulated by paragraph (3), the claim payment limit for this insurance coverage must be not less than one hundred thousand Euro (EUR 100,000.00) per each insurance event and not less than one hundred and fifty thousand Euro (EUR 150,000.00) in the aggregate for all insurance events occurred in one calendar year. Where co-insurance is agreed upon the insurance contract, it may amount not more than one per cent (1.00 %) of the agreed claim payment.

(3) In case of an independent financial agent or a financial adviser being authorised to pursue financial intermediation or financial counselling within the insurance or reinsurance sector, the insurance contract under paragraph (2) must be valid also in the territory of other Member States and the insurance coverage agreed upon the insurance contract under

paragraph (2) must amount not less than one million one hundred and twenty thousand and two hundred Euro (EUR 1,120,200.00) per each insurance event and not less than one million six hundred and eighty thousand and three hundred Euro (EUR 1,680,300.00) in the aggregate for all insurance events occurred in one calendar year.

(4) An independent financial agent and a financial adviser shall be obliged to submit a copy of the insurance contract under paragraph (2) to Národná banka Slovenska within fifteen (15) days after its conclusion.

(5) An independent financial agent and a financial adviser may commence with the pursuance of financial intermediation or financial counselling on the effective date of the insurance contract under paragraph (2) at the earliest.

(6) The provisions of paragraphs (2) and (3) shall apply accordingly to a bound financial agent; this shall not hold if a financial institution, with which the bound financial agent has concluded a contract under Article 8, has assumed the responsibility for the damage caused by the bound financial agent.

(7) The provisions of paragraphs (2) and (3) shall apply accordingly to a subordinate financial agent; this shall not hold if an independent financial agent, with which the subordinate financial agent has concluded a contract under Article 9, has assumed the responsibility for the damage caused by the subordinate financial agent.

(8) A bound financial agent and a subordinate financial agent shall be obliged to submit a copy of the insurance contract under paragraph (2) to an applicant within fifteen (15) days after registration.

Article 31

Entitlement to acquire personal data and other information from a client or a client's representative

(1) In order to pursue financial intermediation or financial counselling, in order to identify a client and for other purposes referred to in paragraph (3), a financial agent and a financial adviser shall be entitled to require, even repeatedly, the provision of

a) personal data³³⁾ within the following scope: the name, surname, permanent residence, temporary address, personal identification number, if assigned, date of birth, citizenship, and the type and the number of the proof of identity in case of a natural person, including the natural person representing a legal person; in case of a natural person being an entrepreneur, also the address of the place of business, the name of the register or other records where the natural person running a business is registered and the number of the entry in such register or records,

b) identification data within the following scope: the name, identification number, if assigned, address of the registered office, address of the enterprise or structural units location and the other address of the business premises, the list of members of such legal person's statutory body and their data within the scope in accordance with subparagraph (a), the name of the register or other records in which such legal person is registered,³⁴⁾ and the number of the entry in such register or records in case of a legal person,

³³⁾ Article 33 of Act No. 428/2002 Coll. on personal data protection.

³⁴⁾ For example, Articles 6, 7, 9 and 9a of Act No. 83/1990 Coll. on association of citizens as amended by subsequent legislation, Article 3a and Article 27 of the Commercial Code, Article 6 paragraph (1) and Article 7 of Act of the National Council of the Slovak Republic No. 182/1993 Coll. on the ownership of flats and non-residential premises as amended by subsequent legislation, Article 9 paragraphs (1) and (2) and Article 10 of Act No. 147/1997 Coll. on non-investment funds and on supplements to Act of the National Council of the Slovak Republic No. 207/1996 Coll. as amended by Act No. 335/2007 Coll., Article 9 paragraphs (1) and (2) and Article 11 of Act No. 213/1997 Coll. on non-profit organizations providing generally beneficial services as amended by Act No. 35/2002 Coll., Article 2 paragraph (2) and Articles 10 and 11 of Act No. 34/2002 Coll. on

c) the contact phone number, fax number and e-mail address, if exists,
d) the documents and the data proving the authorisation to represent in case of the representative and the fulfilment of other requirements and conditions stipulated by this Act or special legislation related to the pursuance of financial intermediation or financial counselling or agreed with the financial agent or with the financial adviser.

(2) A financial agent and a financial adviser shall be entitled to acquire the personal data³³⁾ on a client or a client's representative from the proof of identity within the following scope: the portrait, title, name, surname, maiden name, personal identification number, date of birth, the town and the district of birth, permanent residence, temporary address, citizenship, a record on limitation of legal capacity, the type and the number of the proof of identity, its validity and the authority that issued the proof of identity, and further data from the documents proving the data subject to paragraph (1) subparagraphs (b) through (d) by copying, scanning or another recording also without the consent of the person concerned.

(3) In order to pursue financial intermediation or financial counselling, in order to identify a client or a client's representative, in order to check such identification, in order to protect and seek the rights of a financial agent or a financial adviser against clients, in order to document the activity, in order to exercise supervision and to fulfil the duties and obligations of the financial agent or the financial adviser under this Act or special legislation³⁵⁾, the financial agent and the financial adviser shall be entitled to acquire, record, keep, use and otherwise process³⁶⁾ personal data and other data within the scope in accordance with paragraph (1) and to acquire personal data of the client or the client's representative by copying, scanning or another recording of the proofs of identity within the scope necessary for the attainment of the processing purpose also without the consent of the person concerned.

(4) A financial agent and a financial adviser shall be entitled to make the data subject to paragraphs (1) through (3) accessible to other persons and to provide such persons with the said data to be processed in cases provided by this Act or special legislation, and to provide Národná banka Slovenska with the said data in order to exercise supervision in accordance with this Act and special legislation.

(5) A financial agent and a financial adviser shall be entitled to provide and make the data subject to paragraphs (1) through (3) accessible from their information system only to the persons and authorities towards which the financial agent and the financial adviser have the duty to supply the information protected in accordance with special legislation.³⁷⁾

(6) If the data are provided to a financial agent, it shall be considered as the fulfilment of the duty to inform a financial institution under special legislation.³⁰⁾

(7) Where a client or its representative does not supply the data required by a financial agent or a financial adviser in accordance with paragraph (1), the financial agent or the financial adviser shall not be allowed to provide the client with financial intermediation or financial counselling.

foundations and on amendments to the Civil Code as amended by subsequent legislation, Act No. 530/2003 Coll. on the Companies Register and on amendments and supplements to certain laws as amended by subsequent legislation.

³⁵⁾ For example, Act No. 395/2002 Coll. on archives and registries and on amendments and supplements to certain laws as amended by subsequent legislation, Act No. 431/2002 Coll. on accounting as amended by subsequent legislation, Act No. 297/2008 Coll.

³⁶⁾ Article 4 paragraph (1) subparagraphs (a) through (c), Article 7 paragraph (3) subparagraph (5) second sentence and paragraph (6) second sentence, Article 8 paragraph (2) and Article 10 paragraph (6) of Act No. 428/2002 Coll. as amended by Act No. 90/2005 Coll.

³⁷⁾ For example, Article 91 paragraphs (3) and (4) of Act No. 483/2001 Coll., Article 134 of Act No. 566/2001 Coll., Article 98 paragraph (3) of Act No. 594/2003 Coll., Article 34 paragraph (13) of Act No. 650/2004 Coll. as amended by Act No. 555/2007 Coll., Article 40 paragraph (3) of Act No. 8/2008 Coll.

(8) The provisions of paragraphs (1) through (7) shall apply to a prospective client or a prospective client's representative if such person has expressed provably its interest in financial intermediation or financial counselling.

Article 32

Costs of financial intermediation and financial counselling

(1) A financial agent may, in relation to the pursuance of financial intermediation, receive only a pecuniary consideration or a noncash consideration from a client, of whose existence, amount and the conditions of its receiving the client has been notified before the pursuance of financial intermediation. In relation to the pursuance of financial intermediation a financial agent may not provide a client or a prospective client with any advantages of pecuniary, material or immaterial character. Provision of small promotion articles shall not be considered as the said advantages.

(2) Before the pursuance of financial intermediation a client must be notified, in an unambiguous, complete, accurate and understandable manner, of the existence of any pecuniary consideration or any noncash consideration that a financial agent receives for financial intermediation from other person than the client.

(3) A client must be notified, in an unambiguous, complete, accurate and understandable manner, also of the amount of the pecuniary consideration or the noncash consideration under paragraph (2) at the client's request. A financial agent shall notify the client of such possibility in writing before the conclusion of a contract for the provision of a financial service.

(4) Within the insurance or reinsurance sector, the information of a client on the average amount of the financial intermediation costs for particular life assurance classes shall be considered as the fulfilment of the obligation under paragraph (3).

(5) Receiving of any pecuniary consideration or any noncash consideration cannot obstruct the financial agent's obligation to act in the interest of a client.

