

BANK OF SLOVENIA

Ref.: 1/5
Date: 9 June 2000

Pursuant to Article 240 (8) in connection with Article 39 of the Banking Act (Official Gazette of the Republic of Slovenia, No. 7/99) and pursuant to Article 20 (2) of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, No. 1-/91-I), the Bank of Slovenia is issuing, in accordance with the resolution by the Governing Board of the Bank of Slovenia dated 8 June 2000, the following

DECISION

on the issue of the Operating Licence for Banking and Other Financial Services

1. Gorenjska banka d.d., Kranj, Bleiweisova 1, 4000 Kranj (hereafter referred to as: Gorenjska banka) shall be issued the Operating Licence for banking services in accordance with the Banking Act as follows:
 - Acceptance of deposits made by natural persons and legal entities as well as extending of credits thereout for their own account.
2. Gorenjska banka shall be issued the Operating Licence for other financial services in accordance with the Banking Act as follows:
 - Factoring,
 - Issue of guarantees and other warranties,
 - Crediting, including consumer credits, mortgage-loans and financing of commercial transactions,
 - Dealing in foreign moneys, including money exchange,
 - Issue and control of payment instruments (e.g. payment and credit cards, traveller's cheques, bank drafts),
 - Safe deposit service,
 - Securities related services under the law regulating the securities market,
 - Services involving payment transactions.
3. This Decision is final in the administrative proceeding.

REASONS

On 16 May 2000 Gorenjska banka filed its Report on the harmonization with the Banking Act. It amended this Report on 25 May 2000 by enclosing all the required documentation specified in Article 240 (6) of the Banking Act.

The Committee of the Governing Board of the Bank of Slovenia in charge of examining the applications and preparation of opinions concerning the issue of operating licences of banks and savings banks discussed the above Report on its meeting of 1 June 2000 and passed a positive opinion about the Report on the harmonization with the Banking Act.

The Governing Board of the Bank of Slovenia discussed the Report on 8 June 2000 and decided as ensuing from the wording of this Decision.

Pursuant to Article 240 (2) of the Banking Act, the banks holding the Bank of Slovenia Operating Licence under the Banks and Savings Banks Act on the effective date of the Banking Act shall harmonize their operation with the provisions of the Banking Act within eighteen months from the effective date of the Banking Act (by 20 August 2000). In accordance with Article 240 (6), however, the banks are obliged to submit to the Bank of Slovenia the Report on the harmonization referred to in Article 240 (2) of the Banking Act within eighteen months from the effective date of the Banking Act.

Article 240 (8) of the Banking Act specifies that the Bank of Slovenia shall issue to the Bank the Operating Licence as specified in Article 39 of the Banking Act, if it ensues from the Report and from the evidences enclosed thereto, such as submitted by the Bank to the Bank of Slovenia on the basis of Article 240 (6) of the Banking Act, that the Bank has harmonized itself with the provisions referred to in Article 240 (2) of the Banking Act.

On the effective date of the Banking Act, Gorenjska banka possessed the Bank of Slovenia Operating Licence for all banking services referred to in Article 2 of the Banks and Savings Banks Act (Official Gazette of the Republic of Slovenia, No. 1/91-I). In terms of the provisions of the Banking Act, according to the existing Operating Licence, the Bank performed - in addition to the banking services referred to in Article 3 (1) (1) of the Banking Act - also the following other financial services:

- Factoring,
- Issue of guarantees and other warranties,
- Crediting, including consumer credits, mortgage-loans and financing of commercial transactions,
- Dealing in foreign moneys, including money exchange,
- Issue and control of payment instruments (e.g. payment and credit cards, traveller's cheques, bank drafts),
- Safe deposit service,
- Securities related services under the law regulating the securities market,
- Services involving payment transactions.

After examining the Report and the enclosed pieces of evidence, the Bank of Slovenia ascertains that Gorenjska banka has harmonized itself with Banking Act. The Bank's operation is adjusted to the requirements of the Banking Act, accordingly it has been issued hereunder the Operating Licence for the banking services referred to in Article 3 (1) (1) of the Banking Act as well as for other financial services referred to in Article 6 (1) (1), (3), (4), (5), (9), (10), (12) and (14) of the Banking Act. Regarding other financial services absent from the Licence in force on 20 February 1999, the Bank has not filed any application for

the issue of the respective licences, therefore the Bank of Slovenia passed no decision about their issue in this proceeding.

Pursuant to the provision of Article 175 of the Banking Act, the decisions of the Bank of Slovenia are final in the administrative proceeding; accordingly, no appeal may be filed against them. In accordance with Article 177 (1) of the Banking Act it is, however, permissible to start a judicial protection proceeding.

Legal instruction:

An administrative dispute against this Decision may be filed to the Supreme Court of the Republic of Slovenia within 8 (eight) days from the receipt of the Decision

L.S.: BANK OF SLOVENIA

Dr. France Arhar
Governor
(signature)

BANKA SLOVENIJE

Oznaka: 1/5

Datum, 09.06.2000

Na podlagi osmega odstavka 240. člena v zvezi z 39. členom zakona o bančništvu (Uradni list RS, št. 7/99) in na podlagi drugega odstavka 20. člena zakona o Banki Slovenije (Uradni list RS, št. 1/91-I) izdaja Banka Slovenije po sklepu Sveta Banke Slovenije z dne 08.06.2000

