

# **Act on Supervision of the Financial Market**

The full wording of Act No. 747/2004 Coll. dated 2 December 2004 on Supervision of the Financial Market and on amendments and supplements to certain laws, as amended by Act No. 340/2005 Coll., Act No. 519/2005 Coll., Act No. 214/2006 Coll., Act No. 644/2006 Coll., Act No. 659/2007 Coll., Act No. 552/2008 Coll., Act No. 276/2009 Coll., Act No. 492/2009 Coll., Act No. 186/2009 Coll. and Act No. 129/2010 Coll.

The National Council of the Slovak Republic has resolved upon the following Act:

## **Section I**

### **PART ONE BASIC PROVISIONS**

#### **ARTICLE 1**

##### **Subject and Scope of the Act**

(1) This Act lays down general rules of procedure for supervision of the financial market in the area of banking, capital market, insurance business, and pension schemes, performed by the National Bank of Slovakia. The purpose of supervision of the financial market is to contribute to the stability of the financial market as a whole, as well as to its safe and smooth operation, in the interest of maintaining the credibility of the financial market, the protection of customers, and compliance with the rules of competition.

(2) The National Bank of Slovakia shall perform supervision of the financial market in accordance with this Act and separate regulations.<sup>1)</sup>

(3) As part of its supervision of the financial market, the National Bank of Slovakia shall

- a) perform supervision of banks, branch offices of foreign banks, securities dealers, branch offices of foreign securities dealers, stock exchanges, central depositories, asset management companies, branch offices of foreign asset management companies, mutual funds, foreign collective investment undertakings, insurance companies, reinsurance companies, branch offices of foreign insurance companies, branch offices of foreign reinsurance companies, branch offices of insurance companies from another state, branch offices of reinsurance companies from another state, pension asset management companies, pension funds, supplementary pension insurance companies, supplementary pension companies, supplementary pension funds, payment institutions, branch offices of foreign payment institutions, rating agencies, electronic money institutions, branch offices of foreign electronic money institutions, independent financial agents, financial advisers, the Deposit Protection Fund, the Investment Guarantee Fund, the Slovak Bureau of Insurers, consolidated groups, subconsolidated groups, financial holding institutions, mixed financial holding companies, financial conglomerates, and within the scope stipulated by this Act or the separate law<sup>1)</sup> also over other persons, other property associations with a designated purpose and over groups of persons and property associations with a designated purpose, charged with obligations under separate laws in

the area of banking, capital market, insurance business, pension insurance or pension schemes (hereinafter referred to as "supervised entity"); in supervising the supervised entities, the National Bank of Slovakia shall:

1. set out prudential business rules, rules for safe operation and other requirements on business pursued by supervised entities,
  2. supervise over compliance with the provisions of this Act, separate laws<sup>1)</sup> and other generally binding regulations, which apply to supervised entities or their activities, as well as over compliance with the provisions of legally binding legal acts of the European Communities and the European Union, which apply to supervised entities or their activities, if provided so by these legal binding acts,
  3. conduct proceedings, grant authorisations, licences, approvals and prior consents, impose sanctions and remedial measures, issue other decisions, positions, methodological guidance and recommendations in accordance with this Act and separate laws and supervise over compliance with its decisions, including the adherence to the conditions set in these decisions,
  4. perform on-site and off-site supervision of supervised entities,
- b) perform supervision of the Export-Import Bank of the Slovak Republic within the scope stipulated by the separate law;<sup>1a)</sup> this supervision shall be performed pursuant to this Act;
  - c) issue generally binding legal regulations for the enforcement of this Act and separate laws<sup>1)</sup> pertaining to the financial market, if stipulated so by these laws,
  - d) co-operate with the Ministry of Finance of the Slovak Republic<sup>2)</sup> (hereinafter referred to as "the Ministry") and the Ministry of Labour, Social Affairs and the Family of the Slovak Republic<sup>2)</sup> in drafting bills and other generally binding statutory provisions in the field of the financial market,
  - e) co-operate and exchange information, within the scope necessary for the conduct of supervision of supervised entities and under the conditions stipulated by this Act and separate laws, with foreign financial market supervisory authorities (hereinafter referred to as "foreign supervisory authority"), with other public agencies in the Slovak Republic and in other states and with other persons, who possess information on supervised entities or whose activities are associated with supervised entities,
  - f) present to the National Council of the Slovak Republic<sup>3)</sup> and the Government of the Slovak Republic, and publish
    1. semi-annual reports on the status of and developments in the financial market within three months of the end of the respective calendar year,
    2. annual reports on the status of and developments in the financial market within six months of the end of the respective calendar year,
  - g) perform other activities and authorisations in the area of financial market in accordance with this Act and separate regulations.<sup>1)</sup>

## **ARTICLE 2**

### **General Principles for Performing Supervision**

(1) In performing supervision of supervised entities, the National Bank of Slovakia shall ascertain and assess information and inputs on matters concerning the supervised entity and its operation or other persons whose position, transactions or other activities are related to the supervised entity, especially on shortcomings in the activities of the supervised entities, the causes of the shortcomings revealed, consequences of the shortcomings revealed and persons responsible for the shortcomings revealed. In performing supervision, procedure in accordance with this Act shall be followed, unless provided otherwise by a separate law<sup>1)</sup>.

(2) Supervision of supervised entities is non-public and shall be performed as supervision on an individual basis over individual supervised entities, as supervision on a consolidated basis over groups of persons and property association with a designated purposes, also including supervised entities as their members, and as supplementary supervision of financial conglomerates. Supervision on a consolidated basis and supplementary supervision of financial conglomerates shall not replace supervision on an individual basis.

(3) Subject to supervision of supervised entities shall not be resolution of disputes arising from legal relations between supervised entities and their clients, the hearing and deciding of which falls under the jurisdiction of competent courts or other authorities in accordance with separate regulations.<sup>4)</sup>

(4) In performing supervision, the National Bank of Slovakia and its employees, who perform the supervision on behalf of the National Bank of Slovakia (hereinafter referred to as “supervising officer”), shall be vested with authorisation in accordance with this Act and separate laws. The responsibility for performance of supervision shall lie with the National Bank of Slovakia. Persons vested with performance of supervision shall not be accountable to third persons for the consequences caused by the performance of supervision; this shall not prejudice their labour-law responsibility to the National Bank of Slovakia, nor their criminal-law responsibility.

(5) The members of the National Bank of Slovakia’s Bank Board (hereinafter referred to as ‘Bank Board’), persons vested with performance of supervision and other employees of the National Bank of Slovakia shall be obligated to maintain secrecy<sup>5)</sup> about information obtained during supervision of supervised entities, including the protocols on supervision performed and dossiers on the proceedings before the National Bank of Slovakia; this secrecy obligation and release thereof shall abide by the provisions of a separate law,<sup>5)</sup> unless provided otherwise hereunder. On the basis of information obtained during supervision of supervised entities, the National Bank of Slovakia and supervising officers may make available and provide to third persons just the information published/disclosed hereunder or a separate law<sup>1)</sup> and other information in recapitulative form, from which it is not possible to identify, which particular supervised entity or which other particular person is concerned, unless provided otherwise by this Act or a separate law.<sup>1)</sup>

(6) If, in performing supervision, the National Bank of Slovakia establishes any facts indicating that a criminal act has been committed, it shall notify of this forthwith the competent criminal law enforcement authority. If, in performing supervision, the National Bank of Slovakia finds a suspicious business operation or a breach of supervised entities’ duties in the prevention or detecting of the laundering of proceeds from criminal activities and financing terrorism, it shall immediately inform the financial police department of the Police Corps and a State authority fulfilling the duties in the field of the constitutional system protection and the State internal order and security.

(7) A supervised entity, members of its bodies, its employees and other persons, whose activities are related to the supervised entity, shall be obliged to enable the performance of supervision, refrain from any action that could frustrate the performance of such supervision, and provide, in the state language, any information, documentation, concurrence and assistance required by the National Bank of Slovakia or supervising officers for the purposes of performing supervision; if the documentation is made out in a language other than the state

language, a supervised entity shall be obliged to present at its own expense also a officially certified translation of the documentation into the state language. A supervised entity shall be obliged to enable the presence of supervising officers in sessions of its general meeting, supervisory board, statutory body or its another body governing or auditing the supervised entity's activities; while the supervised entity is obliged to deliver notification about the date and agenda of every meeting of such body, at least three working days in advance, to the National Bank of Slovakia.

(8) The National Bank of Slovakia shall be entitled, also beyond proceedings on remedial action or sanction, to discuss problems and discrepancies in the supervised entity's activities with members of its statutory body, supervisory board or another body governing or auditing the supervised entity's activities, and/or with its executive staff <sup>6)</sup> and the head of an internal control and internal audit unit; these persons shall be obliged to provide the National Bank of Slovakia with the concurrence required thereby.

(9) Under Article 37(3), the National Bank of Slovakia shall publish opinions, methodological guidance and recommendations determined thereby and relating to supervision of the financial market, explaining the application of this Act, separate laws and other generally binding regulations relating to supervised entities or their activities.

(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.

(12) Costs associated with on-site and off-site supervision incurred by the National Bank of Slovakia, shall be born by the National Bank of Slovakia and costs incurred by a supervised entity shall be born by the supervised entity, unless provided otherwise by this Act or a separate law.<sup>1)</sup>

### **ARTICLE 3**

#### **Concurrence in Performing Supervision**

(1) Government authorities, local government authorities and other public agencies, the Notarial Chamber of the Slovak Republic <sup>7)</sup>, the Slovak Chamber of Auditors, <sup>8)</sup> notaries, <sup>7)</sup> auditors, <sup>8)</sup> auditing companies, <sup>8)</sup> the central depository of securities, <sup>9)</sup> members of the central depository of securities, <sup>9)</sup> the stock exchange, <sup>10)</sup> and other persons, <sup>11)</sup> whose activities are related to supervised entities, shall be obliged to provide the National Bank of Slovakia with concurrence required thereby in order to perform supervision under this Act and under separate laws. At the same time, they shall be obliged to disclose and provide the National Bank of Slovakia free of charge with opinions, explanations and other information and supporting documentation requested thereby, which they acquired during their activities, including the information from records and registers kept thereby. A body or person so inquired shall have the right to refuse disclosure and provision of the requested information only in cases where this would lead to the breach of secrecy obligation, or to disclosure or provision of information in contradiction to the law or an international treaty, binding on the Slovak Republic and which has precedence over the laws of the Slovak Republic.

(2) Legal entities and natural persons, to whom paragraph 1 does not apply and who possess documents or information related to supervised entities or their activities, shall be obliged to disclose and provide them at request by the National Bank of Slovakia in writing or orally for record; if at request they provide the National Bank of Slovakia with the information orally for record, the making out and requisites of such record shall abide by Article 17(3 and 4).

(3) As part of cooperation during the performance of supervision of supervised entities, the National Bank of Slovakia shall be authorised to disclose and provide information to foreign supervisory authorities, auditors, <sup>8)</sup> auditing companies, <sup>8)</sup> the Slovak Chamber of Auditors, <sup>8)</sup> as well as to other public agencies and persons, <sup>11)</sup> whose activities relate to supervision of supervised entities, and also to advise them of such shortcomings revealed during the performance of supervision of supervised entities, for the solution and professional review of which they are competent. Where release of secrecy obligation under a separate law <sup>5)</sup> is required for such disclosure and provision of information, a written agreement on cooperation and provision of information between the National Bank of Slovakia and the competent authority or person approved by the Bank Board shall also be deemed to be such release of secrecy obligation.

(4) Information disclosed or provided by the National Bank of Slovakia under paragraph 3 may only be used to perform supervision of supervised entities, to control the quality of auditing services and to discharge other tasks prescribed by law <sup>12)</sup> by authorities and persons referred to in paragraph 3. The authorities and persons referred to in paragraph 3, to whom the National Bank of Slovakia disclosed or provided information, shall be obliged to maintain secrecy about this information, protect it against unauthorised access, revelation, misuse, alteration, damage, destruction, loss, stealing and maintain secrecy thereon. <sup>13)</sup> Authorities and persons referred to in paragraph 3 may provide each other with such information solely for the same purpose or proceeding, for which they have been disclosed or provided by the National Bank of Slovakia; otherwise they may only disclose or provide it to each other, or make it public, only subject to prior written consent of the National Bank of Slovakia. Where under a

separate regulation<sup>14)</sup> information related to supervision of supervised entities or their activities is requested, a person subject to this obligation shall not disclose and provide it.<sup>15)</sup>

(5) Information that is obtained by the National Bank of Slovakia, supervising officers or invited persons from foreign supervisory authorities may solely be used to perform supervision of supervised entities and to discharge by the National Bank of Slovakia other tasks prescribed by law. The National Bank of Slovakia may disclose or provide this information to other authorities or persons or to disclose it only subject to approval from the foreign supervisory authority, which provided this information.

(6) The details of providing concurrence in accordance with paragraphs 1 to 5 may be laid down in a written agreement on co-operation and provision of information between the National Bank of Slovakia and the respective authority or person, provided that a draft of such agreement is approved on behalf of the National Bank of Slovakia by the Bank Board; the National Bank of Slovakia may conclude such an agreement with a foreign supervisory authority only on reciprocal basis.

#### **ARTICLE 4**

##### **International Co-operation for Performance of Supervision**

(1) A foreign supervisory authority from a member state of the European Union or another state of the European Economic Area (hereinafter referred to as “Member State“) may perform, within the territory of the Slovak Republic, supervision of the activities of a supervised entity, which is a branch office or a subsidiary of a foreign person, whereas this foreign person is subject to supervision by the respective foreign supervisory authority. A foreign supervisory authority from a state other than a Member State may perform, within the territory of the Slovak Republic, supervision over the activities of a supervised entity, which is a branch office or a subsidiary of a foreign person only on the basis of an agreement made between the National Bank of Slovakia and the competent foreign supervisory authority; the National Bank of Slovakia may conclude such an agreement only on reciprocal basis. A foreign supervisory authority shall be obliged to notify beforehand the National Bank of Slovakia of the performance of on-site supervision within the territory of the Slovak Republic. In performing on-site supervision within the territory of the Slovak Republic, foreign supervising officers shall have the same authorisations, duties and responsibility as supervising officers entrusted with on-site supervision on the basis of authorisation from the National Bank of Slovakia. However, they are not obliged to draw up a protocol on completed on-site supervision, nor are they obliged to set and inform the supervised entity as to a deadline for taking measures related to the elimination of shortcomings found during an on-site supervision.