(6) In relation to the pursuance of financial counselling a financial adviser may not receive any pecuniary consideration or any noncash consideration, with the exception of the consideration from a client.

Article 33

Provision of information to a prospective client or a client

(1) A financial adviser shall be obliged to notify a prospective client of the fact that it pursues financial counselling.

(2) A financial agent shall be obliged to notify a prospective client of the fact that it pursues financial intermediation

a) upon a written contract with one or more financial institutions and of the fact whether these written contracts are of exclusive or non-exclusive character; the financial agent shall notify the client also of the commercial names of such financial institutions, if required, or

b) upon a written contract with another financial agent.

(3) A financial agent and a financial adviser shall be obliged to furnish a non-professional client or a prospective non-professional client with the information necessary in order to understand correctly the character and the risks of the financial service and adopt, subsequently and responsibly, a decision concerning the financial service, namely:

a) the information on legal consequences of the conclusion of the contract for the provision of a financial service and on the manners and systems of protection against failure of the financial institution and

b) further information necessary for its decision.

(4) Prior to the conclusion of a contract for the provision of a financial service, or, where reasoned, at its amendment, a financial agent shall be obliged to notify a client of

- a) the name or the commercial name, registered office and the legal form in case that the financial agent is a legal person, or the name, surname and the permanent residence or the place of business in case that the financial agent is a natural person,
- b) the name of the respective list within the respective sub-register under Article 13, in which the financial agent is registered, its registration number and the manner of its registration verification,
- c) the qualified holding³⁸⁾ of the financial agent in the registered capital or the share in voting rights of the person, with which the financial agent has concluded a contract under Article 6,
- d) the qualified holding of the person, with which the financial agent has concluded a contract under Article 6, or of the person controlling such person in relation to the registered capital or voting rights of the financial agent,
- e) the procedure concerning the filing of complaints related to the pursuance of financial intermediation by the financial agent as well as of special legislation³⁹⁾ regularizing voluntary settlement of disputes arising from financial intermediation,
- f) the amount of fees and other costs of the mediated financial service,
- g) significant requirements for the contract for the provision of a financial service in accordance with subparagraph (f).

(5) Prior to the conclusion of a contract for the provision of financial counselling, or, where reasoned, at its amendment, a financial adviser shall be obliged to notify a prospective client of

- a) the name or the commercial name, registered office and the legal form in case of a legal person, or the name, surname and the permanent residence or the place of business in case of a natural person,
- b) the name of the respective list within the respective sub-register under Article 13, in which the financial adviser is registered, its registration number and the manner of its registration verification,
- c) the amount of the consideration for the provision of financial counselling and further requirements for the contract for the provision of financial counselling.

(6) At the provision of financial counselling a financial adviser shall be obliged to notify a client of

- a) the amount of fees and other costs of the financial service in relation to which the financial adviser pursues financial counselling,
- b) significant terms of the contract for the provision of a financial service in accordance with subparagraph (a),
- c) the procedure concerning the filing of complaints related to the financial counselling pursuance, as well as of special legislation regularizing voluntary settlement of disputes arising from financial counselling.

(7) The information referred to in paragraphs (1) through (6) that a financial agent and a financial adviser provides to a prospective client must be

- a) in a written form or on a durable medium, unless otherwise stipulated by paragraph (13),
- b) complete, accurate, true, understandable, unambiguous, transparent and non-misleading,
- c) provided in the Slovak language or in another agreed language.

(8) Where the information referred to in paragraphs (1) through (6) are addressed to a non-professional client or a prospective non-professional client, such information

³⁸⁾ Article 3 subparagraph (d) of Act No. 8/2008 Coll.

³⁹⁾ For example Act No. 244/2002 Coll. on the arbitration proceedings as amended by Act No. 521/2005 Coll., Act No. 420/2004 Coll. on mediation and on supplements to certain laws.

- a) must be accurate and cannot emphasize any prospective advantages of a financial service or a financial instrument without concurrent, exact and noticeable pointing out any related risks,
- b) must be provided in the manner, which is supposed to be understandable for the client for which the information referred to in paragraphs (1) through (6) is intended or which is to be its probable receiver,
- c) cannot conceal or obscure relevant facts, statements or warnings or play them down.

(9) In case of a non-professional client, the information referred to in paragraphs (1) through (6) must be provided on a durable medium or by means of a web site in sufficient time prior to the conclusion of a contract for the provision of a financial service or prior to the conclusion of a contract for the provision of financial counselling.

(10) The obligation to provide the information referred to in paragraphs (1) through (6) on a durable medium shall be considered as fulfilled if the information is provided on a durable medium different from a written form, where

- a) the provision of the information on such durable medium is suitable with respect to the circumstances under which financial intermediation or financial counselling is provided to a non-professional client,
- b) the non-professional client has chosen, in advance, such form of the information provision from the offer for the information provision in a written form or on another durable medium.

(11) If the information provided to non-professional clients or prospective non-professional clients compares financial services or financial institutions, the following conditions must be satisfied:

- a) the comparison must make sense and must be objective and submitted in a fair manner,
- b) resources of the information used at the comparison must be presented,
- c) facts and assumptions used at the comparison must be stated.

(12) In the information provided to clients or prospective clients the name of Národná banka Slovenska or the name of any other competent authority cannot be used in the manner which could give the misimpression that such authority has supported or approved the financial services mediated by a financial agent or the financial services in relation to which a financial adviser provides financial counselling.

(13) The information may be provided to clients or prospective clients also verbally if required by the client, or if a contract for the provision of a financial service has to be concluded without undue delay. After the conclusion of the contract for the provision of a financial service such information must be provided in the manner under paragraph (7) without undue delay.

(14) A financial agent and a financial adviser pursuing its activity in the territory of the Slovak Republic by telecommunication means shall be obliged to ensure public accessibility of the data concerning their registration, particularly the registration number and the date from which they have been authorised to pursue financial intermediation or financial counselling.

(15) Where the information provided to a non-professional client or a prospective non-professional client refers to a particular tax treatment, the information must specify explicitly that the tax treatment depends on the client's individual situation and may change in the future.

(16) If required, an applicant shall be obliged to provide a prospective client or a client with the data on a bound financial agent, subordinate financial agent and a bound investment agent within the scope as follows: the registration number, the name or the commercial name, registered office, legal form and the identification number, if assigned, in case of a legal person, and the name and surname, permanent residence or the place of business in case of a natural person.

(17) Provisions of paragraphs (1) through (16) shall be without prejudice to special legislation⁴⁰⁾ regularizing the provision of information.

Article 34 **Advertising and promotion**

(1) All information included in advertising and promotion of financial intermediation or financial counselling must be consistent with other information provided by a financial agent or a financial adviser to a client at the pursuance of financial intermediation or financial counselling in accordance with Articles 32 and 33 and in accordance with special legislation.⁸⁾

(2) Where advertising or promotion of financial intermediation or financial counselling includes an offer to conclude a contract for the provision of a financial service or a contract for the provision of financial counselling and concurrently such advertising and promotion determines the manner of answering or includes an answer form, the advertising and the promotion must include relevant information in relation to such offer in accordance with Articles 32 and 33.

Article 35 **Assessment of clients**

(1) Prior to the provision of financial intermediation or financial counselling a financial agent or a financial adviser shall be obliged to ascertain and record a client's requirements and needs, its experience and knowledge concerning the respective financial service and its financial situation with regard to the character of the financial service being subject of financial intermediation or financial counselling.

(2) In case of a professional client, a financial agent or a financial adviser may suppose that such client has needed experience and knowledge enabling the client to understand the risks related to the respective financial service and that such client is able to manage such risks financially.

(3) Upon the information ascertained in accordance with paragraph (1) a financial agent shall be obliged to provide a client with the expert assistance, information and advices appropriate for the client with regard to the information ascertained under paragraph (1).

(4) Upon the information ascertained in accordance with paragraph (1) a financial adviser shall be obliged to provide a client with financial counselling appropriate for the client with regard to the information ascertained under paragraph (1).

(5) If a financial agent or a financial adviser does not ascertain the information under paragraph (1) before the provision of financial intermediation or financial counselling, the financial agent or the financial adviser shall not be allowed to provide the client with financial intermediation or financial counselling.

Article 36 **Keeping of records and duty to inform**

(1) A financial agent and a financial adviser shall be obliged to keep records of all documents containing the rights and obligations of the financial agent or the financial adviser and of a client, other terms and conditions under which the financial agent or the financial

⁴⁰⁾ For example, Articles 792a and 793 of the Civil Code, Article 3 paragraphs (3) through (8) of Act No. 258/2001 Coll. as amended by subsequent legislation, Article 8a paragraph (5), Articles 73b through 73s, Article 73v, Article 74b, Articles 78a and 78b and Article 111 of Act No. 566/2001 Coll. as amended by subsequent legislation.

adviser pursues financial intermediation or financial counselling, and further data, papers or other documents in accordance with Article 31 paragraphs (1) and (2). The rights and obligations of the persons under the first sentence may be kept in such records also in the form of a reference to other documents or generally binding legal regulations.

