

139
DECREE
of Národná banka Slovenska
of 14 May 2013

laying down detailed provisions on the elements of an application for a foreign exchange licence and on requirements for trade in foreign exchange assets

Národná banka Slovenska, under Article 6(13) and Article 13(8) of Act No 202/1995 Coll. of the National Council of the Slovak Republic, the Foreign Exchange Act and the Act amending Act No 372/1990 Coll. of the National Council of the Slovak Republic on infringements as amended, as amended (hereinafter referred to as the "Act"), stipulates as follows:

Article 1

(1) The elements of an application by a natural person for a foreign exchange licence for currency exchange activities (hereinafter referred to as a "foreign exchange licence") shall comprise:

- (a) the first name and surname of the applicant; in the case of sole traders, the business name if different from the first name and surname;
- (b) the permanent or temporary residence address of the applicant or place of business in the case of a natural person, if it differs from the permanent residence address; in the case of a foreigner also the permanent or temporary residence address in the territory of the Slovak Republic, if applicable;
- (c) the date of birth of the applicant;
- (d) the identification number of the applicant, if assigned;
- (e) the telephone number of the applicant;
- (f) the electronic mail address of the applicant, if applicable;
- (g) information under (a) to (f) on the applicant's representative in the proceedings, if appointed by the applicant;
- (h) the first name and surname, permanent address or temporary address and date of birth of the person through whom the applicant will be conducting currency exchange activities.

(2) The elements of an application by a legal person for a foreign exchange licence shall comprise:

- (a) the business name and address of the applicant;
- (d) the identification number of the applicant, if assigned;
- (c) specification of the register in which the applicant is entered and the entry number, if assigned;
- (d) the telephone number of the applicant;
- (e) the electronic mail address of the applicant, if applicable;
- (f) the first name and surname, permanent address or temporary address and date of birth of a person who is the applicant's statutory authority or who is a member of applicant's statutory authority;
- (g) information under (1)(a) to (f) on the applicant's representative in the proceedings, if appointed by the applicant;
- (h) the first name and surname, permanent address or temporary address and date of birth of the natural person through whom the applicant will be conducting currency exchange activities.

(3) Attachments to an application under (1) shall comprise:

- (a) documentary proof that the applicant, the representative of the applicant in the proceedings if appointed by the applicant, and the person through whom the applicant will be conducting currency exchange activities, complies with the conditions under Article 6(3)(b) of the Act;
- (b) proof of payment of the fee¹⁾;
- (c) if the applicant is authorised to pursue a trade, an original or officially certified copy of the respective extract from the Trade Register, not older than three months as of the day of filing the application; in the case of a foreigner, an equivalent document issued by a relevant authority, not older than three months;
- (d) documents proving compliance with the conditions under Article 6(3)(c) to (e) of the Act, namely:
 - 1. a written declaration that the applicant has full legal capacity;
 - 2. an original or officially certified copy of a document certifying the highest level of education attained by the applicant;
 - 3. a written declaration of the person through whom the applicant will be conducting currency exchange activities stating that they have full legal capacity;
 - 4. an original or officially certified copy of a document certifying the highest level of education attained by the person through whom the applicant will be conducting currency exchange activities;
- (e) a clean criminal record check, not older than three months as of the day of filing the application; in the case of a foreigner, an equivalent certificate of integrity issued by a relevant authority of the state where the foreigner habitually resides;
- (f) a clean criminal record check of the person through whom the applicant will be conducting currency exchange activities, not older than three months as of the day of filing the application; in the case of a foreigner, an equivalent certificate of integrity issued by a relevant authority of the state where the foreigner habitually resides;
- (g) an officially certified power of attorney granted by the applicant to their representative in the proceedings, if appointed by the applicant.

