

Pursuant to Article 200 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 supervision fees for credit institutions**

### **Subject matter and scope**

#### **Article 1**

- (1) This Decision regulates the amount, the basis for and the method of calculating and paying supervision fees.
- (2) The provisions of this Decision shall apply to all credit institutions with head offices in the Republic of Croatia, authorised in accordance with the law governing the operation of credit institutions.
- (3) The provisions of this Decision shall apply *mutatis mutandis* to branches of credit institutions established in the Republic of Croatia by credit institutions with head offices outside the Republic of Croatia.

### **Terms and definitions**

#### **Article 2**

- (1) The terms 'credit institution', 'branch' and 'group of credit institutions in the RC' shall have the meaning as determined in the Credit Institutions Act.
- (2) For the purposes of this Decision, the following terms shall have the following meaning:
  - 1) 'fee' means the supervision fee for credit institutions;
  - 2) 'reference year' means the business year to which the costs of the Croatian National Bank refer and which are recovered via the supervision fee in the calculation year;
  - 3) 'calculation year' means the year following the reference year in which the Croatian National Bank shall calculate and collect the supervision fee based on the costs incurred in the reference year;
  - 4) 'direct expenses' consist of:
    - a) the expenses of organisational units of the Croatian National Bank directly competent for the exercise of supervision tasks, only in the part relating to credit institutions as the subject of supervision;
    - b) the expenses of the Croatian National Bank arising from co-financing of the activities of the European Banking Authority (EBA);
  - 5) 'indirect expenses' mean the expenses of the Croatian National Bank that are indirectly related to the exercise of supervision of credit institutions, i.e. expenses of organisational units providing administrative and other support to organisational units referred to in item (4), sub-item (a) of this paragraph and the associated amount of expenses that are generated by the members of the Council of the Croatian National Bank participating in the functions related to the supervision of credit institutions;
  - 6) 'parent credit institution' comprises the RC parent credit institution and the EU parent credit institution having its head office in the RC as determined in the Credit Institutions Act;
  - 7) 'subsidiary member of a group' means a credit institution having its head office in the Republic of Croatia, which is a part of a group of credit institutions in the RC and not a parent credit institution.

### **Calculation of the basis**

#### **Article 3**

(1) The basis for fee calculation shall be calculated by deducting the sum of the amounts in items (5) to (7) of this paragraph from the sum of the amounts in items (1) to (4) of this paragraph:

- 1) direct expenses in the reference year;
- 2) indirect expenses in the reference year;
- 3) deficit of the calculated fee from the year preceding the reference year (positive difference between the calculated and collected amount of the associated fee);
- 4) subsequently determined direct or indirect expenses in the reference year relating to the periods preceding the reference year and not yet included in the basis for fee calculation in accordance with this Decision;
- 5) income in the reference year arising from any refunded expenses referred to in items (1) to (2) of this paragraph;
- 6) income in the reference year arising from the harmonisation of expenses incurred from co-financing of EBA's activities;
- 7) other income in the reference year arising from the harmonisation of direct and indirect expenses in the years preceding the reference year and previously included in the basis for fee calculation in accordance with this Decision.

(2) Items (3), (4) and (7) of paragraph (1) of this Article shall be included in the calculation of the basis starting from the fee calculation for 2023 as the reference year.

(3) The Croatian National Bank shall publish on its website the amount and structure of the basis for fee calculation by the category referred to in paragraph (1) of this Article for each reference year. The direct expenses shall be broken down by the type of expense and the indirect expenses by the type of support provided to the supervisory function.

### **Fee calculation**

#### **Article 4**

(1) The amount of the fee shall comprise a fixed component calculated in accordance with Article 5 of this Decision and of a variable component calculated in accordance with Article 6 of this Decision.

(2) The fee debtors in the calculation year shall be the fee-paying entities in business on 31 December of the reference year.

### **Fixed component**

#### **Article 5**

(1) The fixed component of the fee shall equal the ratio of 3% of indirect costs and the number of fee debtors as at 31 December of the reference year.

(2) By way of derogation from paragraph (1) of this Article, for fee-paying entities that ended the reference year with assets of less than one billion euro the amount of the fixed component of the fee shall be calculated as follows:

- 1) for fee-paying entities that ended the reference year with assets less than one billion euro but more than 100 million euro, the fixed component of the fee calculated in accordance with paragraph (1) of this Article shall be divided by two;
- 2) for fee-paying entities that ended the reference year with assets less than 100 million euro, the fixed component of the fee calculated in accordance with paragraph (1) of this Article shall be divided by four.

(3) By way of derogation from paragraph (1) of this Article, for subsidiary member of a group the fixed component of the fee shall equal zero.

(4) For the purposes of paragraph (1) of this Article, the number of fee debtors shall include the sum of the following enterprises in business on 31 December of the reference year

- 1) the number of credit institutions with head offices in the Republic of Croatia;
- 2) the number of branches of credit institutions established in the Republic of Croatia by credit institutions with head offices outside the Republic of Croatia.

(5) For each reference year the Croatian National Bank shall publish on its website the total fixed amount of the fee determined in the process of fee calculation for that year.

### **Variable component**

#### **Article 6**

(1) The variable component of the fee shall be calculated by multiplying the specific coefficient and the difference between the basis and the total fixed component of the fee calculated in accordance with Article 5 of this Decision.