(2) A financial agent shall be obliged to keep the records under paragraph (1) for the period of at least five (5) years after the termination of a contract for the provision of a financial service and a financial adviser for the period of at least five (5) years after the termination of a contract for the provision of financial counselling.

(3) The duty to keep and maintain the records under paragraphs (1) and (2) shall not apply to a bound financial agent and a subordinate financial agent provided that a financial institution has signed up, in a contract under Article 8, to keep and maintain the records of the bound financial agent in accordance with paragraphs (1) and (2) or provided that an independent financial agent has signed up, in a contract under Article 9, to keep and maintain the records of the subordinate financial agent in accordance with paragraphs (1) and (2).

(4) Národná banka Slovenska may lay down a rule that a financial agent or a financial adviser shall be obliged to keep all or certain documents for the period longer than five (5) years where reasoned by the character of financial intermediation or financial counselling and if necessary for the proper exercise of supervision. The financial agent and the financial adviser shall be obliged to furnish Národná banka Slovenska with such documents without undue delay, if required.

(5) A financial agent and a financial adviser shall be obliged to keep the records under paragraph (1) on the medium enabling the keeping of the information in such manner that Národná banka Slovenska shall be able to use the information in the future, and in such form and such manner that the following conditions are satisfied:

- a) Národná banka Slovenska must have simple access to the documents and the documents must enable Národná banka Slovenska to reconstruct all significant phases of the financial intermediation or financial counselling pursuance,
- b) it must be ensured that all corrections or other modifications as well as the original content of the documents before such corrections or modifications may be ascertained,
- c) it must be ensured that the documents cannot be treated or modified in conflict with subparagraph (b).

(6) The details about the content, the manner of keeping and maintaining of the records under paragraphs (1) through (5) may be determined by Národná banka Slovenska upon the Provision published in the Collection of Laws.

(7) An independent financial agent shall be obliged to notify Národná banka Slovenska of the conclusion or termination of each contract with a financial institution in accordance with Article 7 without undue delay.

(8) By 31 March of a calendar year an independent financial agent shall be obliged to submit a statement of the financial intermediation pursuance in accordance with the situation as at 31 December of a previous calendar year to Národná banka Slovenska. By 31 March of a calendar year a financial adviser shall be obliged to submit the statement of the financial counselling pursuance in accordance with the situation as at 31 December of a previous calendar year to Národná banka Slovenska.

(9) By 31 March of a calendar year the chief executive of an independent financial agent and the chief executive of a financial adviser shall be obliged to submit, to Národná banka Slovenska, the report on holding office in a previous calendar year containing particularly the information on ascertained deficiencies and the measures taken to remedy the ascertained deficiencies. Národná banka Slovenska may instruct the chief executive to complete the report under the first sentence and the chief executive shall be obliged to perform such completion within the time limit specified by Národná banka Slovenska. The

content, structure and the manner of submission of the report on holding the chief executive's office may be determined by Národná banka Slovenska upon the Provision published in the Collection of Laws.

(10) The content, structure and the manner of the submission of the statement of the financial intermediation pursuance and the statement of the financial counselling pursuance shall be determined in the Provision to be issued by Národná banka Slovenska and published in the Collection of Laws.

Article 37

Special provisions concerning the activity rules in relation to a client at the pursuance of financial intermediation and financial counselling within the capital market sector

(1) A financial agent within the capital market sector may not

a) provide an investment service different from the service under Article 2 paragraph (2),
b) receive cash or financial instruments from clients, and thus the financial agent within the capital market sector is anyhow immune from being in a position of a person owing cash or securities to its clients.

(2) The provisions of Articles 28, 31, 32, 35, 36 paragraphs (1) through (6) shall not apply to the activity rules in relation to the clients of a financial agent within the capital market sector and of a financial adviser within the capital market sector. The provisions of a separate regulation⁴¹⁾ shall apply accordingly to such activity rules in relation to the clients.

PART FIVE

SUPERVISION

Article 38

The exercise of supervision

(1) Supervision over the pursuance of financial intermediation by an independent financial agent and over the pursuance of financial counselling by a financial adviser shall be exercised by Národná banka Slovenska in accordance with this Act and in compliance with special legislation.⁴²⁾

(2) Also financial intermediation or financial counselling within the insurance or reinsurance sector pursued by a financial intermediary from another Member State within the insurance or reinsurance sector shall be subject to the supervision of Národná banka Slovenska under the conditions referred to in paragraphs (8) through (11).

(3) The subject of the supervision under paragraph (1) shall be

a) observance of the provisions of this Act, special legislation within the scope arising therefrom and other generally binding legal regulations issued for the purposes of their implementation applicable to the pursuance of financial intermediation and financial counselling,
b) observance of the terms and conditions defined upon the licences granted under this Act,
c) fulfilment of a measure imposed upon a valid decision of Národná banka Slovenska.

⁴¹⁾ Articles 73 through 73h, Article 75 and Articles 112 through 134 of Act No. 566/2001 Coll. as amended by subsequent legislation.

⁴²⁾ Act No. 747/2004 Coll. on financial market supervision and on amendments and supplements to certain laws as amended by subsequent legislation.

(4) The subject of supervision does not include resolution of disputes arising from contractual relations, for the resolution of which are competent courts of law⁴³⁾ or other authorities under a separate regulation.⁴⁴⁾

(5) The persons subject to the supervision under this Act shall be obliged to draw up and submit, to Národná banka Slovenska at its request, the up-to-date, complete and true data, documents and information necessary for the proper exercising of supervision within the time limit determined by Národná banka Slovenska.

(6) While exercising supervision in the form of onsite supervision, the relations between Národná banka Slovenska and the persons subject to such supervision shall be governed by the provisions of a special law.⁴²⁾

(7) Národná banka Slovenska shall cooperate with competent supervisory authorities of other Member States in the interchange of the information concerning the pursuance of financial intermediation or financial counselling.

(8) Where Národná banka Slovenska ascertains that a financial intermediary from another Member State within the insurance or reinsurance sector has broken generally binding legal regulations at the pursuance of financial intermediation or financial counselling within the insurance or reinsurance sector, it shall, without undue delay, call on the financial intermediary from another Member State within the insurance or reinsurance sector to make a remedy within the determined time limit.

(9) Where a financial intermediary from another Member State within the insurance or reinsurance sector does not make a remedy within the determined time limit, Národná banka Slovenska shall notify a competent supervisory authority of the home Member State and request it to take immediate measures necessary for ending of the unlawful situation and to provide Národná banka Slovenska with the information on the measures taken.

(10) If, in spite of the measures under paragraph (9), a financial intermediary from another Member State within the insurance or reinsurance sector continues to breach generally binding legal regulations, after Národná banka Slovenska has notified the competent supervisory authority of the home Member State, Národná banka Slovenska may impose the measures necessary for ending of the unlawful situation, the imposition of the measures to remove and eliminate ascertained deficiencies including, on the financial intermediary from another Member State within the insurance or reinsurance sector, and the financial intermediary from another Member State within the insurance or reinsurance sector shall be obliged to carry out such measures.

(11) Where the competent supervisory authority of the home Member State has withdrawn the authorisation to pursue the activity within the insurance or reinsurance sector granted to a financial intermediary from another Member State within the insurance or reinsurance sector, Národná banka Slovenska shall take measures to prevent the financial intermediary from the pursuance of financial intermediation or financial counselling within the insurance or reinsurance sector under this Act without undue delay after it has learned of such fact.

(12) Národná banka Slovenska shall be obliged to notify the competent supervisory authorities of the home Member State of the financial intermediaries from another Member State within the insurance or reinsurance sector on which the corrective measure that might lead to deregistration from the register of insurance or reinsurance intermediaries kept under the legal regulations of the home Member State has been imposed.

(13) Národná banka Slovenska shall be obliged to notify the competent supervisory authorities of the home Member State of the financial intermediaries from another Member

⁴³⁾ Civil Procedure Code.

⁴⁴⁾ Act No. 244/2002 Coll.

State within the insurance or reinsurance sector on which the sanction under Article 39 has been imposed.

(14) Národná banka Slovenska shall be obliged to enable the competent supervisory authority of the home Member State to exercise onsite supervision in the territory of the Slovak Republic over the pursuance of financial intermediation within the insurance or reinsurance sector by a financial intermediary from another Member State within the insurance or reinsurance sector. Národná banka Slovenska shall enable the exercise of such supervision after the competent supervisory authority of the home Member State has notified Národná banka Slovenska of the fact that it intends to exercise such supervision. Národná banka Slovenska shall be entitled to take part in such supervision.

