

**BANKA
SLOVENIJE**
EVROSISTEM

Slovenska 35
1505 Ljubljana
Slovenija
Tel.: 01 47 19 000
Fax: 01 25 15 516

Gorenjska Banka
d.d. Kranj

- 05.07. 2016

DEL. ŠT.

38.10-95/16

PREJEMNIK

PJ

GORENJSKA BANKA d.d. Kranj

gospod Andrej Andoljšek

predsednik uprave

Bleiweisova 1

4000 KRANJ

AA
MUV
Prijavitelj
Miroslav
Best
Kragelj

Oznaka: 38.10-0196/16

Datum: 4. 7. 2016

Spoštovani,

v prilogi vam pošiljamo Odločbo z oznako: D025-38.10-2/15 z dne 30. 6. 2016 o izdaji dovoljenja za opravljanje dodatne finančne storitve – trženje enot investicijskih skladov.

S pozdravi,

Damjana Iglič
direktorica

Sistemski nadzor in regulativa



Oznaka: D025-38.10-2/15

Datum: 30. 6. 2016

Ime organa, ki izdaja odločbo: Banka Slovenije: Svet Banke Slovenije v sestavi: Boštjan Jazbec, dr. Mejra Festić, mag. Marko Bošnjak, dr. Primož Dolenc in mag. Irena Vodopivec Jean

Predpis o pristojnosti: prvi odstavek 103. člena Zakona o bančništvu (Uradni list RS, št. 25/15; v nadaljevanju ZBan-2) v povezavi s prvim odstavkom 31. člena Zakona o Banki Slovenije (Uradni list RS, št. 72/06 – uradno prečiščeno besedilo in 59/11)

Način uvedbe postopka: na zahtevo stranke

Naziv stranke: Gorenjska banka d. d., Kranj

Zakonita zastopnika: Andrej Andoljšek in Mojca Osolnik Videmšek

Zadeva, za katero gre v postopku: izdaja dovoljenja za opravljanje dodatne finančne storitve - trženje enot investicijskih skladov

Dan se je, na kateri je bilo o zadevi odločeno: 30. 6. 2016 (558. seja Sveta Banke Slovenije)

ODLOČBA

o izdaji dovoljenja za opravljanje dodatne finančne storitve - trženje enot investicijskih skladov

Banka Slovenije izdaja Gorenjski banki d. d., Kranj, Bleiweisova 1, 4000 Kranj (v nadaljevanju banka) dovoljenje za trženje enot investicijskih skladov po 6. točki prvega odstavka 6. člena ZBan-2.

OBRAZLOŽITEV

Banka Slovenije je dne 7. 12. 2015 prejela zahtevo banke za izdajo dovoljenja za opravljanje storitve trženja enot investicijskih skladov.

Za opravljanje storitev trženja enot investicijskih skladov mora banka v skladu s 103. členom ZBan-2 predhodno pridobiti dovoljenje za opravljanje dodatne finančne storitve po 6. točki prvega odstavka 6. člena ZBan-2.

Drugi odstavek 104. člena ZBan-2 določa, da morajo biti zahtevi za izdajo dovoljenja za opravljanje dodatnih finančnih storitev priloženi:

1. poslovni načrt banke za prva tri leta poslovanja, ki mora obsegati tudi:
 - a) podrobnejši opis storitev, ki jih namerava banka opravljati,
 - b) opis ureditev notranjega upravljanja iz 128. člena tega zakona;

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2. druge informacije in dokazila, iz katerih izhaja, da bo banka v zvezi z izvajanjem načrtovanih storitev zagotavljala varno in skrbno upravljanje banke;
3. dokaze o izpolnjevanju pogojev, ki jih za opravljanje načrtovanih storitev določajo drugi predpisi.

Na podlagi 1. točke tretjega odstavka 104. člena ZBan-2 je Banka Slovenije preverila, ali je načrtovana ureditev notranjega upravljanja iz 128. člena ZBan-2 ustrezna in primerna za upravljanje tveganj, ki jim bo banka pri opravljanju načrtovanih storitev izpostavljena. Na podlagi 2. točke tretjega odstavka 104. člena ZBan-2 pa je Banka Slovenije preverila, ali banka izpolnjuje pogoje za opravljanje načrtovanih storitev, ki jih določajo drugi predpisi. V skladu s tem je bila zahteva za izdajo dovoljenja za opravljanje finančnih storitev priložena tudi dokumentacija iz 12. člena Sklepa o dokumentaciji za izdajo dovoljenj za opravljanje bančnih in finančnih storitev ter za statusna preoblikovanja (Uradni list RS, št. 73/15; v nadaljevanju Sklep o dokumentaciji).

