



NATIONAL BANK OF THE REPUBLIC OF NORTH MACEDONIA

Pursuant to Article 47 paragraph 1 item 6 of the Law on the National Bank of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 158/10, 123/12, 43/14, 153/15, 6/16 and 83/18), Article 57 paragraph 2 and paragraph 3 and Article 59 paragraph 5 of the Banking Law (Official Gazette of the Republic of Macedonia No. 67/07, 90/09, 67/10, 26/13, 15/15, 153/15, 190/16 and 7/19), the National Bank of the Republic of North Macedonia Council adopted the following

DECISION amending the Decision on Issuing Approvals (Official Gazette of the Republic of North Macedonia No. 50/19)

1. In the Decision on Issuing Approvals (Official Gazette of the Republic of Macedonia No. 72/13 and 24/18) the words "Republic of Macedonia" shall be replaced with the words "Republic of North Macedonia", except in items 59 and 61 of the Decision on Issuing Approvals.

2. In item 16 sub-item 16.11. paragraph 1 shall be amended and read as follows: "The National Bank, ex officio, shall obtain from a competent court a certificate of non(conviction) for the proposed person, pursuant to article 83 paragraph 3 of the Banking Law. If the person proposed for a member of the Supervisory Board shall be a foreign national, he/she shall be obliged to provide such a certificate by the competent authorities in the foreign country himself/herself."

3. In item 19 paragraph 3, the full stop at the end of the indent 4 shall be replaced with semicolon, followed by a new indent 5 that reads as follows:

"- his/her conviction pursuant to Article 83 paragraph 3 of the Banking Law."

4. In item 21 sub-item 21.12, item 28 paragraph 1 indent 2 and item 3.1 of form 2, the words "Article 83 paragraph 6" shall be replaced by the words "Article 83 paragraph 8".

5. In item 21, sub-item 21.14 shall be followed by a new sub-item 21.15, that reads as follows:

"21.15. Statement of the proposed person for a member of the Management Board, given under full criminal and material responsibility, whether together with another natural person, directly or indirectly and/or through a contract exercises control over a domestic or foreign trade company."

Sub-item 21.15 that becomes sub-item 21.16, paragraph 1 shall be amended and read as follows:

"The National Bank, ex officio, obtains from a competent court a certificate for (non)conviction for the proposed person, pursuant to Article 83 paragraph 3 of the Banking Law. If the proposed person has an associate pursuant to the Banking Law, the National Bank, ex officio, obtains from a competent court a certificate for (non)conviction of the associate. In case of foreign persons, such certificates issued by the competent institutions in the foreign country shall be attached to the request for issuing the approval."

Sub-item 21.16. shall become sub-item 21.17.

6. In item 23 paragraph 1 after the bracket, a comma shall be added after the word: "supervision" and the words; "and 21.15" shall be replaced by the words: "21.15 and 21.16".

7. In item 25 paragraph 4, the full stop at the end of the indent 4 shall be replaced with semicolon, followed by a new indent 5 that reads as follows:

"- his/her conviction, including the conviction of the associate if there is one, pursuant to Article 83 paragraph 3 and paragraph 4 of the Banking Law."

8. In item 51 paragraph 1, indent 4 shall be amended and read as follows:

"- the reputation of the person who intends to acquire shares in a bank. The person who intends to acquire shares in a bank shall be considered as having an adequate reputation if he/she is honest, competent, hard-working and gives assurance that his/her work shall not jeopardize bank's stability and soundness nor impair its reputation and trust. This means that there is no proof for this person's previous involvement in business or activities that meant violating the regulations and business practices and procedures, disruption or jeopardizing the interests of the legal entity where this person had worked or works, as well as the interests of its creditors, inadequate cooperation or refusal to cooperate with competent authorities, including supervisory bodies, refusal, revocation or withdrawal of the approval for shareholder by the competent supervisory body. An adequate reputation implies proof for non-conviction pursuant to Article 13 paragraph 3 of the Banking Law, including non-conviction of the associate of the natural person who intends to acquire shares in a bank.

9. In the forms 1, 2, 3 and 5, item 5 shall be amended and read as follows:

"5. Have you been convicted with legally effective court verdict to unconditional imprisonment over six months? If such judgment was rendered, please provide all the details."

10. In the forms 2 and 3, after item 5 a new item 5.1 shall be added and read as follows:

"5.1. If you have an associate pursuant to the Banking Law, has the person been convicted with legally effective court verdict to unconditional imprisonment over six months? If such judgment was rendered, please provide all the details."

11. In form 4, item 12 shall be amended and read as follows:

"12. Has the person exercising control over the legal entity been convicted with a legally effective court verdict (in case of a natural person) to unconditional imprisonment over six months? If such judgment was rendered, please provide all the details."

12. Regarding procedures initiated prior the entry into force of the Law on amending the Banking Law (Official Gazette of the Republic of Macedonia No. 7/19), the Decision on Issuing Approvals (Official Gazette of the Republic of Macedonia No. 72/13 and 24/18) shall be applied.

13. This Decision shall enter into force on the eighth day from the day of its publication in the Official Gazette of the Republic of North Macedonia.

D No. 02-15/II-5/2019
28 February 2019
Skopje

Governor
and Chairperson
of the Council of the National Bank
of the Republic of North Macedonia
Anita Angelovska Bezhoska