(15) All the documents necessary for the exercise of supervision must be submitted to Národná banka Slovenska in the national language.

Article 39 Sanctions

(1) If Národná banka Slovenska ascertains deficiencies in the activity of an independent financial agent, financial adviser and an applicant consisting in not complying with the conditions or obligations arising from the decisions issued by Národná banka Slovenska or in not complying with or evading the provisions of this Act, special legislation within the scope arising therefrom and generally binding legal regulations issued for the purposes of their implementation applicable to the pursuance of financial intermediation or to the pursuance of financial counselling by such persons, or if Národná banka Slovenska ascertains that financial intermediation or financial counselling is pursued by a person which has not been entered in the Register or granted the licence to pursue such activity under Article 18, Národná banka Slovenska may, depending on the seriousness, extent, duration, consequences and the nature of the ascertained deficiencies,

- a) impose, on the independent financial agent or the financial adviser, measures to remove and eliminate the ascertained deficiencies, including the time limit for their fulfilment and the duty to inform Národná banka Slovenska of their fulfilment within the specified time limit,
- b) impose, on the independent financial agent or the financial adviser, a penalty which shall not exceed the amount two hundred thousand Euro (EUR 200,000.00),
- c) restrict or suspend the independent financial agent or the financial adviser from the pursuit of the activity within some of the respective sectors,
- d) withdraw the respective licence under Article 18 from the independent financial agent or the financial adviser or restrict the licence in relation to some of the respective sectors,
- e) impose, on an applicant, a penalty which shall not exceed the amount twenty thousand Euro (EUR 20,000.00),
- f) impose, on the person pursuing financial intermediation or financial counselling in conflict with this Act, without registration or without the respective licence under Article 18, a penalty which shall not exceed the amount two hundred thousand Euro (EUR 200,000.00) and an obligation to terminate the unlicensed activity.

(2) The sanctions under paragraph (1) may be imposed separately or concurrently and repeatedly. The sanctions under paragraph (1) may be imposed within two (2) years from ascertaining the deficiencies, however, within five (5) years after their origination at the latest.

(3) Besides the proceedings for the imposition of a sanction under paragraph (1), Národná banka Slovenska shall be authorised to consult the deficiencies in the activity of an independent financial agent or a financial adviser and they shall be obliged to provide Národná banka Slovenska with required cooperation.

(4) If, at the exercise of supervision, the fact that the person which broken the obligation laid down by this Act, its relative or the person having close links with such person has gained a property benefit in connection with the breach of the obligation laid down hereby is ascertained, Národná banka Slovenska may impose, on the person that has gained the property benefit, an obligation to pay the compensation equal to the value of the property benefit to the person at the expense of which the property benefit has been gained.

(5) For the breach of the obligations arising from this Act, special legislation within the scope arising thereof and generally binding legal regulations issued for the purposes of their implementation applicable to the pursuit of financial intermediation or financial counselling, or for the breach of the conditions or obligations arising from the decisions issued by Národná banka Slovenska, depending on the seriousness, extent, duration, consequences and nature of the ascertained deficiencies, Národná banka Slovenska shall impose

a) on a natural person being a statutory body of an independent financial agent or a financial adviser, a member of the statutory body or a member of a supervisory body of the independent financial agent or the financial adviser, a penalty up to the amount of twelvefold of the monthly average of his total income from the financial agent the financial adviser or a financial institution,

b) on the chief executive of the independent financial agent or the financial adviser a penalty up to the amount of sixfold of the monthly average of his total income from the independent financial agent, the financial adviser or the financial institution.

(6) The penalty under paragraph (1) subparagraphs (b) and (e) and paragraph (5) shall be payable within thirty (30) days after the effective date of the decision on the penalty imposition. The penalties under paragraph (5) may be imposed within two (2) years from the ascertainment of the breach of the obligations, however, within five (5) years after the occurrence of the breach of the obligations at the latest. The penalties are the source of income for the State budget.

(7) Národná banka Slovenska shall report every sanction under paragraph (1) imposed on a financial intermediary within the insurance or reinsurance sector having located its registered office in the territory of other than the Member State to the competent supervisory authority of such State.

PART SIX COMMON, TRANSITIONAL AND FINAL PROVISIONS

Article 40 Common provisions

(1) In the field of financial intermediation within the insurance or reinsurance sector and financial counselling within the insurance or reinsurance sector the Ministry of Finance of the Slovak Republic shall be a notification authority in relation to the European Union authorities.

(2) Proceedings under this Act are subject to a special law,⁴²⁾ unless otherwise stipulated by Part Two hereof.

Transitional provisions Article 41

(1) An exclusive insurance intermediary under existing legislation shall be considered as a bound financial agent authorised to pursue financial intermediation within the insurance and reinsurance sector in accordance with this Act. A subordinate insurance intermediary under existing legislation shall be considered as a subordinate financial agent authorised to pursue financial intermediation within the insurance and reinsurance sector in accordance with this Act. An insurance agent under existing legislation shall be considered as an independent financial agent within the insurance and reinsurance sector in accordance with this Act. An insurance broker under existing legislation shall be considered as a financial adviser within the insurance and reinsurance sector in accordance with this Act. An insurance intermediary from another Member State under existing legislation shall be considered as a financial intermediary from another Member State within the insurance or reinsurance sector in accordance with this Act. A reinsurance intermediary under existing legislation shall be considered as an independent financial agent within the insurance and reinsurance sector in accordance with this Act. A reinsurance intermediary from another Member State under existing legislation shall be considered as a financial intermediary from another Member State within the insurance or reinsurance sector in accordance with this Act.

(2) An investment services intermediary under existing legislation shall be considered as an independent financial agent within the capital market sector in accordance with this Act. A bound agent under existing legislation shall be considered as a bound investment agent in accordance with this Act.

(3) A supplementary pension saving intermediary holding an authorisation to pursue intermediation of supplementary pension savings exclusively for one supplementary pension asset management company under existing legislation shall be considered as a bound financial agent authorised to pursue financial intermediation within the supplementary pension saving sector in accordance with this Act. A supplementary pension saving intermediary holding an authorisation to pursue intermediation of supplementary pension savings for two or more supplementary pension asset management companies under existing legislation shall be considered as an independent financial agent within the supplementary pension saving sector in accordance with this Act.

(4) A licence to pursue insurance intermediation by an insurance agent, a licence to pursue insurance intermediation by an insurance broker, a licence to pursue reinsurance intermediation by a reinsurance intermediary, a licence to pursue the activity of an investment service intermediary and a licence to pursue supplementary pension saving intermediation granted before 1 January 2010 shall be considered as licences granted in accordance with this Act.

(5) Národná banka Slovenska shall enter the persons under paragraphs (1) through (3) in the Register on 1 January 2010, whereas the provision of Article 14 shall not apply to the procedure concerning such registration. The certificate of the entry in the insurance intermediaries and reinsurance intermediaries register and the certificate of the entry in the supplementary pension saving intermediaries register issued before 1 January 2010 shall be considered as the certificate issued in accordance with this Act.

(6) A person different from the persons referred to in paragraphs (1) through (3) pursuing the activity to which this Act applies on the effective date hereof and intending to pursue financial intermediation or financial counselling shall be obliged to submit an application for granting the respective licence under Article 18 by 31 December 2010, or an applicant shall be obliged to submit an application for registration of such person within the said time limit.

(7) Where the person under paragraph (6) has not submitted the application for granting the respective licence under Article 18, or an applicant has not submitted the

application for registration, such person shall not be allowed to pursue financial intermediation or financial counselling after 1 January 2011.

(8) Where the person under paragraph (6) has submitted the application for granting the respective licence under Article 18 in a timely manner and Národná banka Slovenska dismisses the application, such person shall not be allowed to pursue financial intermediation or financial counselling as from the date following the decision on the application dismissal effective date. Where an applicant has submitted the application for registration of the person under paragraph (6) in a timely manner and Národná banka Slovenska does not enter the person in the Register, such person shall not be allowed to pursue financial intermediation or financial counselling as from the date following the date when Národná banka Slovenska has notified the applicant in accordance with Article 14 paragraph (6).

(9) By 31 December 2010 at the latest the persons under paragraphs (1) through (3) and (6) shall be obliged to harmonize their activity with the provisions of this Act, except for the provisions related to

- a) the intermediate level of professional qualifications, with which they are obliged to harmonize their activity by 31 March 2011,
- b) the higher level of professional qualifications, with which they are obliged to harmonize their activity by 30 June 2011,
- c) the highest level of professional qualifications, with which they are obliged to harmonize their activity by 30 September 2011.

(10) The persons that commence with the pursuance of financial intermediation or financial counselling after 1 January 2010 shall be obliged to meet the requirements for the basic level of professional qualifications by 31 December 2010 at the latest and the requirements for the intermediate level of professional qualifications, higher level of professional qualifications and the highest level of professional qualifications within the time limits referred to in paragraph (9) subparagraphs (a), (b) and (c).