(2) The National Bank of Slovakia may perform, within the territory of another Member State, supervision of the activities of a supervised entity, including its branch offices, and over a subsidiary of the supervised entity, provided that this supervised entity has its registered office within the territory of the Slovak Republic and provided that such supervision is allowed by legislation in force in the respective Member State. The National Bank of Slovakia may perform, within the territory of a state other than a Member State, supervision of the activities of a supervised entity, including its branch offices, and over a subsidiary of the supervised entity, provided that this supervised entity has its registered office within the territory of the Slovak Republic and provided that such supervision is allowed by legislation in force in the respective state and there was an agreement made between the National Bank of Slovakia and a foreign supervisory authority from the state in question.

(3) The National Bank of Slovakia may be a member of international organisations in the area of the financial market supervision and provide the performance of tasks ensuing from membership in such organisations. The National Bank of Slovakia shall provide for discharge of tasks, arising to national supervisory authorities from international treaties binding on the Slovak Republic, and from membership of the Slovak Republic organisations in the area of the financial market supervision. At the same time, the National Bank of Slovakia shall also be involved in such activities of authorities of the European Union, which relate to supervision of the financial market.

## **ARTICLE 5**

### **Financial Market Supervision Unit**

(1) The Bank Board shall ensure that an organisational unit is set up within the National Bank of Slovakia for performing specific tasks in connection with the supervision of financial market entities (hereinafter referred to as “financial market supervision unit“), which shall

- a) perform on-site supervision;
- b) perform off-site supervision;
- c) conduct proceedings and decisions in the first instance, unless this Act or a separate law stipulates otherwise;
- d) prepare proposals for the regulation of the financial market in compliance with the rules set by the Bank Board, i.e. the drafts of generally binding legal regulations to be issued by the National Bank of Slovakia for the enforcement of this Act and separate laws<sup>1)</sup> pertaining to the financial market, if stipulated by these laws, especially the drafts of rules governing the prudential conduct, safe operation, and other requirements for the business activities of supervised entities.

(2) A senior officer of the financial market supervision unit<sup>16)</sup> shall determine the course of action to be followed by the financial market supervision unit in performing its tasks, including decision-making and signing of decisions in the first instance on behalf of the financial market supervision unit, unless the law stipulates otherwise. The organisational set-up, management principles and a detailed delimitation and specification of tasks to be performed by the financial market supervision unit will be stipulated in the rules of organisation of the National Bank of Slovakia.<sup>17)</sup>

(3) In supervision performance, the financial market supervision unit shall act on its own, independently and impartially, in accordance with this Act, separate laws, or other generally binding legal regulations; in so doing the unit shall co-operate, exchange information, data or documentation, and render assistance on a reciprocal basis with other organisational units and bodies of the National Bank of Slovakia, in an extent necessary for a due and effective performance of tasks prescribed by law and the activities of the National Bank of Slovakia. In acting and deciding in the first instance, the financial market supervision unit shall be bound by the decisions of the Bank Board issued in the second instance<sup>18)</sup> and the decisions of the court issued in connection with the examination of the final decisions of the National Bank of Slovakia in terms of administrative justice.<sup>19)</sup> The financial market supervision unit must not be assigned tasks that may affect the independent, impartial, proper, and timely discharge of statutory obligations during the inspection of entities subject to supervision.

**PART TWO  
PROCEDURE FOR ON-SITE SUPERVISION**

**ARTICLE 6**

On-site supervision may be performed by a supervising officer, who holds a written authorisation from the National Bank of Slovakia for performance of on-site supervision. The written authorisation to perform on-site supervision shall contain the designation of a supervised entity, first names, surnames and capacities of supervising officers, the subject of supervision, the supervision commencement date, the scheduled duration of supervision, if specified, the official seal of the National Bank of Slovakia and the first name, surname, capacity and signature of an authorised executive officer from the financial market supervision unit, who has granted this authorisation on behalf of the National Bank of Slovakia, unless provided otherwise by a separate law <sup>20)</sup>.

**ARTICLE 7**

(1) A supervising officer shall be excluded from the performance of on-site supervision, as long as, regarding his relationship to the subject of supervision, the supervised entity or its employees, his impartiality can be challenged.

(2) A supervised entity, which learns about any particulars suggesting that a supervising officer should be excluded from the performance of on-site supervision, it shall be obliged to notify forthwith the National Bank of Slovakia of such particulars in writing. Such a notice of objection on the ground of bias must state, against whom the objection on the ground of bias is directed, the reason for which the supervising officer is to be excluded from the performance of on-site supervision, when the supervised entity learnt of such a reason and by what proofs can this reason be supported; a supervised entity shall be obliged, together with the notice of objection on the ground of bias, to present proofs available to it. A repeated notice giving the same particulars and reasons shall be disregarded, once decided on.

(3) A supervising officer, who learns of any particulars suggesting his exclusion from the performance of on-site supervision, shall be obliged to notify his superior of such particulars forthwith in writing, who granted the authorisation to perform the on-site supervision, including the notification of reasons and presentation of proofs, on the basis of which this person is to be excluded from the performance of on-site supervision. A member of the Bank Board, the senior officer of the financial market supervision unit shall notify the Bank Board of this circumstance in writing, including the notification of reasons and presentation of proofs, based on which he should be excluded from the conduct of on-site supervision.

(4) A supervising officer, against whom an objection on the ground of bias was raised for the reasons listed in Article 1, shall not make a report on on-site supervision, a continuous report or a partial report until a decision on his exclusion from on-site supervision is made or the objection on the ground of bias is rejected. The supervising officer against whom the objection on the ground of bias was raised by a supervised entity shall, without undue delay, provide a written comment on the content of the objection and submit this comment to a person competent to decide on the objection on the ground of bias.



(5) A decision on the objection on the ground of bias shall be made within ten working days from its filing. A decision on whether a supervising officer is excluded from the performance of on-site supervision shall be made by his superior; where the objection on the ground of bias concerns several supervising officers, a decision on their exclusion from the performance of on-site supervision shall be made by the superior they have in common. A decision on the exclusion of the senior officer of the financial market supervision unit or of a member of the Bank Board from on-site supervision shall be made by the Bank Board; on the exclusion of a member of the Bank Board shall not be taken by the member of the Bank Board whom the voting concerns. Such decision-making shall not abide by the provisions on proceedings before the National Bank of Slovakia under this Act and separate laws, nor the general regulations on administrative proceedings.<sup>21)</sup> Against the decision on the exclusion from on-site supervision or against the rejection of the objection on the ground of bias.

(6) Where a decision is made to exclude a supervising officer from the performance of on-site supervision, the competent senior officer of the financial market supervision unit shall take measures to ensure due continuation and completion of the on-site supervision. In the event of a decision to exclude the senior officer of the financial market supervision unit and concurrently of his deputies, the Bank Board shall designate a person to be responsible for due continuation and completion of the performance of on-site supervision, including the drawing up of a protocol on the performed on-site supervision.

## ARTICLE 8

- (1) In performing the on-site supervision, supervising officers shall be authorised
- a) to enter and after an unsuccessful appeal for providing access to force the access to the land, buildings, rooms, facilities and other premises of the supervised entity, including its means of transport; inviolability of private dwelling may not be breached through the exercise of this right,<sup>22)</sup>
  - b) to require the supervised entity and its employees to provide them, within the set deadline, with
    1. documents, including their originals, statements, documentation and other written material and information, including information on technical data media, officially certified translations of reviewed written materials and information and to enable them to gain access to other objects of supervised entities,
    2. explanations, opinions and other oral and written information on the subject of supervision and the shortcomings revealed,
  - c) to take over, and in justified cases also relocate beyond the premises of the supervised entity the originals of documents, and materials, information on technical data media and other information written materials and objects; after an unsuccessful appeal for providing deeds, documents, information on technical data media and other required information, written materials and items to force access to them by overcoming resistance or a created obstacle, and that also with the assistance of an invited person capable of overcoming resistance or a created obstacle,
  - d) to request concurrence and discharge of duties from the supervised entity and its employees; this concurrence however may not be required, should it endanger the lives or health of these persons or should it breach the secrecy obligation required by law, unless the persons providing the concurrence are released of this obligation by a competent authority,

- e) to take other measures necessary to ensure an efficient and smooth performance of supervision,
- f) to exercise other authorisations under this Act and under separate laws.

(2) In performing on-site supervision, supervising officers shall be obliged

- a) to present to the supervised entity, no later than on the commencement of supervision, a written authorisation from the National Bank of Slovakia for performing such supervision, together with an identity document,
- b) to issue to the supervised entity a written confirmation of the receipt of originals of documents and other written materials and objects taken outside the supervised entity's premises and to ensure their protection against loss, destruction, damage and misuse; if the documents taken over and other objects are no longer needed for further performance of the supervision of supervised entity, for proceedings or another action in accordance with this Act or a separate law, they shall be obliged to return them forthwith to the one from whom they were received,
- c) to make out a written protocol of the on-site supervision performed, serve one counterpart thereof to the supervised entity, set an adequate deadline of at least three working days for the supervised entity to file written objections against the data stated in this protocol, check on the justness of written objections filed by the supervised entity and to deliver to the supervised entity a written notice of the result of review of objections submitted; this shall likewise apply to a written interim protocol or a partial protocol, had such a protocol been made out on a particular finding in the interest of ensuring an efficient and smooth performance of supervision,
- d) where necessary, to set and notify in writing a supervised entity as to the deadlines it is obliged to take measures in order to remove and remedy the shortcomings found during the on-site supervision and causes of their arising, and to submit in writing to the National Bank of Slovakia reports on the measures taken,
- e) to respect the supervised entity's rights under this Act and under separate laws,
- f) to ensure protection of information and supporting documentation obtained during the on-site supervision so as to prevent unauthorised disclosure of confidential particulars, trade secrecy, banking secrecy, tax secrecy and other confidential information or information protected by secrecy obligation expressly imposed or recognised under separate laws;<sup>23)</sup> the provision of such information and supporting documentation for the performance of tasks and authorisations of the National Bank of Slovakia under this Act and under separate laws shall not qualify as the breach of this obligation, where necessitated by their exercise,
- g) to discharge other obligations stipulated by this Act and by separate laws.

## **ARTICLE 9**

(1) A supervised entity and its employees affected by the conduct of on-site supervision shall have the right to take position in writing on shortcomings revealed in the course of the on-site supervision conduct, communicated to them during on-site supervision by supervising officers. A supervised entity shall have the right to submit, within the set deadline, written objections against the data stated in the protocol on the on-site supervision performed, as well as written objections against the data stated in the interim or partial protocol, if such a protocol has been made out.

(2) A supervised entity shall be obliged to create suitable material and technical conditions for performance of on-site supervision, and forthwith, but no later than within the time limit as per Article 8(2d), adopt and accomplish its measures to remove and remedy the shortcomings revealed during on-site supervision and causes of their rising, as well as to submit written reports to the National Bank of Slovakia immediately after the adoption and also after the accomplishment of such measures.

(3) During the on-site supervision, a supervised entity, members of its bodies, its employees and other persons whose activities are related to the supervised entity shall also be obliged

- a) to enable the exercise of authorisations pertaining to the National Bank of Slovakia, supervising officers and invited persons during the performance of on-site supervision,
- b) to provide supervising officers and invited persons with the concurrence required thereby for the purposes of on-site supervision, especially documents, other written materials, oral and written information and oral and written positions on the subject of supervision and the shortcomings revealed,
- c) as requested by supervising officers, to take part in the consideration of a protocol on the on-site supervision performed, an interim protocol, a partial protocol or the supervised entity's written objections stated in such protocols,
- d) to discharge other obligations laid down in this Act and separate laws.

## **ARTICLE 10**

(1) A protocol on the performance of on-site supervision shall contain

- a) the supervised entity's identification data, namely for a legal entity its business name, the address of its registered office and identification number, if any, and for a natural person his first name, surname, the birth registration number or birth date and the address of his permanent residence or of the place of business, where different from the permanent residence,
- b) first names, surnames and capacities of persons who participated in the supervision performed,
- c) the place, commencement date and the duration of on-site supervision,
- d) the subject of on-site supervision performed and a period subject to supervision, if determined,
- e) the description of state of affairs and shortcomings revealed during the supervision performed, including the quotation of written materials and other facts proving such findings, and legislation, the violation of which has been revealed; a protocol on the on-site supervision performed may also contain recommendations for improvement of the supervised entity's activities, had they followed from the supervision performed,
- f) a deadline set for submission by the supervised entity of written objections against the data stated in this protocol,
- g) the place and date of making this protocol and first names, surnames, capacities and signatures of persons in charge for the protocol made.

(2) Forming part of a protocol on the performed on-site supervision deposited with the National Bank of Slovakia shall be a document on the delivery of this protocol to the supervised entity, as well as the supervised entity's written objections, if any, against the data stated in this protocol, a counterpart of a written notice to the supervised entity on the results

of review of written objections filed by the supervised entity and a document on the delivery of such a notice to the supervised entity.

(3) A supervised entity shall have the right to inspect a protocol on the performed on-site supervision deposited with the National Bank of Slovakia and to take notes thereon at its own cost; such protocol may not be made available or provided to other persons, except for the cases set out in Article 2(6) and Article 7(3). At its request and on the payment of expenses incurred, a supervised entity shall have the right for a copy to be made by the National Bank of Slovakia of a protocol on the performed on-site supervision deposited with the National Bank of Slovakia.

(4) Paragraphs 1 to 3 shall also apply, where appropriate, to interim and partial protocols.

(5) On-site supervision shall terminate on the delivery of a written notice to a supervised entity on the results of review of its written objections against the data stated in the protocol on on-site supervision performed, where the supervised entity files such objections; otherwise the performance of on-site supervision shall terminate on the fruitless lapse of a time limit set for a supervised entity for submission of written objections against the data stated in the protocol on the on-site supervision performed.

