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GOVERNOR

Pursuant to Article 34, paragraph (13) of the Act on Consumer Housing Loans (Official Gazette 101/2017) and Article 43, paragraph (2), item (9) of the Act on the Croatian National Bank (Official Gazette 75/2008 and 54/2013), the Governor of the Croatian National Bank hereby issues

## **Decision on notification of the provision of cross-border credit intermediation services**

### *Subject and scope of the Decision*

#### Article 1

(1) This Decision regulates the manner of notifying the competent authorities of host Member States and data delivered to these authorities by the Croatian National Bank in relation to the credit intermediaries from the Republic of Croatia intending to provide credit intermediation services in another Member State (hereinafter referred to as 'passport notification'), as laid down in Article 34, paragraphs (2) to (5) of the Act on Consumer Housing Loans.

(2) This Decision also regulates the treatment by the Croatian National Bank of the passport notification received from the competent authority of a home Member State, as laid down in Article 34, paragraphs (7) to (9) of the Act on Consumer Housing Loans.

(3) The provisions of this Decision shall apply to the passport notification in relation to the exercise of the right to provide services through a branch or directly and do not extend to the method and means of supervision of credit intermediaries operating on a cross-border basis.

(4) The term *providing cross-border services* in this Decision relates to the provision of credit intermediation services in another Member State, directly or through a branch.

(5) Other terms in this Decision shall have the same meaning as the terms defined in the Act on Consumer Housing Loans.

### *Notification of the intent to provide cross-border services*

#### Article 2

(1) Credit intermediary intending to provide credit intermediation services in another Member State directly shall transmit to the Croatian National Bank the following data:

- a) the host Member State in which the credit intermediary intends to carry out its activities;
- b) the firm, head office address, identification or personal identification number (OIB) of the credit intermediary;
- c) the services which the credit intermediary intends to provide in the host Member State and
- d) the firm and identification number of the creditor(s) to which the credit intermediary is tied or on whose behalf it provides services and, in such cases, a certificate that the creditor(s) take full and unconditional responsibility for the activities of the credit intermediary.

(2) The credit intermediary intending to provide credit intermediation services in another Member State through a branch shall transmit to the Croatian National Bank the following data:

- a) the host Member State in which the credit intermediary intends to establish a branch;
- b) the firm, head office address, identification or personal identification number (OIB) of the credit intermediary;
- c) the address of the branch, to the extent available at the time of notification;
- d) the names of persons responsible for the operation of the branch, to the extent available at the time of notification;
- e) the services the credit intermediary intends to provide in the host Member State and
- f) the firm and identification number of creditor(s) to which the credit intermediary is tied or on whose behalf it provides services and, in such cases, a certificate that the creditor(s) take full and unconditional responsibility for the activity of the credit intermediary.

### *Passport notification*

#### Article 3

(1) Pursuant to the data referred to in Article 2 of this Decision, the Croatian National Bank shall transmit the passport notification to the competent authority of the host Member State using the passport notification templates given in Annex I or Annex II of this Decision (hereinafter referred to 'templates given in Annex I or Annex II').

(2) The Croatian National Bank may transmit multiple passport notifications to the competent authority of the host Member State at the same time so as to group them by type using the appropriate heading of the template given in Annex I or Annex II of this Decision. Where the Croatian National Bank and the competent authority of the host Member State agree to do so, such passport notifications may be transmitted in electronic format.

(3) The Croatian National Bank shall provide passport notifications in writing in a language accepted by the competent authority of the host Member State.

(4) The Croatian National Bank shall, where possible and acceptable, transmit the passport notification by electronic means to the competent authority of the host Member State. Where this is not possible or acceptable, the Croatian National Bank shall send the passport notification by post, allowing sufficient time for the notification to reach the competent authority of the host Member State within one month of the date when the credit intermediary transmitted the data referred to in Article 2 of this Decision to the Croatian National Bank.

(5) After sending the passport notification to the competent authority of the host Member State, the Croatian National Bank shall enter the data from the passport notification in the register of credit intermediaries in accordance with the Decision on the register of credit intermediaries.