(2) The specific coefficient shall be calculated for each fee debtor individually and shall equal the sum of item (1) and item (2) of this paragraph:

- 1) the ratio between the assets of the fee debtor at the end of the reference year and the assets of all fee debtors at the end of the reference year multiplied by 50%;
- 2) the ratio between the total risk exposure of the fee debtor at the end of the reference year and the total risk exposure of all fee debtors at the end of the reference year multiplied by 50%.

(3) For the purposes of paragraph (2) of this Article, the following rules shall apply:

- 1) in the case of a credit institution with a head office in the Republic of Croatia which is not a part of a group of credit institutions in the RC and was in business on 31 December of the reference year:
  - a) assets shall be the unconsolidated audited amount of total assets reported by the credit institution to the Croatian National Bank in the report 'Balance Sheet Statement: assets' (F 01.01) in accordance with Article 7 of the Decision on supervisory reports of credit institutions (Official Gazette 146/2021, 108/2022 and 27/2023);
  - b) total risk exposure shall be the unconsolidated audited amount of total risk exposure reported by the credit institution to the Croatian National Bank in the report 'Own funds requirements' (C 02.00) in accordance with Commission Implementing Regulation (EU) 2021/451 of 17 December 2020 laying down implementing technical standards for the application of Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to supervisory reporting of institutions and repealing Implementing Regulation (EU) No 680/2014 (Text with EEA relevance) (OJ L 97, 19.3.2021); hereinafter referred to as 'Commission Implementing Regulation (EU) 2021/451';
- 2) in the case of a parent credit institution in business on 31 December of the reference year:
  - a) assets shall be the consolidated audited amount of total assets reported by the credit institution to the Croatian National Bank in the report 'Balance Sheet Statement: assets' (F 01.01) in accordance with Commission Implementing Regulation (EU) 2021/451;
  - b) total risk exposure shall be the consolidated audited amount of total risk exposure reported by the credit institution to the Croatian National Bank in the report 'Own funds requirements' (C 02.00) in accordance with Commission Implementing Regulation (EU) 2021/451;
- 3) in the case of a subsidiary member of a group in business on 31 December of the reference year:
  - a) assets shall be zero;
  - b) total risk exposure shall be zero;

- 4) in the case of a branch established in the Republic of Croatia by a credit institution with a head office outside the Republic of Croatia in business on 31 December of the reference year:
- a) assets shall be the amount of total assets reported by the branch in the report 'Balance sheet and off-balance sheet items' ('AA') in accordance with the Decision on statistical and supervisory reporting (Official Gazette 85/2018, 47/2019, 14/2020, 53/2020, 122/2020, 53/2021, 142/2021, 108/2022 and 27/2023);
  - b) total risk exposure of the branch shall be zero.

(4) When calculating the fee, the Croatian National Bank shall not take into account any corrections of data regarding the assets and/or the total risk exposures of fee debtors submitted after 30 April of the calculation year.

(5) Where the fee-paying entity fails to submit the report referred to in paragraph (3) of this Article within the prescribed time limit, the Croatian National Bank shall use for the calculation of the fee the data from the latest available report of the respective fee debtor.

(6) The Croatian National Bank shall, for each reference year, publish on its website the amount of assets and total risk exposure of all fee debtors as at the end of the reference year that were taken into account in the fee calculation for the year in question.

#### **New fee debtors and fee debtors whose authorisation lapsed** **Article 7**

(1) Where the credit institution or branch is established in the reference year, the amount of the fee referred to in Article 4 of this Decision shall be multiplied by the number of days on which it was in business during that year and divided by the total number of days of the reference year.

(2) Where the authorisation of the credit institution or branch lapsed in the reference year, it shall not pay the supervision fee for the year in question. The fee for the year preceding the relevant year shall be calculated and paid in accordance with the provisions of this Decision.

#### **Payment method** **Article 8**

(1) Fees shall be the income of the Croatian National Bank and shall be credited to the business account of the Croatian National Bank: HR621001005101111116.

(2) The Croatian National Bank shall, by 31 May of the calculation year, submit to the fee debtor an invoice based on which the fee debtor is obligated to pay the supervision fee.

#### **Time limit for payment** **Article 9**

(1) Based on the invoice referred to in Article 8 of this Decision fee debtors shall pay the supervision fee as a yearly lump sum by 30 June of the calculation year.

(2) Where the fee debtor fails to fully meet its obligations within the time limit referred to in paragraph (1) of this Article, the Croatian National Bank shall charge default interest in accordance with the Civil Obligations Act.

**Transitional Provisions**  
**Article 10**

For the purpose of the first application of this Decision, in order to collect the fee in 2023, the following dates shall apply:

- when calculating the fee, the Croatian National Bank shall not take into account any corrections of data regarding assets and/or total risk exposures of fee debtors submitted after 31 July 2023 (Article 7, paragraph (4) of the Decision).
- the Croatian National Bank shall issue invoices to fee debtors by 31 October 2023, based on which they shall be obligated to pay the supervision fee for 2023 as the year of calculation (Article 9, paragraph (2) of the Decision).
- the fee debtors shall pay the supervision fee for 2023 as the year of calculation by 30 November 2023 (Article 10, paragraph (1) of the Decision).

**Entry into force**  
**Article 11**

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

No.: 321-091/10-23/BV

Zagreb, 13 October 2023

**Boris Vujčić**  
Governor