

Pursuant to Article 18, paragraph 1, Section 3 of the Law on the National Bank of Serbia (“RS Official Gazette”, Nos 72/2003, 55/2004, 85/2005 – other law, 44/2010, 76/2012 and 106/2012) and Article 92, paragraph 5 of the Law on Banks (“RS Official Gazette”, Nos 107/2005 and 91/2010), the Governor of the National Bank of Serbia hereby issues the

D E C I S I O N
ON DETAILED REQUIREMENTS AND THE PROCEDURE FOR
GRANTING AND REVOKING CONSENT FOR SETTING UP A
REPRESENTATIVE OFFICE OF A FOREIGN BANK IN THE REPUBLIC OF
SERBIA

1. This decision sets out detailed requirements and the procedure for granting a consent of the National Bank of Serbia to a foreign bank to set up a representative office in the Republic of Serbia (hereinafter: consent), as well as the requirements and the procedure for the revocation of such consent.

2. The foreign bank setting up a representative office in the Republic of Serbia (hereinafter: foreign bank) shall submit a written request for consent to the National Bank of Serbia.

The request referred to in paragraph 1 of this Section shall include:

- name, head office and address of the foreign bank;
- name, head office and address of the representative office that is being set up, and
- data on the person responsible for the operations of the representative office that is being set up and data on the number of persons to be employed in such representative office.

Along with the request referred to in paragraph 1 of this Section, the foreign bank shall also submit to the National Bank of Serbia:

- 1) Confirmation letter issued by the regulatory body of the home country that the foreign bank holds an operating license and is authorised to establish a representative office in the Republic of Serbia, or evidence that such authorisation is not required under regulations of the home country;
- 2) Information on the name, legal status and head office of the foreign bank;
- 3) Copy of the founding act of such foreign bank;
- 4) Data on the financial condition of the foreign bank (financial statement with certified auditors’ opinion for the preceding business year);

- 5) Decision of the competent authority of the foreign bank to set up a representative office;
- 6) Decision on the appointment of a person responsible for operations of the representative office and authorisation for that person;
- 7) Data on the business name and head office of the representative office;
- 8) Proposed activities and operational programme of the representative office of a foreign bank;
- 9) Information on the management of a foreign bank's representative office including the work biography of the person responsible for the operations of the representative office;
- 10) Certified statement by such foreign bank that it is willing to assume obligations arising from business activities of the representative office.

The documentation referred to in paragraph 3 of this Section shall be submitted in the original or certified copy, and, if issued in a foreign language, a translation of the document should be submitted together with the copy, certified by a sworn court interpreter.

3. The National Bank of Serbia shall render a decision on the request referred to in Section 2 of this Decision within 30 days from receiving the duly completed request.

The decision specified in paragraph 1 hereof shall be final.

4. A foreign bank shall submit an application for entry of its representative office in the register of business entities within 30 days from the consent date.

The representative office of a foreign bank shall submit the decision on entry in the register of business entities to the National Bank of Serbia within five days from the receipt of such decision.

The representative office of a foreign bank shall submit the permit for permanent or temporary residence in the Republic of Serbia for the foreign natural person responsible for the operations of the representative office five days upon obtaining such permit from the competent authority.

5. A foreign bank representative office shall submit a report on its operations to the National Bank of Serbia, by 31 March of the current year for the preceding year, and promptly notify the National Bank of Serbia of all changes significant for the operations of such representative office.

6. The National Bank of Serbia shall revoke the consent granted to a foreign bank if:

1) The foreign bank's operating license ceases to be valid in the home country, of which the representative office of the foreign bank must promptly inform the National Bank of Serbia;

2) It has established that the representative office of a foreign bank engages in activities outside its legally permitted scope;

3) The foreign bank submits a request for deletion of its representative office from the register of business entities, of which it must promptly notify the National Bank of Serbia, not later than five days from submission of such request.

7. In cases referred to in Section 6 of this Decision, the National Bank of Serbia shall issue a decision whereby it shall revoke the consent granted to the foreign bank.

The decision specified in paragraph 1 hereof shall be final.

The National Bank of Serbia shall notify the authority in charge of registration of business entities of the decision referred to in this Section, for the purpose of deletion of the representative office of the foreign bank from the register of business entities.

8. This Decision repeals the Decision on Detailed Requirements and the Procedure for the Granting and Revoking of Approvals for the Opening of the Representative Office of a Foreign Bank in the Republic of Serbia ("RS Official Gazette", No 53/2006).

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

Decision No 16
3 December 2012
B e l g r a d e

G o v e r n o r
of the National Bank of Serbia

Dr Jorgovanka Tabaković, sign.