*Notification of data changes in the passport notification*

Article 4

(1) The credit intermediary shall notify the Croatian National Bank of any change to the data referred to in Article 2 of this Decision without delay.

(2) The Croatian National Bank shall notify the competent authority of the host Member State of:

- a) the discontinuance of the provision of services referred to in the passport notification or
- b) the change of data in the passport notification or
- c) data referred to in Article 2, paragraph (2), items (c) and (d) of this Decision that were not available at the moment of the first passport notification.

(3) The Croatian National Bank shall transmit the data referred to in paragraph (2) of this Article to the competent authority of the host Member State without delay, at the latest within one month of the date of receipt of the data.

*Entry into force*

Article 6

This Decision shall enter into force on the eight day after the day of its publication in the Official Gazette.

No.: 288-020/10-17/BV  
Zagreb, 26 October 2017

Boris Vujčić  
Governor

## Annex I      Passport notification form for exercising the right to provide services directly

1	Date of transmission of this notification from the competent authority of the home Member State to the competent authority of the host Member State	DD/MM/YYYY
2	Host Member State	
3	Type of notification	<input type="checkbox"/> First notification <input type="checkbox"/> Change previous notification
4	Name and surname/firm of the credit intermediary	
5	Date of birth (natural persons)	DD/MM/YYYY
6	Identification number in the home Member State	
7	Head office address	
8	E-mail	
9	Telephone number	
10	Telefax number	
11	Name of the competent authority of the home Member State	
12	Home Member State	
13	Web address of the registry of credit intermediaries	
14	To the extent available, services to be provided by the credit intermediary in the host Member State	<input type="checkbox"/> offers/presents loan agreements. <input type="checkbox"/> assists in preparatory/pre-contractual administration work <input type="checkbox"/> concludes loan agreements. <input type="checkbox"/> provides advisory services.

15	Tied credit intermediary	<input type="checkbox"/> Yes <input type="checkbox"/> No
16	In case of a tied credit intermediary:  a) firm and identification number of the creditor(s) or groups to which the intermediary is tied in the host Member State  b) whether the credit intermediary is exclusively tied to only one creditor  c) certificate that the creditor(s) will take full and unconditional responsibility for the activity of the credit intermediary	a) _____  b) _____  c) _____



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## Annex II Passport notification form for exercising the right to provide services through a branch

1	Date of transmission of this notification from the competent authority of the home Member State to the competent authority of the host Member State	DD/MM/YYYY
2	Host Member State	
3	Type of notification	<input type="checkbox"/> First notification <input type="checkbox"/> Change previous notification
4	Name and surname/firm of the credit intermediary	
5	Date of birth (natural persons)	DD/MM/YYYY
6	Identification number in the home Member State	
7	Head office address	
8	E-mail	
9	Telephone number	
10	Telefax number	
11	Name of the competent authority of the home Member State	
12	Home Member State	
13	Web address of the registry of credit intermediaries	
14	Branch details (to the extent available at the time of the notification): <ul style="list-style-type: none"><li>• Address</li><li>• Telephone number</li><li>• E-mail address</li><li>• Telefax number</li></ul>	
15	Name(s) and date(s) of birth of natural person(s) responsible for the operation of the branch (to the extent available at the moment of the notification):	

16	To the extent available, services provided by the credit intermediary in the host Member State	<input type="checkbox"/> offers/presents loan agreements. <input type="checkbox"/> assists in preparatory/pre-contractual administration work  <input type="checkbox"/> concludes loan agreements. <input type="checkbox"/> provides advisory services.
17	Tied credit intermediary	<input type="checkbox"/> Yes <input type="checkbox"/> No
18	In the case of a tied credit intermediary:  a) firm and identification number of the creditor(s) or groups to which the intermediary is tied in the host Member State  b) whether the credit intermediary is exclusively tied to only one creditor  c) confirmation that the creditor(s) will take full and unconditional responsibility for the activity of the credit intermediary	a) _____  b) _____  c) _____