(6) A protocol on the on-site supervision performed, an interim and partial protocol shall be filed in the National Bank of Slovakia for ten years of the end of on-site supervision.

## **ARTICLE 11**

(1) In order to perform a particular task during the on-site supervision of supervised entities under this Act and under separate laws, the National Bank of Slovakia may, at any stage of on-site supervision, invite employees of public agencies, employees of a foreign supervisory authority, employees of other legal entities or other natural persons, subject to consent from the concerned invited person and if justified by the special nature of the task which is subject to the on-site supervision and which cannot be performed by supervising officers themselves.

(2) During their participation in the on-site supervision, invited persons shall have the same authorisations, duties and responsibility as are held under this Act and under separate laws<sup>1)</sup> by supervising officers, unless provided otherwise by this Act or a separate law. Invited persons shall not draw up a protocol on the on-site supervision performed. Invited persons may take part in on-site supervisions on the basis of a written authorisation from the National Bank of Slovakia for participation in the on-site supervision and only when accompanied by a supervising officer.

(3) Where the invited persons are employees, their participation in the on-site supervision shall under a separate law<sup>24)</sup> be deemed to be another act of public concern, for the conduct of which the invited persons shall be given a time off and for which they shall be entitled to compensation of wages or salary equal to the amount of income forgone on account of their participation in the on-site supervision. Employers of invited persons, who pay them compensation of wages or salary for a period of their participation in the on-site supervision, shall be entitled to the full amount of this compensation, as well as the paid mandatory social and health insurance refunded by the National Bank of Slovakia, provided that they submit to

the National Bank of Slovakia credible written documents concerning the amount of compensation of wages or salary paid thereby to invited persons and the amount of mandatory social and health insurance paid by the employers.

### **PART THREE PROCEEDINGS BEFORE THE NATIONAL BANK OF SLOVAKIA**

#### **ARTICLE 12**

(1) Proceedings in the matters entrusted to the National Bank of Slovakia under this Act and under separate laws,<sup>25)</sup> which are to decide on the rights or duties of supervised entities or other persons, shall abide by this Act, unless provided otherwise by a separate law;<sup>25)</sup> proceedings before the National Bank of Slovakia under this Act and under separate laws<sup>25)</sup> shall not abide by general regulations on administrative proceedings.<sup>21)</sup>

(2) Tasks assigned to supervised entities by the National Bank of Slovakia in the area of monetary policy and payment services under a separate law<sup>26)</sup> shall not abide by the provisions on proceedings before the National Bank of Slovakia under this Act and under separate laws, general regulations on administrative proceedings.<sup>21)</sup>

#### **ARTICLE 13**

In such proceedings, the National Bank of Slovakia shall proceed without undue delay so as to establish the facts of the case and the legal situation, and it shall draw upon the established facts when making the decision.

#### **ARTICLE 14**

(1) An employee of the National Bank of Slovakia or a member of the Bank Board shall be excluded from proceedings, as long as, regarding his relationship to the matter, a party to the proceedings or his proxy or his employee, his impartiality can be challenged.

(2) Also he who took part in proceedings of different instance in the same matter shall be excluded from proceedings in this matter under this Act; this shall not apply to Bank Board members in proceedings in the same matter following a Bank Board meeting under Article 31 or upon first instance proceedings of the Bank Board on the imposition of a disciplinary penalty.

(3) A party to proceedings who learns of any facts suggesting that an employee of the National Bank of Slovakia or a member of the Bank Board should be excluded from the proceedings, shall be obliged to notify forthwith the National Bank of Slovakia of these facts. In the notice on the ground of bias, designation must be given of an employee of the National Bank of Slovakia or a member of the Bank Board, against whom the objection on the ground of bias is directed, the reason for which this employee or a member of the Bank Board is to be excluded from the proceedings, when the party to the proceedings learnt of this reason and by what proof can this reason be supported; together a party to the proceedings shall be obliged to submit, with a notice of objection on the ground of bias, any proofs available thereto. Repeated notice of the same facts and reasons shall be disregarded, once a decision is made thereon.

(4) An employee of the National Bank of Slovakia, who learns of facts suggesting his exclusion from the proceedings, shall be obliged to notify forthwith his superior of these facts in writing, including the notification of reasons and presentation of proofs, on the basis of which he is to be excluded from the proceedings. A member of the Bank Board, the senior officer of the financial market supervision unit shall communicate these facts in writing to the Bank Board, including the notification of reasons and presentation of proofs, based on which he should be excluded from the proceedings.

(5) An employee of the National Bank of Slovakia or a member of the Bank Board, to whom the objection on the ground of bias for reasons mentioned in paragraphs 1 or 2 relates, shall until his exclusion from the proceedings only perform such acts, which do not permit any delay. The employee of the National Bank of Slovakia or member of the Bank Board against whom the objection on the ground of bias raised by a party to the proceeding relates shall without undue delay submit to the competent person to which the decision on the objection is conferred his statement in writing regarding the content of the objection.

(6) A decision on an objection on the ground of bias shall be made within ten working days of its filing. A decision on whether an employee of the National Bank of Slovakia is excluded from the proceedings shall be made by his superior; where the objection on the ground of bias concerns several employees, a decision on their exclusion from the proceedings shall be made by the superior they have in common. A decision on the exclusion of the senior officer of the financial market supervision unit or a member of the Bank Board shall be made by the Bank Board; a vote on the exclusion of a member of the Bank Board shall not be taken by the member of the Bank Board whom the voting concerns.

(7) Where a decision is made to exclude an employee of the National Bank of Slovakia or a member of the Bank Board from the proceedings, the competent executive officer or the Bank Board shall take measures to ensure due continuation and completion of the proceedings. In the event that a decision is made to exclude the senior officer of the financial market supervision unit and concurrently his deputies, the Bank Board shall appoint a person to be responsible for due continuation and completion of the proceedings of first-instance, including the issue of a decision of first-instance.

(8) A decision shall be issued on the exclusion of an employee of the National Bank of Slovakia from the proceedings or on the rejection of objection on the ground of bias. A decision on exclusion from proceedings or on rejection of objection on the ground of bias may not be appealed against.

## **ARTICLE 15**

(1) A party to proceedings shall be a supervised entity, the proceedings on whose rights or duties under this Act and under separate laws is to be conducted, or a person authorised to apply for an authorisation, license, approval, consent or prior consent in accordance with a separate law; in proceedings on the imposition of a fine, another sanction or remedial action under this Act or under separate laws, a party to the proceedings shall be a supervised entity or another person, on whom the fine, another sanction or remedial action is to be imposed.

(2) A legal entity shall be in proceedings represented by a statutory body or its employee or member who furnishes a written proxy from the statutory body proving his authorisation to act on behalf of this legal entity.

(3) A party to proceedings may let a proxy represent him in the proceedings. A party to proceedings may concurrently only have one proxy to represent him on the same matter, to whom he grants a proxy in writing or orally for record to cover the whole proceedings or just certain acts within the proceedings. A proxy to represent a legal entity must be granted by a person authorised to act on its behalf.

## ARTICLE 16

(1) Proceedings shall commence on an application of a party to proceedings or on the initiative of the National Bank of Slovakia.

(2) Proceedings shall commence on the day of delivery of a written application by a party to the proceedings to the National Bank of Slovakia. Where the proceedings is commenced on initiative of the National Bank of Slovakia, it shall start on the day when the National Bank of Slovakia performs the first act vis-à-vis the parties to the proceedings, unless provided otherwise by this Act or a separate law; the National Bank of Slovakia shall forthwith inform of this first act all the parties to the proceedings it is aware of.

(3) An application must contain mainly the following particulars:

- a) indication of a person filing the application (hereinafter referred to as “applicant”), in the scope of data specified by a separate law,<sup>27)</sup>
- b) indication of what is requested thereby,
- c) fair account of all decisive facts,
- d) indication of any evidence cited by the applicant,
- e) indication of other parties to the proceedings in the scope of data specified by a separate law,<sup>27)</sup> if known to the applicant, even without their consent,
- f) indication of proxies of parties to the proceedings in the scope of data specified by a separate law,<sup>27)</sup> if any and if known to the applicant, even without their consent,
- g) indication of other persons in the scope of data specified by a separate law,<sup>27)</sup> and even without the consent of other concerned parties, if these persons have to be listed, in accordance with a separate law, in an application for granting a requested authorisation, license, approval, consent or prior consent,
- h) representation concerning the completeness, correctness, truthfulness, genuineness and timeliness of the application filed, including its annexes, with the applicant being liable for the veracity of such representation,
- i) date and place of its making, officially certified signature of the applicant or of his statutory body,
- j) annexes specified in paragraph 4 below,
- k) further particulars specified in a separate law.

(4) Deeds must be attached to the application needed for a decision to be made by the National Bank of Slovakia in the proceedings, first of all an excerpt from a register or from other records where the applicant is registered, and deeds credibly attesting to, and documenting, the fulfilment of prerequisites and conditions, which must be met in order to grant the applicant an authorisation, license, approval, consent or prior consent he has

requested by an application in accordance with a separate law; where the applicant handed over all or some of these deeds to the National Bank of Slovakia already before the filing of the application and if the deeds so delivered are still up-to-date to the full extent, they still meet the statutory requirements and are deposited with the National Bank of Slovakia, the applicant may replace them in his application with a list of deeds already delivered, giving the particular dates of their delivery to the National Bank of Slovakia.

(5) The application, together with its enclosures, shall be submitted in the state language; any enclosure made in a language other than the state language shall be accompanied by its officially authenticated translation in the state language. If an application delivered does not contain all the prescribed requisites, the National Bank of Slovakia shall prompt an applicant to remove the shortcomings in the application or to complete it, and shall set a deadline therefore, usually no longer than 30 calendar days. Later removal of shortcomings or completion of the petitioner shall only be regarded where the applicant proves that without his fault he was objectively not able to remove the shortcomings of the application and complete it within the time limit set by the National Bank of Slovakia.

(6) As called forth by the National Bank of Slovakia, a party to the proceedings shall be obliged to take position, within the time limit set by the bank, on the reasons for proceedings initiated by the National Bank of Slovakia, unless provided otherwise under the law. The time limit for taking the position may not be shorter than five working days of delivering the call, unless provided otherwise by the law; this shall not apply to the issue of an interim measure or of a disciplinary measure, the imposition of receivership over a supervised entity under a separate law,<sup>28)</sup> a take-over bid under a separate law,<sup>29)</sup> or before the issue of a decision on bias or a decision in the proceedings, if the decision on such proceedings solely draws upon deeds submitted by the party to the proceedings.

## **ARTICLE 17**

(1) Proceedings before the National Bank of Slovakia shall be closed to public.

(2) Where necessary for a decision to be made in the matter, the National Bank of Slovakia shall conduct an oral hearing, to which it shall summon the parties to proceedings and other persons, whose part is necessary. The National Bank of Slovakia shall have minutes taken on the hearing.

(3) It must be in particular clear from the minutes on hearing who, where and when conducted the hearing, its subject, which persons took part therein, the conduct itself of the hearing, what proposals were made during it, or what measures were adopted during it.

(4) The minutes of hearing shall be signed, on familiarisation with their content, by persons who attended the hearing and an employee of the National Bank of Slovakia, who conducted it. A refusal to sign and reasons pronounced therefore, as well as objections against the content of the minutes of hearing shall be recorded in the minutes.

(5) Provisions of paragraphs 2 to 4 shall be likewise applied to on-site inspection; the National Bank of Slovakia shall invite to such on-site inspection in particular the parties to proceedings and a person authorised to handle the subject of on-site inspection.



(6) An official record shall capture significant particulars of relevance to the proceedings in the matter and on which the minutes is not taken, for example the content of important telephone calls between parties to proceedings and the employees of the National Bank of Slovakia who institute the proceedings. The official record shall be signed by an employee of the National Bank of Slovakia who made it; other particulars and the content of the official record shall comply, where appropriate, with the provisions of paragraph 3.

(7) Parties to the proceedings and their proxies shall have the right to inspect dossier from proceedings, except for the minutes of voting by the Bank Board and to take notes thereon at their own expense; the dossiers may not be made available or provided to other persons, except for the cases set out Article 2(6) and Article 7(3). A party to the proceedings and his proxy shall have the right to have a copy of the minutes or of another deed from the dossier made by the National Bank of Slovakia at his request and in consideration for the payment of substantive costs.

(8) The National Bank of Slovakia shall be obliged to take appropriate measures so that through the inspection of dossiers classified materials, a trade secret, a banking secret, a tax secret and other information maintained in secrecy or protected by the secrecy obligation expressly imposed or recognised under separate laws<sup>23)</sup> were not disclosed in an unauthorised way, whilst equally applying the provision of Article 3(6).

## **ARTICLE 18**

(1) During the proceedings, the National Bank of Slovakia shall deliver written materials on its own or through a postal undertaking, unless provided otherwise by this Act or a separate law<sup>1)</sup>. A written material may be delivered to the addressee to his registered office, place of business, apartment, work-site or whenever the addressee can be reached. Decisions of the National Bank of Slovakia in the matter, written materials designated as such by a separate law,<sup>1)</sup> and other important written materials determined by the National Bank of Slovakia must be delivered to the addressee's attention only.

(2) Written materials addressed to a legal entity shall be delivered to employees authorised to receive the written materials on behalf of the legal entity or to the one who is authorised to act on behalf of the legal entity; where there are no such persons, a written material shall be delivered to any of its employees, who will receive the written material. If, in cases where written materials are delivered by the National Bank of Slovakia itself, the written materials cannot be delivered, a written material for this legal entity shall be deposited with the National Bank of Slovakia with effects of delivery starting to lapse from the day of such deposition; of which delivering and depositing an official record shall be made. The provisions of this paragraph shall likewise apply to delivery of written materials to a natural person who does business, where the written material is to be delivered to the address of his place of business.

(3) If the addressee to whose attention a written material is to be delivered is not reached, even though he/she is staying in the place of delivery, the postman shall in an appropriate way advise him of a substitute delivery of the written material. Even this does not result in effective delivery, the postman shall deposit the written material with the post office of delivery and shall prompt the addressee in an appropriate way to pick up the written material during the time limit for delivery. If the addressee does not pick up the written

material within three working days of the deposition, the last day of this time limit shall be considered as the delivery date, even if the addressee does not learn of the deposition.