(4) Attachments to an application under (2) shall comprise:

- (a) documentary proof that the person who is the applicant's statutory authority or who is a member of the applicant's statutory authority, the representative of the applicant in the proceedings if appointed, and the person through whom the applicant will be conducting currency exchange activities complies with the conditions under Article 6(3)(b) of the Act;
- (b) proof of payment of the fee¹⁾;
- (c) an original or officially certified copy of the extract from the Commercial Register, not older than three months as of the day of filing the application; in the case of a foreign legal person, an equivalent document issued by a relevant authority, not older than three months;
- (d) documents proving compliance with the conditions under Article 6(4)(a) of the Act, namely:
 - 1. a written declaration of the person through whom the applicant will be conducting currency exchange activities stating that they have full legal capacity;
 - 2. an original or officially certified copy of a document certifying the level of education attained by the person through whom the applicant will be conducting currency exchange activities;
- (e) a clean criminal record check of the person who is the applicant's statutory authority or who is a member of the applicant's statutory authority, not older than three months as of the day of filing the application; in the case of a foreigner, an equivalent certificate of integrity issued by a relevant authority of the state where the foreigner habitually resides;
- (f) a clean criminal record check of the person through whom the applicant will be conducting currency exchange activities, not older than three months as of the day of filing the application; in

¹⁾ Decree No 8/2012 of Národná banka Slovenska of 20 November 2012 on fees for acts performed by Národná banka Slovenska (Notification No 376/2012 Coll.).

the case of a foreigner, an equivalent certificate of integrity issued by a relevant authority of the state where the foreigner habitually resides;
g) an officially certified power of attorney granted by the applicant to their representative in the proceedings, if appointed by the applicant.

(5) Attachments to an application for a foreign exchange licence concerning the sale of foreign currency funds for euro cash shall include, in addition to the attachments mentioned in (3) and (4):

(a) a written declaration of the applicant stating that for at least 12 months without interruption they have been pursuing trade in foreign exchange assets in which foreign currency funds are purchased for euro cash in accordance with generally binding legal regulations and a foreign exchange licence;
(b) an original or certified copy of a confirmation from Národná banka Slovenska or from a person designated by Národná banka Slovenska stating that the person who will be pursuing the sale of foreign currency funds for the applicant has completed a professional training course on identifying counterfeit or altered banknotes and coins.

Article 2

(1) A place of foreign exchange under Article 13(5) of the Act shall keep:

(a) a separate register of performed transactions in foreign exchange assets which includes data on the monetary value and the currencies involved in individual transactions in foreign exchange assets and on customers with whom the individual transactions in foreign exchange assets were conducted, in the scope specified in a separate law²⁾; customer identification information shall also be stated in the scope specified in (2)(g);

(b) records of purchases and sales of foreign currency funds conducted under Article 13(5)(a) of the Act; these records shall be kept in paper form and consist of a foreign currency ledger and a receipt for each sale or purchase of foreign currency;

(c) a foreign currency ledger including data from receipts for the sale or purchase of foreign currency, namely the date when the receipt was produced, the order number of the receipt, the international ISO code of the foreign currency, the amount of foreign currency, and information about whether it was purchased or sold; for the purpose of this Decree, 'foreign currency ledger' means a file of daily records of all transactions performed within currency exchange activity;

(d) catalogue of legal tender comprising illustrations and descriptions of valid euro and foreign currency banknotes and coins together with information on their issuance and validity, the time available for their exchange in case of cessation of their validity, and descriptions or illustrations of their known counterfeits.

(2) The receipt under (1) shall be marked with an order number in a continuous sequence of numbers and shall include the following data:

(a) the international ISO code of the foreign currency, its amount, exchange rate and exchange rate value;

(b) the amount of funds purchased or sold in the foreign currency less the service charge, expressed in euro;

(c) the service charge;

(d) identifiers of the place of foreign exchange;

(e) the date and place of issuance of the receipt;

(f) in the case of a purchase or sale of cheques:

1. the customer's first name and surname, and the type, number, validity and issuing country of the customer's identity card;

2. the cheque numbers;

²⁾ Act No 297/2008 Coll. on the prevention of money laundering and terrorist financing and on amendments to certain laws, as amended.

3. the business name of the bank or branch of a foreign bank which clears the cheque (drawee),
- (g) in the case of a purchase or sale of banknotes and coins in an amount exceeding EUR 1,000
1. the customer's first name and surname;
 2. the type, number, validity and issuing country of the customer's identity card.