(11) The persons that have been granted the licence referred to in paragraph (4) under existing legislation shall be entitled to submit the application for the change of such licences free of the charge for the act of Národná banka Slovenska by 31 December 2010.

(12) A financial agent shall be obliged to notify Národná banka Slovenska of its valid contracts with a financial institution or another financial agent by 31 December 2010.

(13) An independent financial agent and a financial institution shall be obliged to prove the fulfilment of the obligations stipulated in paragraph (9) concerning subordinate financial agents or bound financial agents, with which the independent financial agent and the financial institution have concluded valid contracts under Article 8 or Article 9, to Národná banka Slovenska within the time limits referred to in paragraph (9).

(14) Where an independent financial agent has not fulfilled its obligation referred to in paragraph (9), Národná banka Slovenska shall withdraw the licence to pursue the activity of an independent financial agent from such independent financial agent.

(15) Where a financial institution or an independent financial agent has not fulfilled the obligation referred to in paragraph (13) for the reason that a subordinate financial agent or a bound financial agent has not fulfilled the obligation referred to in paragraph (9), Národná banka Slovenska shall deregister such subordinate financial agent or bound financial agent.

Article 42

(1) The proceedings commenced and not completed by a valid decision before 1 January 2010 shall be completed under the existing legislation. Legal effects of the acts that have arisen from proceedings before 1 January 2010 shall remain valid.

(2) As from 1 January 2010 the deficiencies ascertained in the activity of financial

agents, financial advisers and other persons that have occurred under existing regulations and in relation to which no proceedings have been conducted in accordance with existing regulations shall be viewed and heard in compliance herewith in case that such deficiencies are considered to be deficiencies also in accordance with this Act. However, as from 1 January 2010 only the sanction allowed by this Act may be imposed.

Final provisions

Article 43

Legal acts of the European Communities and of the European Union listed in Annex are implemented by this Act.

Article 44

Repealing provisions

The following shall be repealed:

1. Section I of Act No. 340/2005 Coll. on insurance intermediation and reinsurance intermediation and on amendments and supplements to certain laws as amended by Act No. 644/2006 Coll., Act No. 330/2007 Coll. and Act No. 70/2008 Coll.,
2. Decree of the Ministry of Finance of the Slovak Republic No. 8/2002 Coll. on the content of the investment service intermediary professional examination, on the manner of undergoing the examination and the amount of the fee for undergoing the examination as amended by Decree No. 278/2005 Coll.
3. Decree of Národná banka Slovenska No. 100/2007 Coll. laying down the details on entries into the Register of Supplementary Pension Saving Intermediaries,
4. Decree of Národná banka Slovenska No. 285/2007 Coll. implementing certain provisions of Act No. 340/2005 Coll. on insurance intermediation and reinsurance intermediation and on amendments and supplements to certain laws.

Section II

Act No. 455/1991 Coll. on trade licensing (the Trades Licensing Act) as amended by Act 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No.

554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2005 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2006 Coll., Act No. 578/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll., Act No. 93/2005 Coll., Act No. 331/2005 Coll., Act No. 340/2005 Coll., Act No. 351/2005 Coll., Act No. 470/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 555/2005 Coll., Act No. 567/2005 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 17/2007 Coll., Act No. 99/2007 Coll., Act No. 193/2007 Coll., Act No. 218/2007 Coll., Act No. 358/2007 Coll., Act No. 577/2007 Coll., Act No. 112/2008 Coll., Act No. 445/2008 Coll., Act No. 448/2008 Coll. shall be amendeded as follows:

1. In Article 3 paragraph (1) subparagraph (d) the point 6 and point 7 shall read as follows:
„6. stock-exchange brokers, independent financial agents and financial advisers and other natural persons authorised to pursue financial intermediation and financial counselling in accordance with a separate regulation,^{8a)}
7. intermediaries and arbitrators of collective disputes,⁹⁾ mediators,^{9a)}“.

The footnote to the reference 8a shall read as follows:

„8a) Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.“.

The footnote to the reference 9c shall be omitted.

2. In Article 3 paragraph (2) subparagraph (a) the words “consultancy, intermediation or financial services in the capital market^{8a)}“ shall be replaced by the words „financial intermediation and financial counselling under a separate regulation^{8a)}“.

Section III

Act No. 258/2001 Coll. on consumer credits and on amendments and supplements to Act of the National Council of the Slovak Republic No. 71/1986 Coll. on the Slovak Trade Inspection as amended by subsequent legislation as amended by Act No. 264/2006 Coll., Act No. 568/2007 Coll., Act No. 659/ 2007 Coll., Act No. 70/2008 Coll. and Act No. 270/2008 Coll. shall be supplemented as follows:

Articles 7b and 7c, which shall read as follows, shall be inserted after Article 7a:

„Article 7b

(1) At granting consumer credits a creditor may use independent financial agents and bound financial agents for financial intermediation in accordance with a special law.^{12a)} The creditor shall be entitled to use the persons under the first sentence only provided that such persons are registered in the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents.^{12b)}

(2) At granting consumer credits a creditor may use, for financial intermediation, only the persons authorised to pursue such activity.

Article 7c

(1) A creditor shall be obliged to ensure professional qualifications of the employees who come into contact with a non-professional client.^{12c)}

(2) The professional qualifications of the employees under paragraph (1) shall mean the basic level of professional qualifications in accordance with a special law.^{12d)}

(3) A creditor shall be obliged to ensure the verification of professional qualifications of the employees under paragraph (1) in accordance with the procedure stipulated by a special law.^{12e)}

(4) A creditor shall be obliged to keep a list of the employees under paragraph (1) within the scope according to a special law.^{12f)}.

The footnotes to the references 12a through 12f shall read as follows:

„12a) Articles 7 and 8 of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.

12b) Article 13 of Act of 24 April 2009.

12c) Article 5 paragraph (3) of Act of 24 April 2009.

12d) Article 21 paragraph (3) subparagraph (a) of Act of 24 April 2009.

12e) Article 22 of Act of 24 April 2009.

12f) Article 17 of Act of 24 April 2009.“.

Section IV

Act No. 483/2001 Coll. on banks and on amendments and supplements to certain laws as amended by Act No. 430/2002 Coll., Act No. 510/2002 Coll., Act No. 165/2003 Coll., Act No. 603/2003 Coll., Act No. 215/2004 Coll., Act No. 554/2004 Coll., Act No. 747/2004 Coll., Act No. 69/2005 Coll., Act No. 340/2005 Coll., Act No. 341/2005 Coll., Act No. 214/2006 Coll., Act No. 644/2006 Coll., Act No. 209/2007 Coll., Act No. 659/2007 Coll., Act No. 297/2008 Coll., Act No. 552/2008 Coll. shall be amended and supplemented as follows:

1. In Article 2 paragraph (2) subparagraph (j) the reference 4a shall be placed above the word “intermediation”.

The footnote to the reference 4a shall read as follows:

„4a) Article 2 of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.“.

2. The footnote to the reference 6 shall read as follows:

„6) For example, Act No. 594/2003 Coll., Act of 24 April 2009.“.

3. In Article 5 the subparagraph (k) shall be omitted.

Existing subparagraphs (l) through (r) shall be marked as subparagraphs (k) through (p).

4. Articles 27a and 27b shall be inserted after Article 27 and shall read as follows:

„Article 27a

(1) A bank and a branch of a foreign bank may use independent financial agents and bound financial agents for financial intermediation within the deposits receiving and credits granting sector in accordance with a special law.^{27a)} The bank and the branch of a foreign bank shall be entitled to use the persons under the first sentence only provided that such persons are registered in the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents.^{27b)}

(2) A bank and a branch of a foreign bank may use, for financial intermediation within the deposits receiving and credits granting sector, only the persons authorised to pursue such activity.

Article 27b

(1) A bank and a branch of a foreign bank shall be obliged to ensure professional qualifications of the employees who come into contact with a non-professional client.^{27c)}

(2) The professional qualifications of the employees under paragraph (1) shall mean the basic level of professional qualifications in accordance with a special law.^{27d)}

(3) A bank and a branch of a foreign bank shall be obliged to ensure the verification of professional qualifications of the employees under paragraph (1) in accordance with the procedure stipulated by a special law.^{27e)}

(4) A bank, foreign bank and a branch of a foreign bank shall be obliged to keep a list of the employees under paragraph (1).“.

The footnotes to the references 27a through 27e shall read as follows:

„27a) Articles 7 and 8 of Act of 24 April 2009.

27b) Article 13 of Act of 24 April 2009.

27c) Article 5 paragraph (3) of Act of 24 April 2009.

27d) Article 21 paragraph (3) subparagraph (a) of Act of 24 April 2009.

27e) Article 22 of Act of 24 April 2009.“.