(4) If the addressee refuses to take over a written material,<sup>30)</sup> it shall be treated as delivered on the day when its receipt was refused; of which a postman must advise the addressee. Considered to be a refusal to accept a written material shall be a refusal to take over the written material, insistence that the written material to be delivered is opened before it is received or refusal to confirm the receipt of the written material delivered.

(5) If a written material cannot be delivered to the mail address of the addressee which he has communicated in writing to the National Bank of Slovakia in proceedings, this written material shall be considered as delivered three days after the undelivered written material is returned to the National Bank of Slovakia, even if the addressee is not aware of it.

(6) If no address has been communicated to the National Bank of Slovakia in accordance with paragraph 5 and a written material addressed to a legal entity cannot be delivered to the address of its registered office stated in a roster kept by the National Bank of Slovakia under the law, or in the Companies' Register or another publicly accessible official register, in which it is entered,<sup>31)</sup> the written material shall be considered as delivered three days after the undelivered written material is returned to the National Bank of Slovakia, even if the addressee is not aware of it.

(7) If no address has been communicated to the National Bank of Slovakia in accordance with paragraph 5 and a written material addressed to a natural person who pursue business cannot be delivered to the address of his place of business listed in the roster kept by the National Bank of Slovakia under the law, or in the Companies' Register, tradesmen register or another publicly accessible official register, in which it is entered,<sup>32)</sup> the written material shall be considered as delivered three days after the undelivered written material is returned to the National Bank of Slovakia, even if the addressee is not aware of it.

(8) If an addressee reserves that items be delivered to his post office box, the post office of delivery shall advise the addressee of the arrival of the written material sent, the take-over method and the time limit for its take-over using a prescribed print form, which it inserts into the post office box. If on the basis of an agreement the addressee takes over postal items at the post office of delivery and he has not post office box assigned thereto, the post office of delivery shall not make a notice of the written material arrived. In both of these cases, the date of delivering a written material sent to a post office of delivery shall be considered as the date of depositing the written material sent. If the addressee does not pick up the written material sent within three working days of its deposition, the last day of this time limit shall be considered as its delivery date, even if the addressee is not aware of it.

(9) Paragraphs 5 to 8 shall not be applied to delivery of a decision on the imposition of receivership over a supervised entity pursuant to a separate law.<sup>28)</sup>

(10) A party to the proceedings with his registered office or permanent address abroad shall be obliged to appoint his representative for delivery of written materials within the territory of the Slovak Republic and communicate to the National Bank of Slovakia in writing his first name, surname and address for deliveries. If the proceedings are initiated at request of such a party to the proceedings, the party to the proceedings shall be obliged to appoint in his application a representative for delivering of written materials; otherwise he shall be obliged

to appoint such a representative in his first written motion filed with the National Bank of Slovakia. If such a party to the proceedings does not appoint a representative for delivering written materials, the written materials for him shall be deposited in the National Bank of Slovakia, having the same effects as the delivery itself.

(11) If a party to the proceedings has such a representative for the whole proceedings or a representative for delivering the written materials, a written material addressed to his attention only shall only be delivered to this representative; in addition to this process agent, the written material shall also be delivered to a party to the proceedings, provided that this party is to act in person during the proceedings. The provisions of paragraphs 1 to 8 shall also apply to the delivery of written materials to the agent.

(12) Written materials intended for a counsellor-at-law may also be delivered to his law clerks or another his employee, whom he entrusted with the receipt of postal items; this shall likewise apply to the delivery of written materials intended for a notary public or a court executor.

(13) The National Bank of Slovakia shall deliver a written material via a public notice, if so provided by a separate law or if parties to the proceedings or their domicile or registered office are not known to the National Bank of Slovakia. Delivery via a public notice shall be effected by posting it for the period of 15 days on a publicly accessible official board or publishing it on the web site of the National Bank of Slovakia. The last day of this time period shall constitute the delivery date.

(14) A party to the proceedings or his proxy shall be obliged to notify the National Bank of Slovakia forthwith of any change in their address for delivering written materials or any other relevant particular necessary for due delivery of written materials.

## **ARTICLE 19**

(1) If need be, the National Bank of Slovakia shall fix a time limit for performing an act, unless it is provided by the law. The time limit fixed by the National Bank of Slovakia may be extended thereby; nevertheless, it is not possible to extend the time limit fixed by the National Bank of Slovakia for the payment of a fee due from an act or proceedings of the National Bank of Slovakia, which are carried out upon an application.

(2) The time limit shall not included a day on which the event determining the start of the time period occurred. Time limits determined by weeks, months or years shall end on the lapse of the day which is designated identically with the day on which the event determining the start of the time period occurred, and if there is no such day in the particular month, the time limit shall expire on the lapse of the last day of the given month. If the end of a time period coincides with Saturday, Sunday or another day off, <sup>33)</sup> the next working day shall constitute the last day of the time period.

(3) Unless provided otherwise by this Act or a separate law,<sup>1)</sup> the time limit shall be observed, if a filing is delivered to the National Bank of Slovakia or posted no later than on the last day of the time period. In the case of doubt the time limit shall be assumed to be observed, unless the contrary is proven to the case.

## ARTICLE 20

(1) If expedient in terms of economy, smoothness or effectiveness of proceedings, the National Bank of Slovakia may join together several proceedings conducted thereby, if their facts of the case are interrelated or if they concern the same parties to the proceedings; proceedings shall be joined together, if so provided by a separate law.

(2) The National Bank of Slovakia may split one proceedings conducted thereby in several matters into separate proceedings, if the grounds on which these matters were joined together to be covered in one proceedings no longer hold true, if on the basis of an application proceedings was initiated in matters the joining of which is not appropriate regarding their nature, or if the splitting of the proceedings may speed up the process or prevent procrastination in proceedings on some of the matters.

(3) A remedy may not be filed against a decision to join together or split proceedings.

## ARTICLE 21

(1) The National Bank of Slovakia may discontinue proceedings, if:

- a) a party to the proceedings was asked to remove shortcomings or supplement its application or a party to the proceedings was asked to pay a charge for an act or proceedings liable to charges or to submit the respective proof of payment,
- b) the National Bank of Slovakia motioned a competent authority to initiate proceedings on a preliminary issue, a proceeding is in progress on the issue which may be of importance for a decision by the National Bank of Slovakia, or a motion was made to initiate such proceedings,
- c) the National Bank of Slovakia charged an appointed court expert with the elaboration of an expert opinion on the matter,
- d) the National Bank of Slovakia requested from another public agency or another person an expert opinion or a supply of supporting documentation concerning the matter,
- e) the Ministry was prompted to take position on the matter,<sup>34)</sup>
- f) the party to the proceedings has proposed in writing to adjourn the proceedings which was initiated on an application by this party; in such a case the National Bank of Slovakia may also discontinue proceedings usually for a period not longer than 30 calendar days.

(2) Where the Ministry was invited to submit its position on the matter,<sup>34)</sup> the Ministry shall submit its written position to the National Bank of Slovakia within 30 calendar days, and in the case of especially complex issues within 60 calendar days, of the day on which the call for taking the position was delivered thereto from the National Bank of Slovakia.

(3) A remedy may not be filed against a decision to discontinue the proceedings.

(4) If the grounds on which the proceedings are discontinued cease to hold true, the National Bank of Slovakia shall forthwith resume the proceedings.

(5) If a proceeding is discontinued, procedural time limits for proceedings and decision taking in accordance with this Act and separate laws<sup>35)</sup> shall not lapse.

## **ARTICLE 22**

- (1) The National Bank of Slovakia shall halt the proceedings, if
- a) within a deadline set by the National Bank of Slovakia, a party to the proceedings has not removed the shortcomings of an application or has not supplemented an application on the basis of which the proceedings was initiated,
  - b) before the issue of a decision in the matter, a party to the proceedings revoked to the full extent an application, on the basis of which the proceedings was initiated, if several parties to the proceedings filed a joint application, this application may only be revoked subject to consent of all parties to the proceedings, who filed it,
  - c) during the proceedings initiated on the basis of an application, a person who filed the application is proven not to be a party to the proceedings,
  - d) the grounds on which the proceedings commenced on initiative from the National Bank of Slovakia no longer hold true, or if in the course of the proceedings it is found that the grounds have not been given to start proceedings or that the grounds have ceased to continue in the proceedings,
  - e) a final decision has already been made on an application relating to the very same matter and the facts of the case has not essentially changed,
  - f) a natural person, who is a party to the proceedings, has ceased or has been declared dead and there is no other party to this proceedings,
  - g) a legal entity, who is a party to the proceedings, has been terminated without a legal successor and there is no other party to this proceedings,
  - h) even a portion of a fee under this Act required in return for an act or proceedings conducted by the National Bank of Slovakia on the basis of an application under this Act and a separate law has not been paid,
  - i) the National Bank of Slovakia finds out that other statutory conditions laid on proceedings before the National Bank of Slovakia have not been met and it is not possible to meet them either.

(2) A remedy may not be filed against a decision to halt the proceedings in accordance with paragraph 1 subparagraphs f) to h); in cases as per paragraph 1 subparagraphs f) and g), the halting of proceedings shall only be noted in the dossier on the proceedings.

## **ARTICLE 23**

(1) The cost of proceedings incurred by the National Bank of Slovakia shall be born by the National Bank of Slovakia. The cost of proceedings incurred by a party to the proceedings shall be born by the party to the proceedings, also when it comes to the cost of its proxy and the cost of another person who performed an act in the proceedings initiated upon a petition by this party. The cost incurred during the proceedings by a person other than the party to the proceedings shall be born by this person, unless provided otherwise hereunder.

(2) A witness who made a statement during the proceedings shall be entitled to compensation of eligible and incurred cash expense and demonstrably lost income. A person who is not a party to the proceedings or a proxy thereof and who during the proceedings produced a deed as evidence, shall be entitled to compensation of eligible and incurred cash expenses. A claim for such compensation must be made within three working days of the day of the interrogation of the witness or following the day on which the deed is produced, otherwise the entitlement to such compensation shall cease.

(3) The award of remuneration and compensation for the cost to a court expert, interpreter or translator shall abide, where appropriate, by the provisions of separate regulations.<sup>36)</sup>

(4) The National Bank of Slovakia may rule that a party to the proceedings covers the cost of proceedings incurred by his fault by other parties of the proceedings or by the National Bank of Slovakia.

## **ARTICLE 24**

(1) Any means for establishing and clarifying the facts of the case and the legal situation that were not obtained in contradiction with generally binding regulations may be used for substantiation.

(2) Evidence shall in particular include opinion expressed by a party to the proceedings, interrogations of a party to the proceedings, interrogations of a witness, expert opinions, official records, expert reports, deeds, and on-site inspections.

(3) To support and prove his statements, a party to the proceedings shall be obliged to present forthwith any documentary evidence available to him, and suggest other evidence he is aware of; evidence not presented during the proceedings of first instance concerning his application and presented in the proceedings of the second instance shall only be considered, if the party to the proceedings proves that it was not his fault that he objectively could not have used the evidence until the issue of a decision of the first instance. The National Bank of Slovakia shall be authorised to also apply such evidence that has not been applied or suggested by parties to the proceedings, provided that it is relevant in terms of the proceedings and a decision to be made in the matter.

(4) It shall not be necessary to give any proof of facts that are generally known or known to the National Bank of Slovakia from its ordinary business.

(5) The National Bank of Slovakia may summon persons whose personal presence is necessary in the proceedings, and ask them to report any particulars or present any evidence that are relevant in terms of the proceedings and a decision to be made on the matter. Upon request from the National Bank of Slovakia and within the time limit set thereby, each person shall be obliged to submit a written opinion or to report in writing any particulars that are relevant for the proceedings and a decision to be made on the matter.

(6) Substantiation must be done so as to prevent unauthorised disclosure of classified materials, a trade secret, a banking secret and a tax secret and so as to maintain the secrecy obligation expressly imposed or recognised under separate laws.<sup>23)</sup> In such cases an interrogation may only be conducted if the interrogated person has been released of the obligation to maintain such secrecy or confidentiality by a competent authority or he in whose interest such obligation exists. This shall apply, where appropriate, also to presentation of evidence in a way other than through an interrogation.

(7) Each natural person shall be obliged to appear to the National Bank of Slovakia when summoned and to give testimony as a witness about what he knows of circumstances important for the proceedings in the matters entrusted to the National Bank of Slovakia; he must give the testimony truly, not concealing anything. Testimony may be denied by a

witness who by giving it would expose either himself or a person close to him to the risk of criminal prosecution.<sup>37)</sup> Prior to the commencement of an interrogation the identity of a witness must be established and he must be instructed about his rights and duties, as well as about the legal consequences of incomplete testimony, false testimony or unjustified denial of testimony hereunder.

(8) Where expertise is required to clarify and review a fact relevant for a decision to be made during the proceedings, the National Bank of Slovakia may appoint a court expert under a separate law<sup>38)</sup> and charge him with the elaboration of a written expert report, or to conduct his interrogation.

(9) The National Bank of Slovakia may impose on a person, who holds a deed necessary for the execution of evidence, to submit this deed. One may only refuse to submit such deeds on the same grounds as those entitling a witness to refuse to testify.

(10) If in the course of proceedings a preliminary issue arises which is relevant for establishing the facts of the case and for a decision to be made by the National Bank of Slovakia, whereas a final decision has already been made on the same issue by another competent authority, such a decision shall be binding on the National Bank of Slovakia. Otherwise the National Bank of Slovakia may judge a preliminary issue on its own or file a motion to commence proceedings on the preliminary issue with the competent authority. Nevertheless the National Bank of Slovakia may not make its own judgement on the commitment of a crime, the commitment of a misdemeanour or another violation and the offender involved therein, or on the personal condition of a natural person or on the existence of a legal person, if decisions on such matters fall within the jurisdiction of courts or another relevant public agency.