S pregledom zahteve banke in dokumentacije, priložene zahtevi banke, je Banka Slovenije ugotovila, da zahteva vsebuje vse podatke, ki jih mora vsebovati v skladu s 333. členom ZBan-2. Prav tako je Banka Slovenije ugotovila, da so k zahtevi priložene predpisane listine oziroma dokumentacija, kot jo določa drugi odstavek 104. člena ZBan-2 in prvi odstavek 12. člena Sklepa o dokumentaciji, ter da zahteva izpolnjuje vse procesne predpostavke iz prvega odstavka 334. člena ZBan-2.

V skladu z 8. členom Sklepa o letnih nadomestilih za opravljanje nadzora in taksah v zvezi s postopki odločanja Banke Slovenije (Uradni list RS, št. 47/15) je bila taksa za odločanje o zahtevi za izdajo dovoljenja za opravljanje finančnih storitev v znesku 2.400,00 EUR (z besedo dva tisoč štiristo eurov) plačana dne 23. 12. 2015. Potrdilo o plačilu je bilo priloženo zahtevi.

Banka Slovenije je na podlagi prejete dokumentacije v okviru postopka izdaje dovoljenja presojala ureditev notranjega upravljanja banke iz 128. člena ZBan-2 z vidika izvajanja storitve trženja enot investicijskih skladov in ocenila, da ima banka primeren organizacijski ustroj in ustrezne postopke za upravljanje s tveganji, kot tudi ustrezno vzpostavljena sistema notranjih kontrol in prejemkov.

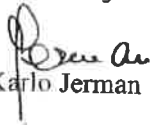
Storitev trženja enot odprtih investicijskih skladov ureja četrto poglavje Zakona o investicijskih skladih in družbah za upravljanje (Uradni list RS, št. 31/15 in 81/15; v nadaljevanju ZISDU-3), podrobnejši način in pogoje za trženje enot odprtih investicijskih skladov v Republiki Sloveniji pa določa Sklep o načinu in pogojih za trženje enot investicijskih skladov (Uradni list RS, št. 100/15), izdan na podlagi 132. člena ZISDU-3. Zato je Banka Slovenije tudi s tega vidika presojala usposobljenost banke in ocenila, da banka izpolnjuje predpisane kadrovske, tehnične in organizacijske pogoje.

V skladu z navedenim Banka Slovenije zaključuje, da ni ovir za izdajo dovoljenja banki za opravljanje storitve trženja enot investicijskih skladov.


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Pouk o pravnem sredstvu

Proti tej odločbi je dovoljeno začeti postopek sodnega varstva z vložitvijo tožbe na Upravno sodišče Republike Slovenije v roku 15 dni od vročitve te odločbe.

