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Pursuant to Article 65, paragraph (7) of the Credit Institutions Act (Official Gazette 159/2013, 19/2015, 102/2015, 15/2018, 70/2019, 47/2020, 146/2020 and 151/2022) and Article 43, paragraph (2), item (10) of the Act on the Croatian National Bank (Official Gazette 75/2008, 54/2013 and 47/2020), the Governor of the Croatian National Bank hereby issues the

Decision

on the documentation to be enclosed with the application for the authorisation of a credit institution and the application for the authorisation to provide financial services

I GENERAL PROVISIONS

Subject

Article 1

This Decision specifies the documentation to be enclosed with the application for the authorisation of a credit institution and the application for the authorisation of a credit institution to provide financial services.

Compliance with the regulations of the European Union

Article 2

This Decision transposes into the Croatian legislation Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (Text with EEA relevance) (OJ L 176, 27. 6. 2013), as last amended by Directive (EU) 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures (Text with EEA relevance) (OJ L 150, 7.6.2019).

Definitions

Article 3

The terms 'credit institution', 'banking services', 'financial services', 'qualifying holding', 'group', 'group of credit institutions', 'group of credit institutions in the EU', 'group of credit institutions in the RC', 'parent undertaking', 'financial holding company' and 'mixed financial holding company' shall have the meaning as determined by the Credit Institutions Act.

II INFORMATION AND DOCUMENTS TO BE ENCLOSED WITH THE APPLICATION FOR THE AUTHORISATION OF A CREDIT INSTITUTION

Application for authorisation Article 4

The application for authorisation shall include information and documents prescribed by Commission Delegated Regulation (EU) 2022/2580 of 17 June 2022 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the information to be provided in the application for the authorisation as a credit institution, and specifying the obstacles which may prevent the effective exercise of supervisory functions of competent authorities and Commission Implementing Regulation (EU) 2022/2581 of 20 June 2022 laying down implementing technical standards for the application of Directive 2013/36/EU of the European Parliament and of the Council with regard to provision of information in applications for authorisation of a credit institution and the information and documents prescribed by this Decision.

Work programme and information on founders of credit institutions Article 5

(1) The application for authorisation shall include a work programme listing banking and financial services that the credit institution intends to provide, and indicating the organisational structure of the credit institution, parent companies, financial holding companies and mixed financial holding companies within the group and governance arrangements referred to in Article 101 of the Credit Institutions Act.

(2) The application for authorisation shall contain information on the identity of all natural and legal persons who will hold, in case of obtaining authorisation, directly or indirectly, a qualifying holding in a credit institution, indicating the amount of these holdings in the capital of the credit institution. Where no legal or natural person acquires, directly or indirectly, a qualifying holding in the credit institution, the application shall include a list of twenty largest shareholders of the credit institution, indicating the amount of their holdings in the capital of the credit institution.

(3) The application for authorisation not including the information referred to in paragraph (2) of this Article shall be refused.

III INFORMATION AND DOCUMENTS TO BE ENCLOSED WITH THE APPLICATION FOR THE AUTHORISATION TO PROVIDE FINANCIAL SERVICES

Article 6

(1) The application for the authorisation to provide financial services submitted by an authorised credit institution shall include the following documentation and information:

- 1) a list of financial services for which authorisation is sought, indicating the relevant provisions of the Credit Institutions Act;
- 2) the name of the regulation and the financial service governed by that regulation, indicating the relevant provisions of that regulation, where authorisation to provide financial services governed by special regulation is sought;
- 3) an approval or other relevant document by the Croatian Financial Services Supervisory Agency or other authority competent for supervising the provision of individual financial services where so required by the regulations governing the provision of individual financial services;

- 4) a draft Articles of Association with visible amendments;
- 5) a draft internal bylaws and procedures prescribing the procedures, work organisation, powers and responsibilities for each financial service the credit institution intends to provide;
- 6) a description of actions taken by the credit institution in connection with the introduction of new financial services;
- 7) the rationale for the introduction of new financial services;
- 8) a description of the estimated impact of new financial services on the credit institution's operation;
- 9) the cost of the introduction of new financial services;
- 10) a description of the changes in the organisation and job classification, where necessary for the introduction of new financial services;
- 11) the credit institution's business strategy;
- 12) a business plan with the description of the estimated impact of new services on the credit institution's operation and forecast balance sheets and profit and loss accounts for the next three business years submitted using the forms used for submitting supervisory reports to the Croatian National Bank;
- 13) information on any changes in the credit institution's tangible assets related to the introduction of new financial services;
- 14) information on any changes in the credit institution's IT necessary to introduce new financial services;
- 15) information on the credit institution, including its name, personal identification number (OIB), Legal Identifier Code (LEI), business entity registration number (MBS), head office, name and surname of the contact person in the credit institution (electronic mail address, telephone number);
- 16) a statement that the information and documentation referred to in paragraph (1) of this Article are true, accurate, up-to-date and complete, and that in the event of changes to the information and documentation provided in the application, the Croatian National Bank shall be notified immediately in writing of such changes in writing, signed by the person authorised to represent the credit institution.

(2) The Croatian National Bank may request other information and documentation in addition to those referred to in paragraph (1) of this Article, as well as additional explanations should it deem that necessary for the purpose of adopting a decision on the application for the authorisation to provide financial services.

IV TRANSITIONAL AND FINAL PROVISIONS

Entry into force and application

Article 7

(1) As of the date of entry into force of this Decision, the Decision on the documentation to be enclosed with the application for the authorisation of a credit institution and the application for the authorisation to provide financial services (Official Gazette 25/2018 and 139/2022) shall cease to have effect.

(2) The procedures for the authorisation of a credit institution and the procedures for the authorisation of a credit institution to provide financial services initiated prior to the entry into force of this Decision shall be completed in accordance with the provisions of the regulations in force until the entry into force of this Decision.

(3) This Decision shall enter into force on the eighth day following its publication in the Official Gazette.

No.: 323-091/11-23/BV
Zagreb, 2 November 2023

Boris Vujčić
Governor