Section V

Act No. 566/2001 Coll. on securities and investment services and on amendments and supplements to certain laws (the Securities Act) as amended by Act No. 291/2002 Coll., Act No. 510/2002 Coll., Act No. 162/2003 Coll., Act No. 594/2003 Coll., Act No. 43/2004 Coll., Act No. 635/2004 Coll., Act No. 747/2004 Coll., Act No. 7/2005 Coll., Act No. 266/2005 Coll., Act No. 336/2005 Coll., Act No. 213/2006 Coll., Act No. 644/2006 Coll., Act No. 209/2007 Coll., Act No. 659/2007 Coll., Act No. 70/2008 Coll., Act No. 297/2008 Coll. and Act No. 552/2008 Coll. shall be amended and supplemented as follows:

1. In the footnote to the reference 48 the quotation “Act No. 95/2002 Coll. as amended by subsequent legislation” shall be replaced by the quotation “Act No. 8/2008 Coll. on insurance and on amendments and supplements to certain laws as amended by Act No. 270/2008 Coll.” and the following quotation shall be added at the end: „Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws“.

2. Article 61 shall be omitted.

3. Article 61a shall read as follows:

„Article 61a

(1) A securities dealer, foreign securities dealer holding the licence in accordance with Article 56, a bank holding the authorisation in accordance with Article 79a paragraph (1) or a foreign bank holding the licence to pursue bank activities in the territory of the Slovak Republic^{54a)} through its branch and the authorisation in accordance with Article 79a paragraph (1) may use independent financial agents and bound financial agents for financial intermediation within the capital market sector in accordance with a special law^{54b)} only provided that the independent financial agent and the bound financial agent are registered in the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents^{54c)}; likewise, a foreign dealer under Articles 65 and 67 and a foreign bank pursuing its activity in the territory of the Slovak Republic may use independent financial agents for financial intermediation within the capital market sector in accordance with a special law.^{54d)}

(2) A securities dealer and a bank holding the authorisation under Article 79a paragraph (1) may use bound investment agents for the promotion of the investment services and secondary services provided by the said persons, for receiving and delegation of instructions from clients or prospective clients, placement of financial instruments and provision of investment counselling in relation to such financial instruments and investment services and secondary services offered by the said persons in accordance with a special law^{54e)} only provided that the bound investment agent is registered in the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents^{54c)} or in a similar register kept in another Member State.

(3) A securities dealer, foreign securities dealer and a bank holding the authorisation in accordance with Article 79a paragraph (1) and a foreign bank holding the authorisation in accordance with Article 79a paragraph (1) may use, for financial intermediation within the capital market sector and other activities under paragraph (2), only the persons authorised to pursue such activities.

(4) A securities dealer and a bank holding the authorisation under Article 79a paragraph (1) shall be obliged to ensure a bound investment agent to furnish the information in what position it is and which person it represents at the contact with a client or prior to the discussion with the client or a prospective client.

(5) A securities dealer and a bank holding the authorisation under Article 79a paragraph (1) shall be obliged to monitor the activities of their bound investment agents and ensure the observance of generally binding legal regulations and their internal management acts at the activities pursued by such persons by the name of the securities dealer or the bank holding the authorisation in accordance with Article 79a paragraph (1).

(6) The provisions of paragraphs (2) through (5) shall apply to a foreign securities dealer under Articles 65 and 67 and a foreign bank pursuing its activity in the territory of the Slovak Republic in accordance with a special law^{54d)} provided that a legal regulation valid in their home Member State allows them to use bound investment agents. The securities dealer under Articles 65 and 67 and the foreign bank pursuing its activities in the territory of the Slovak Republic in accordance with a special law^{54d)} shall be entitled to use bound investment agents from another Member State under the conditions stipulated by a legal regulation valid in their home Member State.“.

The footnotes to the references 54a through 54e shall read as follows:
„54a) Article 8 of Act No. 483/2001 Coll.

54b) Articles 7 and 8 of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.

54c) Article 13 of Act of 24 April 2009.

54d) Article 11 paragraphs (1) and (2) of Act No. 483/2001 Coll.

54e) Article 12 of Act of 24 April 2009.“.

4. Article 71p shall be inserted after Article 71o and shall read as follows:

„Article71p

(1) A securities dealer shall be obliged to ensure professional qualifications of the employees who come into contact with a non-professional client.

(2) Professional qualifications of the employees under paragraph (1) shall mean the basic level of professional qualifications in accordance with a special law.^{57a)}

(3) A securities dealer shall be obliged to ensure the verification of professional qualifications of the employees under paragraph (1) in accordance with the procedure stipulated by a special law.^{57b)}

(4) A securities dealer shall be obliged to keep a list of the employees under paragraph (1) .“.

The footnotes to the references 57a and 57 b shall read as follows:

„57a) Article 21 paragraph (3) subparagraph (a) of Act of 24 April 2009.

57b) Article 22 of Act of 24 April 2009.“.

5. In Article 135 paragraph (1) the comma and the words “investment services intermediaries” following the word “fund” shall be omitted.

6. In Article 144 the paragraph (3) shall read as follows:

„(3) Where Národná banka Slovenska ascertains deficiencies in the activity of the person obliged in accordance with Article 132e paragraph (4) consisting in the breach of the obligations laid hereby or in the evasion of other provisions hereof, Národná banka Slovenska may, according to the seriousness, degree of fault and the nature of the ascertained deficiencies,

a) impose sanctions in accordance with paragraph (1) subparagraphs (a), (e) and (i) on the person obliged under Article 132e paragraph (4),

b) suspend the person obliged under Article 132e paragraph (4) from the spread of investment advices for the period not longer than one (1) year,

c) ban the person obliged under Article 132e paragraph (4) from the drawing up and spread of investment advices.“.

7. In the whole text of this Act the words “bound agent” in all forms shall be replaced by the words “bound investment agent” in the respective form.

Section VI

Act No. 594/2003 Coll. on collective investment and on amendments and supplements to certain laws as amended by Act 635/2004 Coll., Act No. 747/2004 Coll., Act No. 213/2006 Coll., Act No. 209/2007 Coll., Act No. 659/2007 Coll. and Act No. 552/2008 Coll. shall be amended and supplemented as follows:

~~1. In Article 10 the paragraph (10) shall read:~~

~~„(10) Where, in consequence of acquisition of the share under paragraph (1) subparagraph (a), a trust company becomes a part of a consolidated group, to which also a financial holding institution belongs, or where the trust company becomes a part of a financial conglomerate, to which also a mixed financial holding company belongs, also the proof of credibility and professional qualifications of natural persons being members of a statutory body of such financial holding institution or mixed financial holding institution, and the suitability of the shareholders controlling the financial holding institution or mixed financial holding company shall be the conditions of giving the prior consent by Národná banka Slovenska.~~

~~2. In Article 21 paragraph (6) subparagraph (b) point 1 the reference 38 shall be replaced by the reference 41.~~

~~3. The footnote to the reference 55 shall read:~~

~~— „55) Article 10 paragraph (4) of Act No. 566/2001 Coll. as amended by subsequent legislation.~~

4. Articles 25a and 25b shall be inserted after Article 25 and shall read as follows:

„Article 25a

(1) A trust company may use independent financial agents and bound financial agents for financial intermediation within the capital market sector in accordance with a special law.^{50a)} The trust company shall be entitled to use the persons under the first sentence only provided that such persons are entered in the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents.^{50b)}

(2) A trust company may use, for financial intermediation within the capital market sector, only the persons authorised to pursue such activity.

Article 25b

(1) A trust company shall be obliged to ensure professional qualifications of the employees who come into contact with an investor or a shareholder or a non-professional client.^{50c)}

(2) Professional qualifications of the employees under paragraph (1) shall mean the basic level of professional qualifications in accordance with a special law.^{50d)}

(3) A trust company shall be obliged to ensure the verification of professional qualifications of the employees under paragraph (1) in accordance with the procedure stipulated by a special law.^{50e)}

(4) A trust company shall be obliged to keep a list of the employees under paragraph (1) .“.

The footnotes to the references 50a through 50e shall read as follows:

„50a) Articles 7 and 8 of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.

50b) Article 13 of Act of 24 April 2009.

50c) Article 8a paragraph (4) of Act No. 566/2001 Coll.

50d) Article 21 paragraph (3) subparagraph (a) of Act of 24 April 2009.

50e) Article 22 of Act of 24 April 2009.“.

Section VII

Act No. 650/2004 Coll. on supplementary pension savings and on amendments and supplements to certain laws as amended by Act 747/2004 Coll., Act No. 584/2005 Coll., Act No. 310/2006 Coll., Act No. 209/2007 Coll., Act No. 555/2007 Coll. and Act No. 659/2007 Coll. shall be amended and supplemented as follows:

1. In the whole text of this Act the words “supplementary pension saving intermediary” in all forms shall be replaced by the words “financial agent within the supplementary pension saving sector” in the respective form.