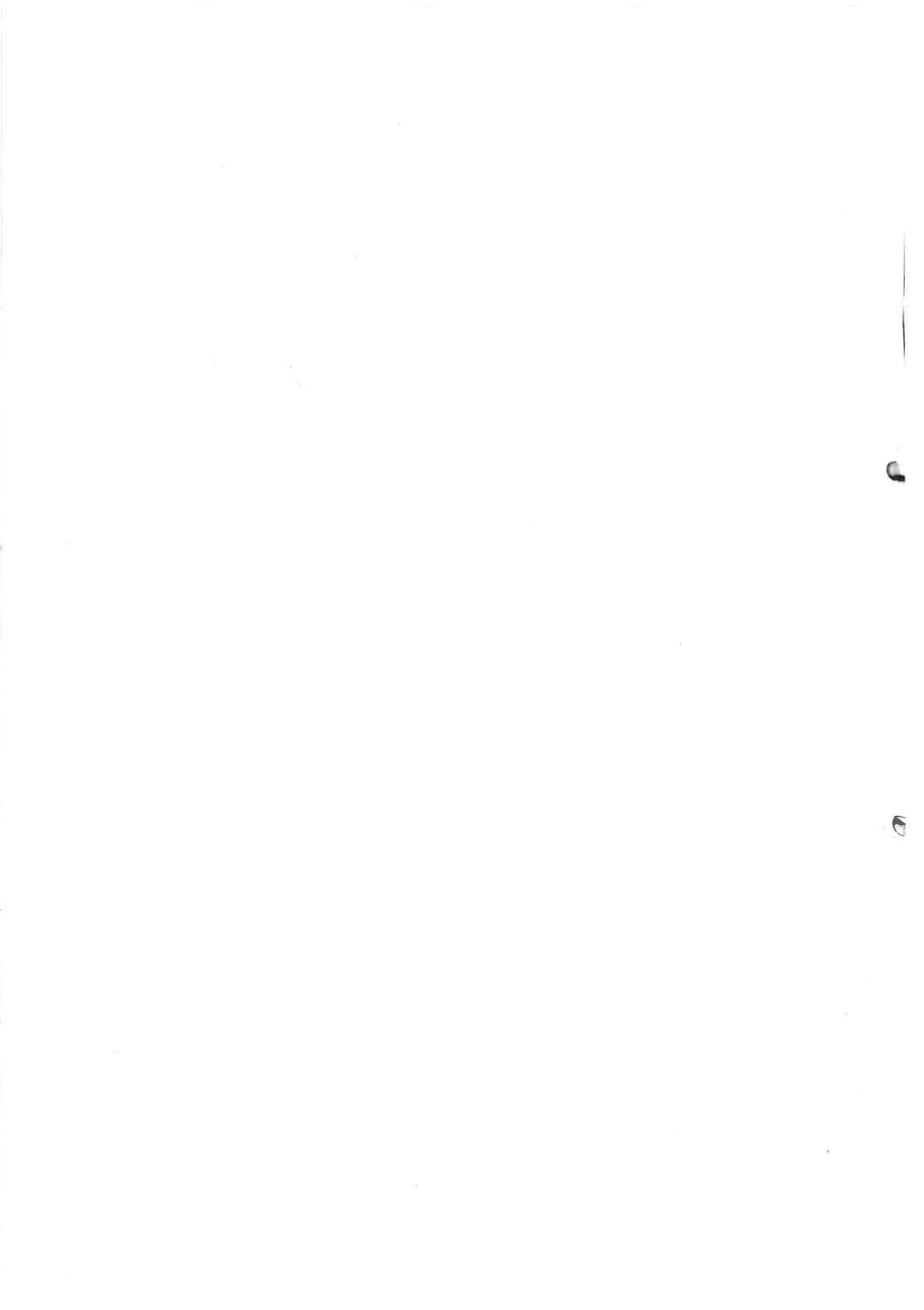
Postopek vodil:  Karlo Jerman




Boštjan Jazbec
predsednik
Sveta Banke Slovenije

Vročiti:

- Gorenjska banka d. d., Kranj, Bleiweisova 1, 4000 Kranj



Certified translation from Slovene into English

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Slovenska 35
1505 Ljubljana
Slovenia
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Gorenjska Banka d.d. Kranj
5 July 2016
Case No.801-95/16 Recipient: PU
AA, MOV, Resman, Ninčević, Šest,
Board

GORENJSKA BANKA d.d. Kranj
Mr. Andrej Andoljšek
President of the Management Board
Bleiweisova 1
4000 KRANJ

Ref.: 38.10-0196/16
Date: 4 July 2016

Dear Sir,

Please find enclosed the Decision marked: D025-38.10-2/15 dated 30 June 2016, concerning the issuance of the Licence for Performance of Supplementary Financial Services – Marketing of Investment Fund Units.

Yours faithfully

L.S.:

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Damjana Iglič, signed
Damjana Iglič
Director
System Supervision and Regulations

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Ref.: D025-38.10-2/15

Date: 30 June 2016

Name of the authority that issued the Decision:

Bank of Slovenia: Governing Board of the Bank of Slovenia consisting of: Boštjan Jazbec, dr. Mejra Festić, Marko Bošnjak, M.Sc., Dr. Primož Dolenc and Irena Vodopivec Jean, M.Sc.

Applicable regulation:

Article 103(1) of the Banking Act (Official Gazette of the Republic of Slovenia, No. 25/15; hereafter ZBan-2) in connection with Article 31(1) of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, No. 72/06 – official restated wording and 59/11)

Procedure introduction mode:

on the request of the client

Client:

Gorenjska banka d.d., Kranj

Legal representatives:

Andrej Andoljšek and Mojca Osolnik Videmšek

Subject of the procedure:

issuance of the Licence for Performance of Supplementary Financial Services – Marketing of Investment Fund Units

Date of the meeting when the Decision was passed:

30 June 2016 (Meeting No. 558 of the Governing Board of the Bank of Slovenia)

DECISION

**on the issuance of the Licence for Performance of Supplementary Financial Services
– Marketing of Investment Fund Units**

Bank of Slovenia is issuing to Gorenjska banka d.d., Kranj, Bleiweisova 1, 4000 Kranj (hereafter: the Bank) the Licence for Marketing of Investment Fund Units in terms of Article 6(1)(6) of the Banking Act (ZBan-2).

REASONS

On 7 December 2015, Bank of Slovenia received the Bank's request for issuance of the Licence for Marketing of Investment Fund Units.