(11) In decision-making, the National Bank of Slovakia shall evaluate the evidence at its own discretion, each piece of evidence individually and all the pieces of evidence as they relate to each other; duly taking into regard anything that transpires during the proceedings. The National Bank of Slovakia shall take due care to prevent any ungrounded differences in taking decision on facts of the case and the legal situation of similar matters. A decision shall be ruled by the facts of the case and the legal situation as of the date of its issue, unless provided otherwise hereunder.

## **ARTICLE 25**

(1) In the course of proceedings, the National Bank of Slovakia may issue an interim measure whereby it shall, on the scope as necessary to accomplish the purpose of the proceedings,

- a) charge a party to the proceedings with something to act on, something to refrain from or something to tolerate,
- b) rule security measures to safeguard objects necessary for the execution of evidence.

(2) Where an interim measure is issued on initiative from the National Bank of Slovakia, then its delivery to a party to the proceedings shall be deemed to be the first act performed as part of the proceedings and through its delivery, the proceedings in the matter on which this interim measure has been issued shall commence; through such a delivery information obligation of the National Bank of Slovakia pursuant to Article 16(2) shall also be discharged vis-à-vis the respective party to the proceedings.

(3) The National Bank of Slovakia shall repeal an interim measure as soon as the reasons for which it was issued lapse; otherwise an interim measure shall expire through the lapse of the respective period, provided that it was issued for a determinate period of time, or on the validity date of a decision on the particular matter.

(4) An appeal against a decision with regard to an interim measure shall not have a dilatory effect.

## **ARTICLE 26**

Unless provided otherwise by this Act or a separate law,<sup>1)</sup> before issuing a decision in the matter, the National Bank of Slovakia shall be obliged to prompt parties to the proceedings to get acquainted with the dossiers relating to the proceedings and to take a written position thereon within a time limit set by the National Bank of Slovakia; unless provided otherwise by this Act or a separate law,<sup>1)</sup> this time period may not be less than five working days of the day of delivering the call. This shall not apply to the issue of an interim measure or of a disciplinary measure, the imposition of receivership over a supervised entity under a separate law,<sup>28)</sup> a take-over bid under a separate law,<sup>29)</sup> or before the issue of a decision on bias or a decision in the proceedings initiated upon an application by a party to the proceedings, if the decision on such proceedings solely draws upon deeds submitted by the party to the proceedings. When a party to the proceedings familiarises himself with the supporting dossier on the proceedings, the National Bank of Slovakia shall have it put on record.

## **ARTICLE 27**

(1) A decision of the National Bank of Slovakia must contain a pronouncement, justification and an instruction concerning the appeal.

(2) A pronouncement shall comprise a decision in the matter with reference to the provision of a generally binding regulation under which the decision was made or also a decision concerning an obligation to cover the cost of proceedings. If a decision on the matter is tied to the fulfilment of conditions, also these conditions shall be stated in the pronouncement of the decision; a proof of the fulfilment of these conditions shall be furnished to the National Bank of Slovakia within a deadline set thereby. If no proof of the fulfilment of these conditions is given within the set deadline, the National Bank of Slovakia shall repeal the decision, unless provided otherwise by a separate law. The pronouncement of the decision shall not impose the obligations already directly imposed by the law.

(3) The justification shall state which findings became a basis for a decision, which evidence and assumptions applied in evaluating the evidence the decision draws upon and according to which provisions of generally binding regulations the established facts of the case were judged. The justification shall not be needed in cases where all parties to the proceedings are satisfied to the full extent.

(4) An instruction concerning the appeal shall state whether a decision is final or whether an appeal can be filed against it, and within what time limit and with whom the appeal can be filed.



(5) A written version of a decision of the National Bank of Slovakia shall state who issued the decision, the issue date, identification data of a party to the proceedings and his proxy, if any, namely for a legal entity its business name or another name, the address of its registered office and its identification number, if any, and for a natural person his first name, surname, birth registration number or birth date and the address of permanent residence or the address of the place of business, if different from the former. A decision must have attached to it a round official seal of the National Bank of Slovakia comprising the state emblem along with a signature giving the first name, surname and capacity of an authorised person. In the statement of the first-instance decision of the National Bank of Slovakia issued by the financial market supervision unit shall be expressly stated that the decision was issued by the financial market supervision unit; in the statement of the second-instance decision shall be expressly stated that the decision was issued by the Bank Board. In proceedings of the second instance, the person authorised to sign decisions shall be the governor or a vice-governor entrusted<sup>39)</sup> by the governor, or another member of the Bank Board who did not sign a first-instance decision in the same matter. Particulars about the persons authorised to sign decisions in the first and second instance may be stipulated by the Bank Board.

(6) At any time, even without a motion, the National Bank of Slovakia shall correct writing and counting errors as well as other apparent irregularities in the written version of a decision and shall communicate this forthwith to the parties to the proceedings.

(7) The pronouncement of a final decision on the withdrawal of an authorisation granted to a supervised entity under a separate law,<sup>1)</sup> a notice of termination of an authorisation granted to a supervised entity under a separate law,<sup>1)</sup> the pronouncement of an enforceable decision on the placement of a supervised entity under receivership pursuant to a separate law<sup>1)</sup> and the pronouncement of an enforceable decision on the restriction or suspension of activities or a certain activity carried out by a supervised entity under a separate law<sup>1)</sup> shall be published by the National Bank of Slovakia in the Official Journal of the National Bank of Slovakia<sup>40)</sup> (hereinafter referred to as “the Journal”) or via the web-site of the National Bank of Slovakia, or in periodical press or other mass media. The National Bank of Slovakia may also publish the pronouncement of another enforceable decision or the justification of a decision, or of its part, should it deem to be expedient in terms of information available to the supervised entity’s clients, the enforce ability of a decision or in terms of the effectiveness of supervision of a supervised entity.

## **ARTICLE 28**

(1) A party to proceedings shall be notified of a decision through the delivery of a written copy of the decision. The date of delivering the decision shall be the date of its notification.

(2) A delivered decision against which no appeal can be filed shall be final.

(3) A delivered decision shall be enforceable, if no appeal can be filed against it or if the appeal does not have a dilatory effect. If the decision obliges a party to deliver performance, the decision is enforceable immediately after the expiration of the performance period.

(4) The pronouncement of an enforceable decision shall be binding on parties to the proceedings and public agencies.

## **ARTICLE 29**

(1) Proceedings and decision-making by the National Bank of Slovakia in the first instance shall fall within the competence of the financial market supervision unit, unless provided otherwise by this Act or a separate law.<sup>20)</sup>

(2) The financial market supervision unit shall decide on an application for granting or altering an authorisation or licence for a supervised entity under a separate law within six months of delivering a complete application and it shall decide on an application for granting of an approval, consent or prior consent, or another application in accordance with a separate law within three months of delivering a complete application, unless a different time limit for the decision is provided by a separate law;<sup>35)</sup> but it shall decide no later than within 12 months of delivering the application.

(3) If the National Bank of Slovakia reveals a minute violation of a duty prescribed by this Act or a separate law, before commencing proceedings on the imposition of a remedial action or sanction under a separate law, it shall consider whether to initiate the proceedings at all or whether to adjourn the matter, if regarding the minute nature of such violation the proceedings would be inexpedient. In so doing, the National Bank of Slovakia shall primarily draw upon the nature, severity, duration and consequence of the unlawful conduct. If the National Bank of Slovakia does not commence any proceedings, it shall have a record made on the adjournment of the matter; a decision on the adjournment shall not be issued.

(4) A party to the proceedings shall have the right to file an appeal against a decision of the first instance, unless provided otherwise by this Act or a separate law or a party to the proceedings shall waive from the appeal in writing or orally for record after the decision is issued; the withdrawal of an appeal shall also be considered as waiver thereof. The waiver of appeal may not be recalled. The appeal filed shall not have a dilatory effect, unless provided otherwise by this Act or a separate law. Appeal filed against a decision of the first instance on the imposition of a fine under this Act or under a separate law and appeal filed against a decision of the first instance on the withdrawal of an authorisation or a license granted to a supervised entity under a separate law shall always have a dilatory effect.

(5) Appeal against a decision of the first instance shall be filed with the financial market supervision unit, which issued the decision. Appeal against a decision of the first instance may be filed within 15 calendar days of the day of delivering this decision.

## **ARTICLE 30**

(1) The financial market supervision unit may decide to file an appeal on its own, if it fully allows the appeal, and in so doing it may supplement, if need be, the substantiation.

(2) If the financial market supervision unit does not decide to file an appeal in accordance with paragraph 1, it shall submit it, together with the results of the proceedings conducted so far, dossiers and its own position on the appeal, to the Bank Board within 30 days of the day of delivering the appeal to the unit.

## **ARTICLE 31**

If, contrary to law, the financial market supervision unit fails to commence proceedings or to continue in proceedings, if the financial market supervision unit fails to decide within the time limit for decision-making set in this Act or a separate law,<sup>1)</sup> if there are other serious deficiencies in the proceedings or the process of decision making by the financial market supervision unit or where it is necessary for the solution of a critical situation threatening the stability of the financial system, whilst the matter cannot be redressed in another way, the Bank Board itself shall, if need be, institute proceedings and decide in the first instance in the matter or shall appoint another professionally competent unit of the National Bank of Slovakia to conduct such proceedings and to decide in the first instance. Such proceedings and decisions shall also be governed by the relevant provisions of this Act pertaining to proceedings and decision-taking by the financial market supervision unit, while substantiation and other acts in these proceedings shall be ensured either by the Bank Board itself or by an organisational unit of the National Bank of Slovakia appointed by the Bank Board.

## **ARTICLE 32**

(1) Appeal against a decision of the first instance shall be decided on by the Bank Board. The Bank Board may supplement evidence, provided that this can be done in the appeal proceedings without causing a risk of procrastination in the proceedings and if it is necessary for a decision to be made on the matter, whilst executing the evidence and performing other acts in the proceedings either by itself or through a designated organisational unit of the National Bank of Slovakia; acts as per Article 26 shall not be performed, if the evidence in the proceedings on appeal has not been supplemented.

(2) If a decision of the first instance is issued in contradiction with this Act or another generally binding regulation or on the basis of unsatisfactorily established facts of the case or if a decision of the first instance is wrongly issued despite properly established facts of the case, the Bank Board shall amend or repeal this decision of the first instance, other than that it shall reject the appeal and confirm the decision of the first instance. The Bank Board may repeal a decision of the first instance also in the case when appeal filed requires the substantiation to be more extensively replenished, which cannot be done in the appeal proceedings without causing a risk of procrastination in the proceedings. The Bank Board shall dismiss the appeal filed with delay or filed by a person not authorised to such filing or if the appeal is directed against a decision where appeal is inadmissible.

(3) If the Bank Board repeals a decision of the first instance, it shall halt the proceedings if there are grounds therefore, or shall refer the matter back to be addressed by still other proceedings of the first instance and decided on once again, in which case the financial market supervision unit shall be bound by a decision and legal opinion of the Bank Board.

(4) No further appeal may be filed against a decision by the Bank Board on appeal.

(5) A final decision may be reviewed by the Bank Board on its own or somebody else's initiative. The Bank Board shall amend or repeal a decision so reviewed, if issued in contradiction with the Act or another generally binding regulation and three years have not lapsed since its validity date. A decision shall be ruled by the facts of the case and legal

situation at the time of issuing a decision subject to review. No further appeal may be filed against a decision of the Bank Board.

(6) The Bank Board shall decide on the prosecutor's protest <sup>41)</sup> against a decision of the National Bank of Slovakia.

### **ARTICLE 33**

Compliance with law of final decisions of the National Bank of Slovakia issued under this Act may be reviewed by courts under a separate law; <sup>42)</sup> the examination of such decisions is within the competence of the Supreme Court of the Slovak Republic.

### **ARTICLE 34**

If a party to proceedings does not voluntarily discharge, within the set deadline, an obligation imposed thereon by an enforceable decision of the National Bank of Slovakia, the National Bank of Slovakia shall be obliged to ensure that the decision be executed; to this end, the National Bank of Slovakia shall be entitled to also file a petition on court execution of a decision or a petition on execution to be performed by a court executor. A fine imposed with finality, the proceeds from which constitute revenue to the state budget, shall be enforced by the financial control administration competent in terms of the registered office of a legal entity concerned, and in the case of a natural person, competent in terms of its place of business or permanent residence, if different from the former; to this end, the National Bank of Slovakia shall send a final decision on the imposition of a fine to the competent financial control administration.

## **PART FOUR PROCEDURE FOR OFF-SITE SUPERVISION**

### **ARTICLE 35**

(1) For the purposes of off-site supervision and for statistical purposes with regard to the financial market supervision, supervised entities shall be obliged, free of charge and in a timely fashion, to draw up and present to the National Bank of Slovakia comprehensible and easy-to-follow statements, returns, reports and other information, supporting documentation and documents with particulars concerning the supervised entities and their shareholders or other partners, mainly their economic and financial situation, assets, transactions and other activities, as well as the organisation, management, structure, inspection, or control of supervised entities, including stakes in supervised entities and their owners, namely upon request from the National Bank of Slovakia and also pursuant to a generally binding regulation issued according to paragraph 2. The data stated in the presented statements, returns, reports and other information, supporting documentation and documents must be complete, up-to-date, accurate, true and supportable. If the presented statements, returns, reports and other information and documents do not contain the data required, do not comply with the determined methodology or in cases of reasonable doubt concerning their completeness, updating, accuracy, truthfulness, supportability or authenticity, supervised entities shall be obliged to submit, upon request from the National Bank of Slovakia, supporting documentation and give explanation within the deadline set by the National Bank

of Slovakia. Supervised entities shall likewise be obliged to also submit to the National Bank of Slovakia financial statements and consolidated financial statements.

(2) Decrees to be issued by the National Bank of Slovakia and promulgated in the Collection of Laws of the Slovak Republic shall lay down the structure of statements, returns, reports and other information, which supervised entities are obliged to draw up and submit to the National Bank of Slovakia, as well as the scope, content, itemisation, deadlines, form, method, procedure and place for submitting such statements, returns, reports and other information, including the methodology for their elaboration, as well as the method and deadlines for submitting of their financial statements and consolidated financial statements by supervised entities to the National Bank of Slovakia.