(3) The receipt under (1) shall be produced in two counterparts, one of which shall be given to the customer for the purpose of claims, if any; where a purchase or sale of foreign currency funds is cancelled, both counterparts shall be marked with the word "cancelled" together with the identifiers of the place of foreign exchange and the date and place of issue.

(4) If a foreign exchange licence is granted:

a) for the purchase of foreign currency funds, the foreign currency ledger shall include, in addition to the data under (1), information on the use of the purchased foreign currency funds supported by:

1. an accounting document; or
2. other document that includes the identification of the document, the purpose for which the foreign currency funds are to be used, the amount of funds, the identification of the parties receiving and handing over the document, their signatures, and the date and place of issue of the document;

(b) for the purchase or sale of foreign currency funds, the following information shall be recorded in addition to the information referred to in (1):

1. any use of the purchased foreign currency funds other than their sale, supported by an accounting document or other document that includes the identification of the document, the purpose for which the foreign currency funds are to be used, and the amount of funds;
2. the acquisition of the foreign currency funds other than by their purchase, supported by an accounting document or by another document that includes the identification of the document, source of acquisition of the foreign currency funds, the amount of funds, the identification of the parties receiving and handing over the document, their signatures, and the date and place of issue of the document.

(5) The foreign currency ledger shall contain daily records of the amount of funds acquired in a foreign currency, the amount of funds sold in a foreign currency, the amount of funds used in a foreign currency pursuant to (4)(a) and (b) point 1 and the amount of funds acquired pursuant to (4)(b) point 2, broken down by the individual foreign currencies, and it shall specify their balances that are to be recorded in the foreign exchange ledger the following working day.

(6) Receipts and the foreign exchange ledger under (1) shall be kept for each establishment separately.

(7) Identifiers of the place of foreign exchange shall be the business name of the place of foreign exchange, the address of the establishment, and the first name, surname and signature of the authorised employee according to the specimen signature.

Article 3

(1) The purchase of foreign currency funds or sale of foreign currency funds shall be executed according to the buy price or sell price specified in the exchange rate list displayed at the place of foreign exchange.

(2) The price charged for the services provided under Article 13(5)(d) of the Act in respect of currency exchange activity shall be determined by a fixed rate or by a percentage of the exchange rate value; the prices of individual services shall be expressed in Arabic numerals.

Article 4

(1) Data on the amount of funds purchased and sold in a foreign currency during the previous calendar quarter shall, in accordance with Article 13(5)(f) of the Act, be submitted to Národná banka Slovenska in summary for all establishments and automated currency exchange machines of the place of foreign exchange on a form whose template is attached in an annex hereto. Data on the amount of funds purchased in a foreign currency shall correspond to the total amount stated on the receipts for the purchased currency and data on the amount of funds sold in a foreign currency shall correspond to the total amount stated on the receipts for the sold currency. If no purchase or sale of funds in foreign currency was executed in the calendar quarter, zero shall be stated in the respective lines and columns of the form.

(2) Data referred to in (1) shall be sent to Národná banka Slovenska, not later than the fifteenth calendar day of the following quarter.

Article 5

This Decree repeals Decree No 614/2003 Coll. of Národná banka Slovenska stipulating details of elements of an application for a foreign exchange licence, the method of demonstrating compliance with conditions for a foreign exchange licence, and requirements under Article 13(8) of the Foreign Exchange Act, as amended by Decree No 412/2006 Coll.

Article 6

This Decree shall enter into force on 1 July 2013.

Jozef Makúch
Governor

TEMPLATE

Národná banka Slovenska

Place of foreign exchange:

The statement shall be submitted to the Banking and Payment Services Supervision Department of Národná banka Slovenska within 15 calendar days after the end of the calendar quarter.

**STATEMENT OF PURCHASES AND SALES OF
FOREIGN CURRENCY FUNDS**

Period.....

International ISO code of the foreign currency	Amount of foreign currency funds purchased according to receipts	Sum of exchange rate values according to purchase receipts (in EUR)	Amount of foreign currency funds sold according to receipts	Sum of exchange rate values according to sale receipts (in EUR)
1	2	3	4	5

Prepared by (first name, surname and position):

Date:

.....
Stamp,
first name, surname, position
and signature of the responsible person