In accordance with Article 103 of the Banking Act (ZBan-2), the Bank shall acquire a preliminary Licence for Performance of Supplementary Financial Services – Marketing of Investment Fund Units in terms of Article 6(1)(6) of the Banking Act (ZBan-2).

Article 104(2) of the Banking Act (ZBan-2) specifies that the request for issuance of the Licence for Performance of Supplementary Financial Services shall be accompanied by the following items:

1. Bank's business plan for the first three years of operation that shall also include:
 - a) a detailed description of services envisaged by the Bank,
 - b) a description of the performance of internal control in terms of Article 128 of the above Act;

(initials)

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2. Other information and pieces of evidence revealing that the Bank will provide for safe and diligent management of the Bank in connection with the implementation of the planned services;
3. Pieces of evidence about the fulfillment of the terms and conditions imposed by other regulations for the performance of the envisaged services.

Pursuant to Article 104(3)(1) of the Banking Act (ZBan-2), Bank of Slovenia checked whether the envisaged internal control invoked in Article 128 of the Banking Act (ZBan-2) is appropriate and suitable for the management of the risks which the Bank will be exposed to in the course of its performance of the envisaged services. On the basis of Article 104(3)(2) of the Banking Act (ZBan-2), Bank of Slovenia checked whether the Bank meets the terms and conditions for the performance of the envisaged services specified by other regulations. Accordingly, the request for issuance of the Licence for Performance of Supplementary Financial Services was also accompanied by the documentation invoked in Article 12 of the Decision on the Documentation Required for Issuance of Licences for the Performance of Banking and Financial Services and for Status Transformations (Official Gazette of the Republic of Slovenia, No. 73/15; hereafter: Decision on the Documentation).

On examining the Bank's request and the documentation enclosed to the bank's request Bank of Slovenia established that the request contained all data required in terms of Article 333 of the Banking Act (ZBan-2). Likewise Bank of Slovenia established that the request has been accompanied by all prescribed documents and/or the documentation specified in Article 104 (2) of the Banking Act (ZBan-2) and in Article 12 (1) of the Decision on the Documentation as well as that the request meets all procedural prerequisites invoked in Article 334(1) of the Banking Act (ZBan-2).

In accordance with Article 8 of the Decision on Annual Allowances for Supervision and on the Fees Relating to the Decision-Making Procedures by Bank of Slovenia (Official Gazette of the Republic of Slovenia, No. 47/15), the fee applicable to the decision-making on the request for issuance of the Licence for Performance of Financial Services amounting to EUR 2,400.00 (in words: two thousand four hundred euros, zero cents) was paid on 23 December 2015. The corresponding receipt was enclosed to the request.

With reference to the documentation received within the scope of the Licence issuing procedure, Bank of Slovenia assessed the Bank's internal management system invoked in Article 128 of the Banking Act (ZBan-2) from the point of view of the performance of marketing of investment fund units and it established that the Bank avails of an adequate organizational structure and uses appropriate risk management procedures as well as adequately established systems of internal control and receipts.

The service of marketing open investment fund units has been regulated by Chapter Four of the Investment Funds and Management Companies Act (Official Gazette of the Republic of Slovenia, No. 31/15 and No. 81/15 – hereafter: the ZISDU-3), while a more detailed method and the terms and conditions for marketing investment fund units in the Republic of Slovenia are determined by the Decision on the Method and the Conditions for Marketing of Investment Fund Units (Official Gazette of the Republic of Slovenia, No. 100/15), issued on the basis of Article 132 of the ZISDU-3. Accordingly, Bank of Slovenia also assessed the Bank's qualification from this point of view and it established that the Bank meets the prescribed conditions in terms of personnel, technical and organizational requirements.

In accordance with the above statement Bank of Slovenia concludes that there are no obstacles for issuing to the Bank the Licence for Marketing of Investment Fund Units.
(initials)

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Legal instruction

A procedure of judicial protection against this Decision may be started by filing a legal action to the Administrative Court of the Republic of Slovenia within 15 (fifteen) days from the service of this Decision.

The procedure conducted by: Karlo Jerman
Jerman, signed

L.S.:

BANK OF SLOVENIA
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1
Coat-of-Arms

Boštjan Jazbec, signed
Boštjan Jazbec

President of the
Board of Governors
of Bank of Slovenia

To be delivered to:
- Gorenjska banka d.d., Kranj, Bleiweisova 1, 4000 Kranj

(initials) 2x

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 z izvirnikom, ki je sestavljen v slovenskem jeziku.

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.

No. 407/2016

In Ljubljana, on 16 August 2016

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SODNI TOLMAČ ZA ANGLEŠKI JEZIK

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