2. In Article 28 new paragraphs (4) through (7) shall be inserted after paragraph (3) and shall read:

“(4) A supplementary pension asset management company shall be obliged to ensure professional qualifications of the employees who come into contact with a non-professional client.^{24aa)}

(5) Professional qualifications of the employees under paragraph (1) shall mean the basic level of professional qualifications in accordance with a special law.^{24ab)}

(6) A supplementary pension asset management company shall be obliged to ensure the verification of professional qualifications of the employees under paragraph (1) in accordance with the procedure stipulated by a special law.^{24ac)}

(7) A supplementary pension asset management company shall be obliged to keep a list of the employees under paragraph (1).“.

The footnotes to the references 24aa through 24ac shall read as follows:

“24aa) Article 5 paragraph (3) of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.

24ab) Article 21 paragraph (3) subparagraph (a) of Act of 24 April 2009.

24ac) Article 22 of Act of 24 April 2009.“.

Existing paragraphs (4) through (7) shall be marked as paragraphs (8) through (11).

3. In Article 28a paragraph (2) the words “persons and intermediaries” shall be replaced by the words “persons and financial agents within the supplementary pension saving sector“.

4. Articles 68 through 68c shall be omitted.

5. In Article 71 paragraph (4) the words “the end of the fifth (5th) year” shall be replaced by the words “ten (10) years”.

Section VIII

Act No. 747/2004 Coll. on financial market supervision and on amendments and supplements to certain laws as amended by Act 340/2005 Coll., Act No. 519/2005 Coll., Act No. 214/2006 Coll., Act No. 644/2006 Coll., Act No. 659/2007 Coll. and Act No. 552/2008 Coll. shall be amended and supplemented as follows:

1. In the footnote to the reference 1 the quotation “Act No. 340/2005 Coll. on insurance intermediation and reinsurance intermediation and on amendments and supplements to certain laws” shall be replaced by the quotation “Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws”.

2. In Article 1 paragraph (3) subparagraph (a) the comma and the words “investment services intermediaries” following the words “securities dealers” shall be omitted, the comma and the words “insurance intermediaries, reinsurance intermediaries” following the words “reinsurance companies” shall be omitted, the comma and the words “old-age pensions savings intermediaries” following the words “companies, pension funds” shall be omitted, and the words “independent financial agents, financial advisers” shall be inserted after the words “foreign electronic money institutions”.

3. In Article 2 paragraph (6) the following words shall be added at the end: “and a State authority fulfilling the duties in the field of the constitutional system protection and the State internal order and security”.

4. In Article 2 the paragraphs (10) and (11) shall read as follows:

“(10) The onsite supervision shall mean the acquirement of information and materials on the facts related to the supervised subject and its activity or other persons whose position, trades or another activity relates to the supervised subject usually directly from the supervised subject or from its employees, as well as the assessment of the information and materials acquired in the said manner; the information and materials acquired in the said manner may be used also for the purposes of the proceedings conducted by Národná banka Slovenska. Anyhow, the onsite supervision shall not mean the acquisition and assessment of the information and materials exercised on site by the procedure of Národná banka Slovenska within the proceedings conducted by Národná banka Slovenska in accordance with Articles 12 through 34 of this Act and in accordance with special legislation.

(11) The distance supervision shall mean the acquirement and assessment of the information and materials related to the supervised subject and its activity or other persons whose position, trades or another activity relates to the supervised subject in a different manner than the onsite supervision, particularly by the acquirement and assessment of the information and materials submitted to Národná banka Slovenska at its written request and the information given in reports, statements and other materials submitted to Národná banka Slovenska in accordance with this Act, special legislation, other generally binding legal regulations or the decisions issued by Národná banka Slovenska; the information and materials acquired in the said manner may be used also for the purposes of the proceedings conducted by Národná banka Slovenska. Anyhow, the distance supervision shall not mean the acquisition and assessment of the information exercised at a distant by the procedure of Národná banka Slovenska within the proceedings conducted by Národná banka Slovenska in accordance with Articles 12 through 34 of this Act and in accordance with special legislation.”.

5. In Article 10 paragraph (1) subparagraph (e) the words “written materials and other facts proving such findings, and” shall be inserted after the words “including the giving of”.

6. In Article 40 paragraph (3) the words “insurance agents, insurance brokers and reinsurance intermediaries being a legal person may be not less than one thousand of Slovak koruna (SKK 1,000.00) and not more than thirty thousand of Slovak koruna (SKK 30,000.00), for the investment services intermediaries being a legal person may be not less than one thousand of Slovak koruna (SKK 1,000.00) and not more than thirty thousand of Slovak koruna (SKK

30,000.00), for supplementary pension saving intermediaries” shall be replaced by the words “independent financial agents and financial advisers”.

7. In Article 40 paragraph (4) the second sentence shall read as follows:

“The amount of the annual allowance for independent financial agents and financial advisers being a natural person may be not less than thirty three Euro (EUR 33.00) and not more than one hundred and sixty five Euro (EUR 165.00).“.

Section IX

Act No. 8/2008 Coll. on insurance and on amendments and supplements to certain laws as amended by Act No. 270/2008 Coll. and Act No. 552/2008 Coll. shall be amended and supplemented as follows:

1. In Article 3 subparagraph (a) point 2 the words “an authorisation to pursue insurance intermediation by an insurance agent⁶⁾, authorisation to pursue insurance intermediation by an insurance broker⁷⁾ or an authorisation to pursue reinsurance by a reinsurance intermediary⁸⁾ has been withdrawn, or did not operate in the last ten (10) years as an exclusive insurance intermediary,⁹⁾ subordinate insurance intermediary,¹⁰⁾ insurance agent or insurance broker” shall be replaced by the words “a licence to pursue the activity of an independent financial agent⁶⁾, licence to pursue the activity of a financial adviser,⁷⁾ or did not operate in the last ten years as a bound financial agent within the insurance or reinsurance sector,⁸⁾ subordinate financial agent within the insurance or reinsurance sector,⁹⁾ independent financial agent within the insurance or reinsurance sector or a financial adviser within the insurance or reinsurance sector” and the words “an insurance agent, insurance broker or a reinsurance intermediary” shall be replaced by the words “an independent financial agent within the insurance or reinsurance sector or a financial adviser within the insurance or reinsurance sector”.

The footnotes to the references 6 through 9 shall read as follows:

„6) Article 7 of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.

7) Article 10 of Act of 24 April 2009.

8) Article 8 of Act of 24 April 2009.

9) Article 9 of Act of 24 April 2009. “.

The footnote to the reference 10 shall be omitted.

2. In Article 3 subparagraph (a) point 4 the words “an insurance agent, insurance broker or a reinsurance intermediary” shall be replaced by the words “an independent financial agent within the insurance or reinsurance sector or a financial adviser within the insurance or reinsurance sector“.

3. In Article 4 paragraph (5) the words “insurance intermediation or other intermediation activities” shall be replaced by the words “financial intermediation”.

4. In Article 36 the paragraph (2) shall be supplemented by subparagraphs (f), (g) and (h) that shall read as follows:

“f) to ensure that the employees who, in accordance with their position, come into contact with a non-professional client, meet the requirements determined for the basic level of professional qualifications in accordance with special legislation,^{33a)}
g) to ensure the verification of professional qualifications of the employees under subparagraph (f) in accordance with the procedure stipulated by a special law,^{33b)}
h) to ensure keeping a list of the employees under subparagraph (f).“.

The footnotes to the references 33a and 33b shall read as follows:

„33a) Article 21 paragraph (3) subparagraph (a) of Act of 24 April 2009.

33b) Article 22 of Act of 24 April 2009.“.

5. In Article 36 a new paragraph (3), which shall read as follows, shall be inserted after paragraph (2):

“(3) An insurance company, reinsurance company, branch of a foreign insurance company and branch of a foreign reinsurance company shall be obliged to use, for financial intermediation within the insurance or reinsurance sector,^{33c)} only the persons entered in the Register of Financial Agents, Financial Advisers, Financial Intermediaries from another Member State within the Insurance or Reinsurance Sector and Bound Investment Agents and authorised to pursue such activity.“.

Existing paragraphs (3) through (18) shall be marked as paragraphs (4) through (19).

The footnote to the reference 33c shall read as follows:

„33c) Article 2 paragraphs (1) and (4) of Act of 24 April 2009.“.

6. In Article 37 a new paragraph (3), which shall read as follows, shall be inserted after paragraph (2):

“(3) Prior to the conclusion of an insurance contract a policyholder must be acquainted in writing with the conditions of the insurance contract conclusion by means of a stipulated specimen form. The specimen form concerning the conditions of the insurance contract conclusion with which the policyholder must be acquainted prior to the insurance contract conclusion shall be stipulated in the Provision to be issued by Národná banka Slovenska and published in the Collection of Laws.“.