ODLOČBO

o izdaji dovoljenja za opravljanje bančnih in drugih finančnih storitev

1. Gorenjski banki, d.d., Kranj, Bleiweisova 1, 4000 Kranj (v nadaljevanju: Gorenjska banka) se izda dovoljenje za opravljanje bančnih storitev po zakonu o bančništvu (v nadaljevanju: ZBan):
 - sprejemanje depozitov od fizičnih in pravnih oseb ter dajanje kreditov iz teh sredstev za svoj račun.
2. Gorenjski banki se izda dovoljenje za opravljanje naslednjih drugih finančnih storitev po ZBan:
 - factoring;
 - izdajanje garancij in drugih jamstev;
 - kreditiranje, vključno s potrošniškimi krediti, hipotekarnimi krediti in financiranjem komercialnih poslov;
 - trgovanje s tujimi plačilnimi sredstvi, vključno z menjalniškimi posli;
 - izdajanje in upravljanje s plačilnimi instrumenti (npr. plačilne in kreditne kartice, potovalni čeki, bančne menice);
 - oddajanje sefov,
 - storitve v zvezi z vrednostnimi papirji, po zakonu, ki ureja trg vrednostnih papirjev in
 - opravljanje poslov plačilnega prometa.
3. Ta odločba je dokončna v upravnem postopku.

OBRAZLOŽITEV

Gorenjska banka je dne 16.05.2000 vložila poročilo o uskladitvi z ZBan. Poročilo je dopolnila dne 25.05.2000. Poročilu je priložila vso zahtevano dokumentacijo, ki jo določa šesti odstavek 240. člena ZBan.

Komisija Sveta Banke Slovenije za obravnavanje vlog in pripravo mnenj za izdajo dovoljenj za poslovanje bank in hranilnic je poročilo obravnavala na seji dne 01.06.2000 in sprejela pozitivno mnenje k poročilu o uskladitvi z ZBan.

Svet Banke Slovenije je poročilo obravnaval dne 08.06.2000 in odločil kot sledi iz izreka odločbe.

Na podlagi drugega odstavka 240.člena ZBan morajo banke, ki so imele na dan uveljavitve ZBan dovoljenje za poslovanje Banke Slovenije na podlagi zakona o bankah in hranilnicah, v roku osemnajstih mesecev od uveljavitve ZBan (do 20.08.2000) uskladiti svoje poslovanje z določbami ZBan. V skladu s šestim odstavkom 240. člena pa morajo banke v roku osemnajstih mesecev od uveljavitve ZBan Banki Slovenije predložiti poročilo o uskladitvah iz drugega odstavka 240. člena ZBan.

Osmi odstavek 240. člena ZBan določa, da izda Banka Slovenije banki dovoljenje za opravljanje bančnih storitev z vsebino določeno v 39. členu ZBan, če iz poročila in poročilu priloženim dokazom, ki ga mora banka predložiti Banki Slovenije na podlagi šestega odstavka 240. člena ZBan, izhaja, da se je banka uskladila z določbami iz drugega odstavka 240. člena ZBan.

Na dan uveljavitve ZBan je Gorenjska banka imela dovoljenje Banke Slovenije za opravljanje vseh bančnih poslov iz 2. člena zakona o bankah in hranilnicah (Uradni list RS, št. 1/91-I). V smislu določb ZBan je banka po obstoječem dovoljenju opravljala poleg bančnih storitev iz 1. točke prvega odstavka 3. člena ZBan tudi naslednje druge finančne storitve:

- factoring;
- izdajanje garancij in drugih jamstev;
- kreditiranje, vključno s potrošniškimi krediti, hipotekarnimi krediti in financiranjem komercialnih poslov;
- trgovanje s tujimi plačilnimi sredstvi, vključno z menjalniškimi posli;
- izdajanje in upravljanja s plačilnimi instrumenti (npr. plačilne in kreditne kartice, potovalni čeki, bančne menice);
- oddajanje sefov,
- storitve v zvezi z vrednostnimi papirji, po zakonu, ki ureja trg vrednostnih papirjev in
- opravljanje poslov plačilnega prometa.

Po pregledu poročila in priloženih dokazil Banka Slovenije ugotavlja, da se je Gorenjska banka uskladila z določbami ZBan. Poslovanje banke je prilagojeno zahtevam ZBan, zato se ji s to odločbo izdaja dovoljenje za opravljanje bančnih storitev po 1. točki prvega odstavka 3. člena ZBan in drugih finančnih storitev po 1., 3., 4., 5., 9., 10., 12. in 14. točki prvega odstavka 6. člena ZBan. Za opravljanje drugih finančnih storitev, za katere po na dan 20.02.1999 veljavnem dovoljenju ni imela dovoljenj, pa banka ni vložila zahteve za izdajo dovoljenj, zato o izdaji letih Banka Slovenije v tem postopku ni odločala.

Odločbe Banke Slovenije so na podlagi določila 175. člena ZBan dokončne v upravnem postopku, zato zoper njih ni dovoljena pritožba. V skladu s prvim odstavkom 177. člena ZBan pa je dovoljeno začeti postopek sodnega varstva.

Pravni pouk:

Zoper to odločbo je mogoč upravni spor z vložitvijo tožbe na Vrhovno sodišče Republike Slovenije v roku 8 dni od dneva prejema odločbe.



Podpisana Edita Mavčič, z odločbo Republiškega sekretariata za pravosodje, organizacijo uprave in proračun SRS št. 74/A-15/76 z dne 24. 11. 1976 postavljena za stalnega sodnega tolmača za angleški jezik, izjavljam, da se ta prevod povsem ujema s slovenskim izvirnikom.

The undersigned Edita Mavčič, who was designated a permanent legal interpreter for English by the decree of the Republic's Secretariat for Justice and General Administration no. 74/A-15/76 of 24 November 1976, confirms herewith that this translation is in complete accordance with the Slovene original.

Ljubljana, 16 July 2003