## **PART FIVE OTHER ACTIVITIES AND AUTHORISATIONS FOR PERFORMANCE OF SUPERVISION**

### **ARTICLE 36**

(1) As part of its supervision of the financial market, the National Bank of Slovakia shall keep up-to-date records on

- a) supervised entities with an authorisation granted under separate laws,<sup>1)</sup>
- b) receivers and deputy receivers in charge of supervised entities placed under forced administration pursuant to separate laws,<sup>28)</sup>
- c) mortgage controllers and deputy mortgage controllers for mortgage banks,<sup>43)</sup>
- d) other persons, if so provided by a separate law.

(2) The lists in accordance with paragraph 1 shall contain the indication of these persons on the scope not exceeding the scope stipulated by a separate law;<sup>27)</sup> the lists of supervised entities shall also contain the scope of authorised activities by individual entities according to the granted authorisation or license and also the conditions for performing the authorised activities and the restriction of the scope of authorised activities or the manner in which they are performed, as determined by the granted authorisation or license.

(3) During its official hours, the National Bank of Slovakia shall be obliged to make it possible for anyone who so requests to inspect, free of charge, the lists as per paragraph 1 and to take notes thereon.

(4) As a part of the financial market supervision, based on a special provision<sup>43a)</sup>, the National Bank of Slovakia shall maintain a record of creditors providing consumer loans and a sub-record of other creditors providing other than consumer loans.

### **ARTICLE 37**

(1) Through its web site or Journal, the National Bank of Slovakia shall make publicly available

- a) semi-annual and annual reports on the status and development of the financial market; in addition to aggregate data, such reports may also contain information stated in the lists pursuant to Article 36 and information referred to in paragraph 3,

- b) lists kept by the National Bank of Slovakia in accordance with Article 36, at least on a quarterly basis,
- c) a list of regulated markets compiled by Member States and published by the European Commission along with its updates,<sup>44)</sup>
- d) the pronouncement of an enforceable decision or also the justification of a decision taken by the National Bank of Slovakia or their parts, if intended for disclosure under this Act or a separate law,
- e) decisions of the Bank Board fixing annual contributions to be made by supervised entities for the calendar year in question,
- f) other relevant notices of the National Bank of Slovakia.

(2) Through its web site or Journal, the National Bank of Slovakia shall also give notice of the place, in which the following shall be publicly available for inspection

- a) approved listing prospectuses on securities, approved prospectuses on securities, approved investment prospectuses, approved take-over bids,<sup>45)</sup>
- b) information on the results of operations of securities dealers, the stock exchange and the central securities depository,<sup>45)</sup>
- c) information on the results of operations of issuers of securities accepted for trading in the market for listed securities under a separate law,<sup>45)</sup>
- d) reports on the results of operations of issuers of securities issued on the basis of a public offering,<sup>45)</sup>
- e) reports on the results of operations of asset management companies with equity capital and with assets in mutual funds,<sup>46)</sup>
- f) general insurance conditions and special insurance conditions of insurance companies,<sup>47)</sup>
- g) information on the results of operations of insurance companies,<sup>47)</sup>
- h) other information prescribed by a separate law.

(3) The National Bank of Slovakia may also disclose

- a) information from the financial statements and consolidated financial statements of supervised entities, other information about the economic and financial indicators and results of operations of supervised entities, and information about the structure and partners of supervised entities,
- b) information about sanctions imposed and remedial measures taken,
- c) information on supervised entities published by the supervised entities themselves,
- d) methodological guidelines, positions and recommendations relating to supervision of the financial market and explaining the application of this Act, separate laws and other generally binding regulations pertaining to supervised entities or their activities.
- e) other important notifications by the National Bank of Slovakia relating to supervised entities or their activities, if they are determined for publishing.

## **ARTICLE 38**

### **Disciplinary measures**

(1) The National Bank of Slovakia may levy a disciplinary penalty upon he, who without any serious reason obstructs

- a) performance of on-site supervision or off-site supervision notably by not providing the National Bank of Slovakia or supervising officers with requested documents or

- information relating to supervised entities, or another concurrence required in order to perform on-site supervision or off-site supervision,
- b) proceedings before the National Bank of Slovakia notably by not appearing, without any serious reason, when summoned by the National Bank of Slovakia, unreasonably refusing to give testimony as a witness, giving incomplete or false testimony, not submitting a written position, not producing a deed, not allowing an inspection to be made or not performing any other act in the proceedings as requested in the summons or call of the National Bank of Slovakia.

(2) In making a decision concerning the level of such disciplinary penalty, the National Bank of Slovakia shall take into account the severity and duration of unlawful conduct, the extent of its consequences, eventual repeated violation of obligation or concurrent violation of several obligations. Natural persons may be repeatedly levied a disciplinary penalty of up to EUR 5,000, and legal entities may be repeatedly levied a disciplinary penalty of up to EUR 50,000.

(3) Provisions of Articles 12 to 34 shall apply accordingly to proceedings on the imposition of a disciplinary penalty. Proceedings on the imposition of a disciplinary penalty may be started upon delivery of a decision on the imposition of a disciplinary penalty, whereas delivery of such decision to the sanctioned person shall be deemed to be the first action in proceedings against such person, and by such delivery, the obligation of the National Bank of Slovakia to provide information pursuant to Article 16 par. 2 against the relevant person shall be fulfilled. Proceedings on the imposition of a disciplinary penalty may be started no later than within six months of the day on which the National Bank of Slovakia detected the breach of obligations, but no later than within three years of the day of the breach of an obligation for which the disciplinary penalty is levied.

(4) A disciplinary penalty shall fall due within 30 calendar days of the finality date of a decision on its imposition.

(5) Proceeds from disciplinary penalties shall constitute the revenue to the National Bank of Slovakia.

(6) By imposing a disciplinary fine, the liability according to special regulations is not affected. If the imposed disciplinary fine has not led to an immediate correction and the person fined by disciplinary fine still or repeatedly grossly violates the procedures in the proceedings, the execution of supervision at the place or execution of supervision at a distance, the imposed disciplinary fine is not an obstacle for imposing a measure for correction, fine or another sanction to this person according to a special law.<sup>25)</sup>

## **PART SIX CONTRIBUTIONS AND FEES RELATING TO SUPERVISION**

### **ARTICLE 39**

The revenue from operations of the National Bank of Slovakia under a separate law<sup>48)</sup> shall also include statutory

- a) annual contributions of supervised entities (hereinafter “annual contributions“),
- b) fees charged on acts performed or proceedings conducted by the National Bank of Slovakia during supervision of the supervised entities (hereinafter “fees“).

## **ARTICLE 40**

### **Annual Contributions**

(1) Annual contributions to the National Bank of Slovakia must be made by a supervised entity, to whom an authorisation for activities has been issued under a separate law<sup>1)</sup> (hereinafter referred to as “contributor“).

(2) An annual contribution for the respective calendar year shall be determined in advance by the Bank Board for the whole year, no later than by 20 December of the previous year, for all contributors and under the same conditions, in line with the annual rates of such contributions stipulated in paragraphs 3 and 4. The National Bank of Slovakia may determine, in respect of all contributors and under the same conditions, that the annual contribution shall be proportionally reduced or shall not be paid at all; the same applies to exemption from debt from the unpaid annual contribution or a part thereof. Where the rates of annual contributions are derived from the contributors’ assets, the calculation of an annual contribution shall be ruled by the volume of assets of a contributor stated in his financial statements compiled in accordance with the accounting standards<sup>49)</sup> as of 31 December of the previous calendar year and reviewed by an auditor in accordance with a separate law<sup>49)</sup> (hereinafter referred to as “volume of assets“), unless provided otherwise by the law; each contributor shall be obliged to report the volume of such assets in writing to the National Bank of Slovakia without undue delay following the end of the calendar year, unless provided otherwise in this Act.

(3) The rates of annual contributions of supervised entities who are legal entities or branch offices of foreign legal entities may be determined separately for individual types of supervised entities pursuant to separate laws,<sup>1)</sup> namely at the rate set for the annual contributions and based on the assets of a supervised entity, within the range from 0.001‰ to 0.1‰ of the volume of assets of the supervised entity, unless provided otherwise by the law; for the purposes of annual contributions, the amount of the assets of a supervised entity managing assets invested under pension saving or collective investment shall also include assets managed by the supervised entity; the total amount of the annual contribution may not, however, be less than SKK 30 000 and for the volume of assets not exceeding SKK 50,000,000, it may not be more than SKK 250,000, for the volume of assets ranging from SKK 50,000,001 to 200,000,000, it may be no more than SKK 850,000 and for the volume of assets greater than SKK 200,000,000, it may be no more than SKK 3,000,000, unless provided otherwise hereunder. The annual contribution for independent financial agents and financial advisers who are a legal entity it may amount to no less than SKK 1,000 and to no more than SKK 30,000, for organisational branches of foreign asset management companies, branches of foreign investment companies, branches of foreign asset management companies, or for foreign asset management companies and foreign investment companies operating within the territory of the Slovak Republic without having established a local branch, it may amount to no less than SKK 10,000 and to no more than 250,000, for stock exchanges it may amount to no more than SKK 200,000 and for central securities depositories it may amount to no more than SKK 200,000.

(4) The rates of annual contributions for supervised entities who are a natural person may be fixed separately for individual types of supervised entities pursuant to separate laws,<sup>1)</sup> namely at the rate set for the annual contributions as a fixed amount in the range of SKK 1,000 to SKK 30,000, unless provided otherwise by the law. 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)..

(5) Decisions of the Bank Board made to fix annual contributions shall not abide by the provisions on proceedings before the National Bank of Slovakia under this Act and under separate laws, or general regulations on administrative proceedings.<sup>21)</sup> A decision of the National Bank of Slovakia to fix annual contributions shall become valid and enforceable on the day of its publication in Journal issued by the National Bank of Slovakia;<sup>40)</sup> no remedial measure may be filed against such decision, and such decision is not reviewable in court.<sup>49a)</sup>

(6) An annual contribution shall be disbursed in four equal instalment payments always by the 20th day of the first month of the calendar quarter. If the annual contribution does not exceed the amount of SKK 10,000, it shall be paid in one go by the 20th day of the first month of the calendar year. An instalment payment towards an annual contribution for a period, in which the contributor's authorisation for activities in accordance with a separate law ceased or was withdrawn, shall not be returned.

(7) A contributor shall become liable to pay an annual contribution six calendar months following the month, in which the authorisation for activities in accordance with a separate law<sup>1)</sup> became valid. If the base for the rate of annual contribution is assets of the contributor, the calculation of an annual contribution shall be ruled by the volume of assets stated in accounts<sup>49)</sup> as of the last day of the sixth calendar month following the month in which the authorisation for activities in accordance with a separate law<sup>1)</sup> became valid; each contributor shall be obliged to report the volume of such assets in writing to the National Bank of Slovakia at the latest on the 20<sup>th</sup> day of the calendar month in which he became liable to pay annual contributions. A contributor, who became liable to pay an annual contribution in the course of a calendar year, shall pay a proportion of the annual contribution from the first day of the calendar month, in which he incurred this liability, and by the 20<sup>th</sup> day of the calendar month, in which he incurred the liability. If the proportional part of an annual contribution does not exceed the amount of SKK 10,000, it shall be paid in one go.

(8) If an annual contribution or payments thereof are not disbursed duly and in time, a contributor shall be obliged to pay penalty interest in the amount in accordance with a separate regulation<sup>50)</sup> on the overdue amount of the annual contribution for each overdue day. The penalty interest shall be calculated and levied upon a contributor in arrears by the National Bank of Slovakia; the penalty interest shall not be levied, if not exceeding the value of SKK 100.

(9) If an annual contribution, payments on annual contributions or penalty interest or payments on an annual contribution are not paid duly and in time, the National Bank of Slovakia, based on its record, even without informing the contributor, shall be entitled to draw up a statement of contributor's arrears as regards an unpaid amount of the annual contribution or payment of the annual contribution; such a statement of contributor's arrears shall be enforceable without sending to the contributor on the day of its preparation by the National Bank of Slovakia. Plus, the National Bank of Slovakia shall be entitled to file a motion for execution by a court executor according to a separate regulation,<sup>51)</sup> with the power for execution<sup>51a)</sup> and source document of execution being based on a decision on fixing an annual contribution and on a statement of contributor's arrears or levying penalty interest.

(10) Annual contributions, payments on annual contributions and penalty interest shall constitute the revenue of the National Bank of Slovakia and shall be disbursed in euros via a fund transfer or a cash deposit in a designated account of the National Bank of Slovakia, unless provided otherwise by a separate law.

(11) A decree to be issued by the National Bank of Slovakia on agreement with the Ministry and promulgated in the Collection of Laws of the Slovak Republic may set out the criteria to set annual contributions for individual types of supervised entities, details of rates of annual contributions or spreads for setting annual contributions, and further details of annual contributions and their rounding off and disbursement.

## **Fees**

### **ARTICLE 41**

(1) There shall be fees paid to the National Bank of Slovakia, if under this Act or separate laws<sup>1)</sup> there are any acts performed or proceedings conducted by the National Bank of Slovakia during supervision of the supervised entities (hereinafter referred to as “acts”) on the basis of

- a) an application for
  1. granting of an authorisation or a license,
  2. extension or another alteration of an already granted authorisation or a license,
  3. granting of a consent or prior consent,
  4. alteration of already granted consent or prior consent,
  5. approval of an act, prospectus or another document,
- b) appeal against a decision of the first instance on an application in accordance with subparagraph a),
- c) an application for the issue of a duplicate authorisation, a duplicate license, a duplicate approval, a duplicate consent, a duplicate prior consent or a duplicate of another decision of the National Bank of Slovakia,
- d) an act under a separate law.

(2) Fees shall be determined for individual types of acts, mainly in terms of their scope, intensity and complexity. The fees shall be determined as a fixed amount or a percentage rate charged on the base. In the case of fees determined as a percentage rate, the base shall be rounded to whole tens of korunas and fees shall be rounded down to whole korunas.

(3) A decree to be issued by the National Bank of Slovakia on agreement with the Ministry and to be promulgated in the Collection of Laws of the Slovak Republic shall determine the amount or rates of fees for individual types of acts, and may determine the details of fees, their calculation, rounding off and payment.