Existing paragraphs (3) through (8) shall be marked as paragraphs (4) through (9).

7. In Article 38 paragraph (3) the words “paragraph (4) subparagraphs (a), (b), (c) and (f) and paragraph (5) subparagraphs (a), (b), (c) and (f)” shall be replaced by the words “paragraph (4) subparagraphs (a), (b), (c), (d) and (g) and paragraph (5) subparagraphs (a), (b), (c), (d) and (g)”.

8. In Article 39 subparagraph (c) the words “a member of a body of a company pursuing insurance intermediation or reinsurance intermediation” shall be replaced by the words “a member of a body of a business company pursuing financial intermediation within the insurance or reinsurance sector or financial counselling within the insurance and reinsurance sector“.

9. The footnote to the reference 35 shall read as follows:

“35) Articles 6 through 10 of Act of 24 April 2009. “.

10. In Article 39 subparagraph (d) the words “an insurance intermediary, insurance intermediary from another Member State, reinsurance intermediary, reinsurance intermediary from another Member State“ shall be replaced by the words “a financial agent within the insurance or reinsurance sector, financial adviser within the insurance or reinsurance sector, financial intermediary from another Member State within the insurance or reinsurance sector”.

11. In Article 40 paragraph (3) subparagraph (b) the words “an insurance intermediary or reinsurance intermediary” shall be replaced by the words “a financial agent within the insurance or reinsurance sector or a financial adviser within the insurance or reinsurance sector“.

12. In Article 45 paragraph (1) subparagraph (h) the words “insurance intermediation and other intermediation activities” shall be replaced by the words “financial intermediation”.

13. In the whole text of Article 47 the words “an insurance intermediary” in all forms shall be replaced by the words “a financial agent within the insurance or reinsurance sector and a financial adviser within the insurance or reinsurance sector“ in the respective form.

14. In Article 47 paragraph (6) the reference 53 shall be replaced by the reference 35.

The footnote to the reference 53 shall be omitted.

15. In Article 47 paragraph (9) the word “and” following the words “the client’s identity” shall be replaced by the comma, and the comma and the words “the insurance contracts and documents related to the conclusions and administration of the insurance contracts” shall be inserted after the words “the insurance contract”.

16. In Article 67 paragraph (10) second sentence the word “five (5)” shall be replaced by the word “ten (10)”.

Section X

Act No. 297/2008 Coll. on protection against legalisation of proceeds from criminal activity and on protection against financing of terrorism and on amendments and supplements to certain laws as amended by Act No. 445/2008 Coll. shall be amended as follows:

1. In Article 5 paragraph (1) subparagraph (b) the point 6 shall read as follows:
„6. financial agent, financial adviser,⁹⁾“.

The footnote to the reference 9 shall read as follows:

„9) Articles 6 through 10 of Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.“.

2. In Article 5 paragraph (1) subparagraph (b) point 8 the words “insurance intermediary, reinsurance intermediary¹²⁾“ shall be omitted.

The footnote to the reference 12 shall be omitted.

3. In Article 5 paragraph (1) the subparagraph (n) shall be omitted.

The footnote to the reference 17 shall be omitted.

Existing subparagraph (o) shall be marked as subparagraph (n).

Section XI

Act No. 40/1964 Coll. the Commercial Code as amended by Act No. 58/1969 Coll., Act No. 131/1982 Coll., Act No. 94/1988 Coll., Act No. 188/1988 Coll., Act No. 87/1990 Coll., Act No. 105/1990 Coll., Act No. 116/1990 Coll., Act No. 87/1991 Coll., Act No. 509/1991 Coll., Act No. 264/1992 Coll., Act No. 278/1993 Coll., Act No. 249/1994 Coll., Act No. 153/1997 Coll., Act No. 211/1997 Coll., Act No. 252/1999 Coll., Act No. 218/2000 Coll., Act No. 261/2001 Coll., Act No. 281/2001 Coll., Act No. 23/2002 Coll., Act No. 34/2002 Coll., Act No. 95/2002 Coll., Act No. 184/2002 Coll., Act No. 215/2002 Coll., Act No. 526/2002 Coll., Act No. 504/2003 Coll., Act No. 515/2003 Coll., Act No. 150/2004 Coll., Act No. 404/2004 Coll., Act No. 635/2004 Coll., Act No. 171/2005 Coll., Act No. 266/2005 Coll., Act No. 336/2005 Coll., Act No. 118/2006 Coll., Act No. 188/2006 Coll., Act No. 84/2007 Coll., Act No. 209/2007 Coll., Act No. 335/2007 Coll., Act No. 568/2007 Coll., Act No. 214/2008 Coll., Act No. 379/2008 Coll. and Act No. 477/2008 Coll. shall be amendeded and supplemented as follows:

1. In Article 792a paragraph (2) the subparagraph (j) shall read as follows:

“j) advice of the right to withdraw from a contract, including the determination of details about and the form of the notice of the withdrawal, on the manner and the place of its delivery and on the indication of the person to which such notice is delivered.”

2. Article 802a shall be inserted after Article 802 and shall read:

„Article 802a

(1) In case of insurance of persons, with the exception of personal accident policy, the person that has concluded an insurance contract with an insurer may withdraw from such contract within thirty (30) days after the insurance contract conclusion at the latest.

(2) The declaration of will of the person that has concluded the insurance contract with an insurer expressed within thirty (30) days after the insurance contract conclusion and leading to the cancellation of the contract shall be considered as the withdrawal from the contract in accordance with paragraph (1).”

3. In Article 803 a new paragraph (4), which shall read as follows, shall be inserted after paragraph (3):

“(4) Where insurance becomes null and void upon the withdrawal from the contract under Article 802a, an insurer shall give the paid insurance premium back to the person that concluded the insurance contract with the insurer without undue delay, however within thirty (30) days after the withdrawal from the contract, whereas the insurer shall be entitled to deduct the claim already paid from the paid insurance premium. Where the claim already paid exceeds the amount of the paid insurance premium, the person that concluded the insurance contract with the insurer or the insured person shall give the amount of the claim paid exceeding the paid insurance premium back to the insurer.”

Section XII

Act No. 266/2005 Coll. on the consumer protection in distance financial services and on amendments and supplements to certain laws as amended by Act No. 266/2005 Coll. and Act No. 8/2008 Coll. shall be amended and supplemented as follows:

1. In Article 4 paragraph (1) introductory sentence the words “concurrently” shall be replaced by the words “or before the consumer becomes bound”.
2. In Article 4 paragraph (1) subparagraph (a) point 5 the reference 10 and the words “in the Slovak Republic” shall be omitted.

The footnote to the reference 10 shall be omitted.

3. In Article 5 paragraph (3) the following sentence shall be added at the end: “Where any other contract for the provision of a distance service related to the services provided by the service provider or another person upon a contract concluded with the service provider has been connected to the contract for the provision of a distance service, the other contract shall be cancelled without a contractual fine if the consumer exercises its right to withdraw from the contract in accordance with paragraphs (1) and (2).”.

4. Article 5 shall be supplemented by paragraph (6), which shall read as follows:
“(6) The provisions of paragraphs (1) through (5) shall not apply to loan contracts or to credit contracts under special legislation.^{23aa)}”.

The footnote to the reference 23aa shall read:

“23aa) Article 12 paragraph (6) of Act No. 108/2000 Coll. on the consumer protection in doorstep selling and distance selling.
Article 58 of the Commercial Code.”.

Section XIII

Entry into force

This Act shall enter into force on the date of its publication in the Collection of Laws, except for Sections I through V, Section VI point 4 (Articles 25a and 25b), Sections VII through XII, which shall enter into force on 1 January 2010.

President of the Slovak Republic

Chairman of the National Council of the Slovak Republic

Prime Minister of the Slovak Republic

Annex to Act No. 186/2009 Coll.

List of the implemented legal acts of the European Communities and of the European Union

1. Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments and on amendments and supplements to Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and on the repeal of Council Directive 93/22/EEC (Special Edition OJ EU Chapter 6/Volume 7; OJ EU L 145, 30.04.2004) as amended by Directive 2006/31/EC of the European Parliament and of the Council of 5 April 2006 amending and supplementing Directive 2004/39/EC on markets in financial instruments as regards certain terms (OJ EU L 114, 27.04.2006) as amended by Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending and supplementing Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector (OJ L 247, 21.09.2007) as amended by Directive 2008/10/EC of the European Parliament and of the Council of 11 March 2008 amending and supplementing Directive 2004/39/EC on markets in financial instruments as regards the exercise of powers delegated to the Commission (OJ L 76/19.03.2008).
2. Directive 2002/92/EC of the European Parliament and of the Council of 9 December 2002 on insurance intermediation (Special Edition OJ EU Chapter 06/Volume 04, OJ EC L 9/15.01.2003).“.