### **ARTICLE 42**

(1) A fee must be paid by a person who files an application aiming to perform an act on which a fee is charged (hereinafter referred to as “fee payer”).

(2) Liability to pay a fee arises by filing an application aimed at performing an act on which a fee is charged. Fee payer must pay the fee within five working days from the filing at the latest. Each fee is to be paid separately. After the payment is made, the fee payer is

obliged to present the respective proof of payment to the National Bank of Slovakia without delay, but not later than on the expiry of the time limit for decision-making on the filed application.

(3) Upon the final decision by the National Bank of Slovakia to halt the proceedings on the grounds of the failure to pay even only a part of the determined fee, the obligation to pay the fee in the total amount ceased.

(4) In justified cases that must apply, subject to equal conditions, to all fee payers, the National Bank of Slovakia may proportionally reduce or forgive the fees. Unless decided otherwise by the National Bank of Slovakia, awarded reduction in or exemption from fees shall apply to the whole proceedings except for fees paid prior to the enforceability date of the decision on the award of such reduction or exemption; fees paid prior to the enforceability date of the decision on the award of such reduction or exemption shall not be returned. The National Bank of Slovakia may at any time during the proceedings withdraw the awarded reduction or exemption of fees, even retroactively, if before a final conclusion of the proceedings it is found that the financial situation of a fee payer does not justify or did not justify the award of reduction in or exemption from fees.

(5) If the National Bank of Slovakia finds that a fee is paid by he who is not liable to pay it, that the fee paid does not contain the data specified for the purpose of identification of the fee or the fee payer, that a fee payer paid a higher fee, or that a fee payer only paid a part of the fee and the proceedings is legally put to halt for a failure to pay the remaining portion, the National Bank of Slovakia shall return the disbursed fee or its respective part within 30 calendar days of finding that the fee or its part is to be returned.

(6) A fee, its part or an overpaid fee shall not be refunded, if the amount to be returned does not exceed the total financial costs required for repayment made through the payment services (Article 41(3)).

(7) Fees shall constitute the revenue of the National Bank of Slovakia and shall be disbursed in euros via a fund transfer or a cash deposit in a designated account of the National Bank of Slovakia, unless provided otherwise by a separate law.

## **PART SEVEN COMMON, TEMPORARY AND FINAL PROVISIONS**

### **ARTICLE 43**

(1) Liability for damage caused by the National Bank of Slovakia during the exercise of public authority within the scope of supervision of the financial market, shall be stipulated by a separate law.<sup>52)</sup>

(2) In the performance of supervision delegated to the National Bank of Slovakia by this Act or by separate laws<sup>25)</sup>, police departments of the Police Forces at its request provide protection to employees of the National Bank of Slovakia, Bank Board members, invited persons and other persons in cases according to a separate regulation.<sup>52a)</sup>

## ARTICLE 44

Legal acts of the European Communities and the European Union listed in the Annex are hereby adopted.

## ARTICLE 45

(1) The Financial Market Authority shall be closed<sup>53)</sup> and its powers shall be assumed by the National Bank of Slovakia in accordance with the relevant generally binding legal regulations.

(2) Authorisations, approvals, consents, prior consents and other decisions of the Financial Market Authority, which were issued in proceedings before the Financial Market Authority according to the hitherto regulations and which shall be in force on 1 January 2006, shall be considered as authorisations, approvals, consents, prior consents and other decisions issued in proceedings before the National Bank of Slovakia under this Act and under separate laws. Proceedings on the restriction or suspension of activities carried out in accordance with such an authorisation and the alteration, withdrawal or expiration of such an authorisation shall abide by the provisions of this Act; this shall likewise apply to the revocation or expiration of approvals, consents, prior consents and other decision issued by the Financial Market Authority before 1 January 2006.

(3) Proceedings conducted by the Financial Market Authority under the hitherto regulations, which were not finally concluded before 1 January 2006, shall be finished by the National Bank of Slovakia under this Act and under separate laws; with proceedings commenced before 1 January 2006 upon initiative from the Financial Market Authority or the Ministry shall, beginning with 1 January 2006, be treated as proceedings commenced upon initiative from the National Bank of Slovakia. Legal effects of acts, which occurred during proceedings before 1 January 2006, shall endure. A final decision of the Financial Market Authority, which was issued under the hitherto regulations and three years have not yet lapsed since its validity date, may be reviewed by the Bank Board, on its own or somebody else's initiative and under the conditions stipulated by Article 32(5); if the Bank Board repeals a decision so reviewed, new proceedings in the matter shall fall within the competence of the National Bank of Slovakia. Following 1 January 2006, a decision on the prosecutor's protest<sup>41)</sup> against a decision of the Financial Market Authority shall fall within the Bank Board's competence. If, following 1 January 2006, the Supreme Court of the Slovak Republic repeals<sup>42)</sup> a decision of the Financial Market Authority, new proceedings in the matter shall fall within the competence of the National Bank of Slovakia. If, following 1 January 2006, there is repealed a decision of the Financial Market Authority issued in proceedings conducted in accordance with the hitherto regulations and separate laws, new proceedings in the matter shall, in terms of procedures applied, be conducted before the National Bank of Slovakia in accordance with this Act and separate laws;<sup>1)</sup> a new decision on the matter shall be ruled by the facts of the case and the legal situation at the time of issuing the repealed decision.

(4) On-site supervision performed by the Financial Market Authority under the hitherto regulations and not as yet completed before 1 January 2006, shall be concluded by the National Bank of Slovakia using a procedure according to this Act and separate laws.<sup>1)</sup> Legal effects of acts, which occurred with regard to on-site supervision before 1 January 2006, shall endure.

(5) Starting from 1 January 2006, the assets owned by the Financial Market Authority until 1 January 2006 shall pass onto the National Bank of Slovakia; the same shall also apply to receivables and payables of the Financial Market Authority, should they last after 1 January 2006; liability for damage caused by the Financial Market Authority before 1 January 2006 during the exercise of public authority within the scope of supervision of the financial market, shall be governed by a separate law.<sup>54)</sup> On 1 January 2006 the rights and obligations arising from labour relations and other legal relations shall pass from the Financial Market Authority onto the National Bank of Slovakia. The Financial Market Authority shall be obliged to hand over to the National Bank of Slovakia a complete list of the transferred assets, receivables, payables and the rights, including the list of employees, signed by the Board chair and vice-chairs. On 1 January 2006, the hitherto term of office of members of bodies of the Financial Market Authority shall expire.

(6) Annual contributions for the year 2006, which shall be fixed for the supervised entities by the Bank Board by 20 January 2006 under the valid regulations,<sup>55)</sup> are defined as annual contributions for the year 2006 set for supervised entities pursuant to this Act. The provisions of Article 40 (2 to 4 and 7, the 2nd sentence) shall be first applied in setting the amounts of annual contributions for supervised entities for 2007.

#### **ARTICLE 45a**

Transitional provisions for regulations effective from 19 December 2006

The annual contributions for supervised entities for 2007 shall be set by the Bank Board, according to the procedure laid down in this Act, before 20 January 2007. Supervised entities shall be required to pay those annual contributions for 2007 which do not exceed SKK 10,000, and the first payment of the other annual contributions for 2007, before 20 February 2007.

#### **ARTICLE 46**

##### **Cancellation Provisions**

The following are hereby repealed:

1. Section I of Act No. 96/2002 Coll. on Supervision of the Financial Market and on amendments and supplements to certain laws, as amended by Section II of Act No. 43/2004 Coll., Section III of Act No. 439/2004 Coll., Section IV of Act No. 650/2004 Coll., Section IV of Act No. 340/2005 Coll., and Section II of Act No. 519/2005 Coll.;
2. Decree of the Ministry of Finance of the Slovak Republic No. 170/2002 Coll. on the Tariff Rates on Acts Performed by the Financial Market Authority, as amended by Decree No. 517/2002 Coll., Decree No. 623/2002 Coll., Decree No. 359/2003 Coll., Decree No. 162/2004 Coll., and Decree No. 413/2005 Coll.

## **Section II**

This Act shall come into effect on 1 January 2006, with the exception of Section I, Article 45, paragraph 5, the third sentence, which come into effect on 1 February 2005.

Act No. 340/2005 Coll. came into effect on 1 September 2005.

Act No. 519/2005 Coll. came into effect on 1 January 2006.

Act No. 214/2005 Coll. came into effect on 1 May 2006.

Act No. 644/2006 Coll. came into effect on 1 January 2007, with the exception of Article VI, which came into effect on the date of promulgation, Article III paragraph (2), which came into force on 30 December 2006, and Article II paragraph (1), which shall come into effect on 1 January 2008.

Act No. 659/2007 Coll. came into effect on 1 January 2008, except for the provisions of Section II, point 2 [Article 2(1)(a) and (b)], point 6 [Article 3], points 8 and 9 [Article 4(4), Article 6(1)(a)], point 12 [Article 6(2)(e)], points 28 to 30 [Articles 15, 16 and 17(1)], point 32 [Article 17c], point 34 [Article 17h(2)], point 37 [Articles 20 and 21], point 45 [Article 28], point 51 [Article 31(1)] and point 58 [Articles 38 and 39], the provisions of Section III, point 1 [Article 5(6)], the provisions of Section IV, point 2 [Article 93(3)], points 4 and 5 [Article 108(1) and Article 109(1)], point 13 [Article 157(1), fourth sentence], point 14 [Article 162(3)], point 17 [Article 223(3)] and point 21 [Article 369(1)], the provisions of Section V, point 5 [Article 40(10)] and point 7 [Article 42(7)], the provisions of Section VI, point 4 [Article 3 (2)(c), point 1], point 35 [Article 76(2)], point 39 [Article 85(4)], points 41 to 43 [Article 87(2) and (3) and Article 88(8)] and point 63, the provisions of Section VII, point 3 [Article 3(1)(c) point 1], the provisions of Section VIII, point 2 [Section I, Article 48(2)], the provisions of Section X, point 1 [Article 2(2)(c), points 1 and 2, Article 38(1), Article 67(2), Article 87(2)(d)] and points 10 to 12 [Article 84(2) and (3), Article 85a(2) and (4), Article 87(2)(i)], the provisions of Section XI, the provisions of Section XII, point 2 [Article 7(4)] and points 4 to 7 [Article 9(1), Article 9(2)(b), Article 9(3), Article 10(8)], the provisions of Section XIII, point 1 [Article 4(4)(d),], point 3 [Article 8(3)], points 5 and 6 [Article 21a(2)(b), Article 30(2)] and points 10 to 12 [Article 75, Article 77(2) to (5), Article 78a] and point 13, the provisions of Section XIV, the provisions of Section XV, points 1 and 2 [Article 23(11), Article 75(2)], the provisions of Section XVI, point 2 [Article 61], the provisions of Section XVII points 1 to 6 [Article 56(1), Article 64(5), Article 116(8), Article 129(2), Article 138(1)(a), and Article 138(25)], and the provisions of Section XVIII and Sections XXII to XXVI which shall enter into force on the euro introduction date in the Slovak Republic.

Act No. 552/2008 Coll. came into effect on 1 January 2009.

Act No. 176/2009 Coll. came into effect on 10 July 2009.

Act No. 492/2009 Coll. came into effect on 1 December 2010.

Act No. 186/2009 Coll. came into effect on 1 January 2010.

Act No. 129/2010 Coll. came into effect on 1 June 2010.



**LIST OF ADOPTED LEGAL ACTS  
OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN UNION**

1. Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ L 228, 16.8.1973), as amended by Council Directive 76/580/EEC of 29 June 1976 (OJ L 189, 13.7.1976), Council Directive 84/641/EEC of 10 December 1984 (OJ L 339, 27.12.1984), Council Directive 87/343/EEC of 22 June 1987 (OJ L 185, 4.7.1987), Council Directive 87/344/EEC of 22 June 1987 (OJ L 185, 4.7.1987), Council Directive 88/357/EEC of 22 June 1988 (OJ L 172, 4.7.1988), Council Directive 90/618/EEC of 8 November 1990 (OJ L 330, 29.11.1990), Council Directive 92/49/EEC of 18 June 1992 (OJ L 228, 11.8.1992), Directive 95/26/EC of the European Parliament and of the Council of 29 June 1995 (OJ L 168, 18.7.1995), Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 (OJ L 181, 20.7.2000), Directive 2002/13/EC of the European Parliament and of the Council of 5 March 2002 (OJ L 77, 20.3.2002), and Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 (OJ L 35, 11.2.2003).

2. Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering (OJ L 166, 28.6.1991), as amended by Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 (OJ L 344, 28.12.2001).

3. Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 375, 31.12.1985), as amended by Council Directive 88/220/EEC of 22 March 1988 (OJ L 100, 19.4.1988), Directive 95/26/EC of the European Parliament and of the Council of 29 June 1995 (OJ L 168, 18.7.1995), Directive 2000/64/EC of the European Parliament and of the Council of 7 November 2000 (OJ L 290, 17.11.2000), Directive 2001/107/EC of the European Parliament and of the Council of 21 January 2002 (OJ L 041, 13.2.2002), and by Directive 2001/108/EC of the European Parliament and of the Council of 21 January 2002 (OJ L 041, 13.2.2002).

4. Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (Third non-life insurance Directive) (OJ L 228, 11.8.1992), as amended by Directive 95/26/EC of the European Parliament and of the Council of 29 June 1995 (OJ L 168, 18.7.1995), Directive 2000/64/EC of the European Parliament and of the Council of 7 November 2000 (OJ L 290, 17.11.2000), and by Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 (OJ L 35, 11.2.2003).

5. Council Directive 93/6/EEC of 15 March 1993 on the capital adequacy of investments firms and credit institutions (OJ L 141, 11.6.1993), as amended by Directive 98/31/EC of the European Parliament and of the Council of 22 June 1998 (OJ L 204, 21.7.1998), Directive 98/33/EC of the European Parliament and of the Council of 22 June 1998 (OJ L 204,



21.7.1998), and Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 (OJ L 035, 11.2.2003).

6. Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (OJ L 141, 11.6.1993), as amended by Directive 95/26/EC of the European Parliament and of the Council of 29 June 1995 (OJ L 168, 18.7.1995), Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 (OJ L 084, 26.3.1997), Directive 2000/64/EC of the European Parliament and of the Council of 7 November 2000 (OJ L 290, 17.11.2000), and Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 (OJ L 035, 11.2.2003).

7. Directive 98/78/EC of the European Parliament and of the Council of 27 October 1998 on the supplementary supervision of insurance undertakings in an insurance group (OJ L 330, 5.12.1998), as amended by Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 (OJ L 035, 11.2.2003).

8. Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions (OJ L 126, 26.5.2000), as amended by Directive 2000/28/EC of the European Parliament and of the Council of 18 September 2000 (OJ L 275, 27.10.2000), Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 (OJ L 035, 11.2.2003), Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 145, 30.4.2004), and by Commission Directive 2004/69/EC of 27 April 2004 (OJ L 125, 28.4.2004).

9. Directive 2001/34/EC of the European Parliament and of the Council of 28 May 2001 on the admission of securities to official stock exchange listing and on information to be published on those securities (OJ L 184, 6.7.2001), as amended by Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 (OJ L 096, 12.4.2003), and Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 (OJ L 345, 31.12.2003).

10. Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance (OJ L 345, 19.12.2002).

11. Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC, 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 035, 11.2.2003).

12. Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse) (OJ L 096, 12.4.2003).

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**Footnotes to the reference:**

1) Act No. 483/2001 Coll. on Banks and on amendments and supplements to certain laws, as amended.

Act of the Slovak National Council No. 310/1992 Coll. on Home Savings, as amended.

Act No. 566/2001 Coll. on Securities and Investment Services, and on amendments and supplements to certain laws (the Securities Act), as amended.

Act No. 530/1990 Coll. on Bonds, as amended.

Act No. 429/2002 Coll. on the Stock Exchange, as amended.

Act No. 594/2003 Coll. on Collective Investment, and on amendments and supplements to certain laws, as amended.

Act No. 8/2008 Coll. on Insurance Business, and on amendments and supplements to certain laws, as amended.

Act of 24 April 2009 on financial intermediation and financial counselling and on amendments and supplements to certain laws.

Act No. 381/2001 Coll. on Mandatory Contractual Insurance Against Liability for Damage Caused by Operation of Motor Vehicles, and on amendments and supplements to certain laws, as amended.

Act No. 43/2004 Coll. on Old-Age Pension Schemes, and on amendments and supplements to certain laws, as amended.

Act No. 650/2004 Coll. on Supplementary Pension Schemes, and on amendments and supplements to certain laws.

Act No. 266/2005 Coll. on the Consumer Protection in Connection with the Distance Financial Services and on amendments and supplements to certain laws.

Article 22 of Act of the National Council of the Slovak Republic No. 118/1996 Coll. on the Protection of Bank Deposits and on amendments and supplements to certain laws, as amended.

Articles 63 to 87 of Act No. 492/2009 Coll. on payment services and on amendments to certain acts, as amended.

Article 2(1d) of Act of the National Council of the Slovak Republic No. 566/1992 Coll. on the National Bank of Slovakia, as amended.

Article 18(2) and (5) and Article 29 (3) to (5) of Act No. 297/2008 Coll. on protection against money laundering and terrorism financing and on the amendments of some other laws.

Act No. 80/1997 Coll. on the Export-Import Bank of the Slovak Republic, as amended.

Commission Regulation (EC) No. 1060/2009 of 16 September 2009 on rating agencies (OJ EU L. 302, 17 November 2009), Commission Regulation (EC) No. 924/2009 of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No. 2560/2001 (OJ EU L 266, 9 October 2009).

1a) Article 18 (5) of Act No. 80/1997 Coll., as amended by Act No. 492/2009 Coll.

- 1b) For example, Articles 20 and 21 of Act No. 129/2010 Coll. on consumer loans and on amendments and supplements to certain laws.
- 2) Articles 7 and 15 of Act No. 575/2001 Coll. on the Organisation of Operations of the Government and Central Government Agencies, as amended.
- 3) Article 2(3d) of Act of the National Council of the Slovak Republic No. 350/1996 Coll. on the Rules of Procedure of the National Council of the Slovak Republic.
- 4) E.g. the Civil Procedure Code, Act No. 244/2002 Coll. on Arbitration Proceedings, Articles 67 to 71 of Act No. 510/2002 Coll., amended by Act No. 604/2003 Coll.
- 5) Article 41 of Act of the National Council of the Slovak Republic No. 566/1992 Coll. as amended.
- 6) Article 9(3) of the Labour Code.
- 7) Articles 2, 3, 29 and 39(1), and Articles 73a to 73k of the Act of the National Council of the Slovak Republic No. 323/1992 Coll. on Notaries and Notary Activities (Notary Code) as amended.
- 8) Article 2(4 and 5), Articles 6 to 8, Articles 16, 27 and 28 of Act No. 466/2002 Coll. on Auditors and the Slovak Chamber of Auditors
- 9) Articles 99 to 111 of Act No. 566/2001 Coll., as amended.
- 10) Article 2 of Act No. 429/2002 Coll.
- 11) E.g. Act No. 7/2005 Coll. on bankruptcy and restructuring and on the amendment and supplementing of certain acts, as amended, Articles 8 to 9a of Act No. 328/1991 Coll. on Bankruptcy Proceedings, as amended, the Act of the National Council of the Slovak Republic No. 233/1995 Coll. on Proving Executors and Dstraint (Dstraint Code) and on amendments and supplements to other laws as amended, Act No. 382/2004 Coll. on Court Experts, Interpreters and Translators, and on amendments and supplements to certain laws as amended.
- 12) E.g. Article 2(1) and Article 15 of Act No. 466/2002 Coll.
- 13) E.g. Article 16 of Act No. 466/2002 Coll.
- 14) Act No. 211/2000 Coll. on Free Access to Information and on amendments and supplements to certain laws (the Freedom of Information Act), as amended by Act No. 747/2004 Coll.
- 15) E.g. Article 11(1d and e) of Act No. 211/2000 Coll., as amended by Act No. 747/2004 Coll., Article 38.1 of Protocol No. 18 on the Statute of the European System of Central Banks and the European Central Bank as part of the Treaty establishing the European Community, Annexes to the Treaty of Slovakia's Accession to the European Union (Notice No. 185/2004 Coll.).
- 16) Labour Code.
- 17) Article 6 (2c) of Act No. 566/1992 Coll. of the National Council of the Slovak Republic.
- 18) Article 6 (1b) and Article 8 (1-3) of Act No. 566/1992 Coll. of the National Council of the Slovak Republic, as amended.
- 19) Articles 244 and 247 of the Civil Procedure Code.

- 20) E.g. Article 40 of Act of the National Council of the Slovak Republic No. 202/1995 Coll. Foreign Exchange Act and the act amending and supplementing the Act of the National Council of the Slovak Republic No. 372/1990 Coll. on Infringements as amended.
- 21) Act No. 71/1967 Coll. on Administrative Proceedings (the Administrative Procedure Code) as amended.
- 22) Article 21 of the Constitution of the Slovak Republic.
- 23) E.g. Act No. 215/2004 Coll. on Protection of Classified Matters and on the amendments and supplements to certain laws, Articles 40 and 41 of Act of the National Council of the Slovak Republic No. 566/1992 Coll. as amended, Articles 91 to 93a of Act No. 483/2001 Coll. as amended, Articles 17 to 20 of the Commercial Code.
- 24) Article 136(1) and Article 137(1) of the Labour Code.
- 25) E.g. Act No. 483/2001 Coll. as amended, Act No. 310/1992 Coll. of the Slovak National Council as amended, Act No. 566/2001 Coll. as amended, Act No. 530/1990 Coll. as amended, Act No. 429/2002 Coll. as amended, Act No. 594/2003 Coll. as amended, Act No. 8/2008 Coll. as amended, Act No. 381/2001 Coll. as amended, Act No. 43/2004 Coll. as amended, Act No. 650/2004 Coll., Act No. 510/2002 Coll. as amended, Act No. 202/1995 Coll. of the National Council of the SR as amended, Article 22 of Act No. 118/1996 Coll. as amended, Articles 17(f) and (g) and Article 45 of Act No. 566/1992 Coll. as amended,
- 26) Article 2(11) of Act No. 483/2001 Coll.  
Act of the National Council of the Slovak Republic No. 566/1992 Coll. as amended.
- 27) Article 34b(1a) to (c) of Act of the National Council of the Slovak Republic No. 566/1992 Coll., as amended by Act No. 602/2003 Coll.
- 28) E.g. Articles 53 to 62 of Act No. 483/2001 Coll. as amended, Articles 147 to 155 of Act No. 566/2001 Coll. as amended, Articles 109 and 110 of Act No. 594/2003 Coll., Articles 51 to 59 of Act No. 95/2002 Coll. as amended.
- 29) E.g. Articles 114 to 118 of Act No. 566/2001 Coll. as amended by Act No. 594/2003 Coll.
- 30) Article 31(5) of Act No. 507/2001 Coll. on Postal Services, as amended by Act No. 15/2004 Coll.
- 31) E.g. Act No. 530/2003 Coll. on the Companies' Register and on amendments and supplements to certain laws, Article 27 of the Commercial Code, Article 60 of Act No. 455/1991 Coll. on Sole Traders' Business (the Trading Act), as amended, Article 2(2) and Articles 10 and 11 of Act No. 34/2002 Coll. on Foundations and on the Amendment to the Civil Code, as amended, Article 9(1 and 2) and Article 10 of Act No. 147/1997 Coll. on Non-Investment Funds and on the Supplement to Act of the National Council of the Slovak Republic No. 207/1996 Coll., Article 9(1 and 2) and Article 11 of Act No. 213/1997 Coll. on Non-Profit Organisations Providing Community Services, as amended by Act No. 35/2002 Coll., Articles 6, 7, 9 and 9a of Act No. 83/1990 Coll. on the Association of Citizens, as amended, Article 6(1) and Article 7 of Act of the National Council of the Slovak Republic No. 182/1993 Coll. on the Ownership of Residential and Non-Residential Premises, as amended, Article 4(3) of Act No. 515/2003 Coll. on Regional and District Offices and on amendments and supplements to certain laws.

- 32) E.g. Act No. 530/2003 Coll., Article 27 of the Commercial Code, Article 60 of Act No. 455/1991 Coll., as amended, Article 34(9) of Act No. 95/2002 Coll., Articles 12b and 12c of Act No. 105/1990 Coll. on Private Business Pursued by Citizens, as amended by Act No. 219/1991 Coll.
- 33) Act of the National Council of the Slovak Republic No. 241/1993 Coll. on Public Holidays, Days off Work and Memorial Days, as amended.
- 34) E.g. Article 7(1) of Act No. 483/2001 Coll.
- 35) E.g. Article 9(4), Article 13(2), Article 30(3), Article 50(5) and Article 94(2) of Act No. 483/2001 Coll. as amended, Article 61(6), Article 70(7), Article 102(9), Article 103(4), Article 114(5), Article 122(4), Article 124(2) and Article 144(10) of Act No. 566/2001 Coll. as amended, Article 13(9), Article 32(3), Article 36(8), Article 37(7 and 11) and Article 50(2) of Act No. 95/2002 Coll. as amended, Article 10(5), Article 57(4) and Article 68(4) of Act No. 594/2003 Coll. as amended, Article 52(5), Article 111(8) and Article 116(3) of Act No. 43/2004 Coll. as amended, Article 6(6) and Article 18(3) of Act No. 429/2002 Coll. as amended.
- 36) Act No. 382/2004 Coll.  
Decree of the Ministry of Justice of the Slovak Republic No. 490/2004 Coll. enacting Act No. 382/2004 Coll. on Court Experts, Interpreters and Translators and on amendments and supplements to certain laws.  
Decree of the Ministry of Justice of the Slovak Republic No. 491/2004 Coll. on Awards, Reimbursement of Expenses and Compensation for Wasting Time of Experts, Interpreters and Translators.
- 37) Article 116 of the Civil Code.
- 38) Act No. 382/2004 Coll.
- 39) Article 9(1) of Act of the National Council of the Slovak Republic No. 566/1992 Coll., as amended by Act No. 149/2001 Coll.
- 40) Article 44 of Act of the National Council of the Slovak Republic No. 566/1992 Coll., as amended by Act No. 602/2001 Coll.
- 41) Articles 22 to 27 of Act No. 153/2001 Coll. on the Office of Public Prosecution.
- 42) Article 244, Article 246(2b) and Articles 247 to 250k of the Civil Procedure Code.
- 43) Article 78(1) of Act No. 483/2001 Coll.
- 43a) Articles 20 and 24 of Act No. 129/2010 Coll.
- 44) Article 44(1a) and Article 125 of Act No. 594/2003 Coll.
- 45) Act No. 566/2001 Coll. as amended.  
Act No. 429/2002 Coll. as amended.
- 46) Act No. 594/2003 Coll. as amended.
- 47) Act No. 95/2002 Coll. as amended.
- 48) Article 38(2) of Act of the National Council of the Slovak Republic No. 566/1992 Coll. as amended.

49) Act No. 431/2002 Coll. as amended.

49a) Article 248 letter d) of the Civil Procedure Code.

50) Article 517(2) of the Civil Code.

Article 3 of Regulation of the Government of the Slovak Republic No. 87/1995 Coll., which is to implement certain provisions of the Civil Code.

Article 18 and Article 44(b) of Act of the National Council of the Slovak Republic No. 566/1992 Coll., as amended by Act No. 602/2003 Coll.

51) E.g. Article 251 of the Civil Procedure Code, Act of the National Council of the Slovak Republic No. 233/1995 Coll., as amended.

51a) Article 41 par. 2 g) and i) and Article 45 par. 5 of Act of the National Council of the Slovak Republic No. 233/1995 Coll. as amended.

52) Act No. 514/2003 Coll. on Liability for Damage Caused During the Exercise of Public Authority, and on amendments to certain laws.

52a) Article 73 of Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Forces, as amended.

53) Act No. 96/2002 Coll. on Supervision of the Financial Market and on amendments and supplements to certain laws, as amended.

54) Articles 2 and 3 and Article 4(1c) of Act No. 514/2003 Coll.

55) Article 53 (2) of Act No. 96/2002 Coll. as amended.