

Pursuant to Article 44 paragraph (2) item 3) of the Central Bank of Montenegro Law (OGM 40/10, 46/10, 06/13, 70/17), and in conjunction with Article 65 paragraph (3) of the Law on Credit Institutions (OGM 72/19), the Council of the Central Bank of Montenegro, at its meeting held on 21 December 2020, passed the following

## **DECISION ON THE CONTENT AND MANNER OF KEEPING A REGISTRY OF CREDIT INSTITUTIONS**

### **I. BASIC PROVISIONS**

#### **Subject matter**

##### **Article 1**

This Decision prescribes the content and the manner of keeping the registry of credit institutions and other entities of entry in the register (hereinafter: the Registry).

#### **Entities of entry in the register**

##### **Article 2**

(1) The following entities shall be entered into the Registry:

- 1) credit institutions to which the Central Bank of Montenegro (hereinafter: Central Bank) granted a license;
- 2) branches of credit institutions with head office in third country that have an authorisation granted by the Central Bank;
- 3) branches of credit institutions from the EU Member States through which those credit institutions operate in Montenegro;
- 4) representative offices of credit institutions from third countries to which the Central Bank granted an authorisation;
- 5) representative offices of credit institutions from the EU Member States that operate in Montenegro;

(2) A third country shall be a non-EU member state as well as an EU Member State until Montenegro's accession to the European Union.

### **II. CONTENTS OF THE REGISTRY**

#### **Data on credit institutions**

##### **Article 3**

The Registry shall contain the following information on credit institutions referred to in Article 2 paragraph (1) item 1) of this Decision:

- 1) ordinal number of the entry;
- 2) name and head office of the credit institution;

- 3) number and date of the Decision of the Central Bank by which the credit institution was granted a license;
- 4) number and date of registration of the credit institution in the Central Registry of Business Entities;
- 5) the activities of the credit institution, in particular:
  - banking services;
  - financial services as established by the license,
  - additional financial services performed based on the authorisation of the Central Bank, with a number and date of the Decision on granting an authorisation to perform those services;
- 6) name and address of organisational units of the credit institution in Montenegro and abroad, with a number of registration of organisational units from the Central Registry of Business Entities, or other appropriate registry;
- 7) name and address of subsidiary legal persons of the credit institution with a registration number from the Central Registry of Business Entities, or other appropriate registry;
- 8) information about member of the credit institution's supervisory board, containing the following:
  - name and surname;
  - date and number of the issuing of authorisations for the appointment of the person to the supervisory board of the credit institution,
  - information from the identification document about the habitual residence or temporary residence address and citizenship;
  - information about the day of registration of that person in the Central Registry of Business Entities;
- 9) information about member of the credit institution's management board, containing the following:
  - name and surname;
  - date and number of the issuing of authorisation for the selection of the person to the management board of the credit institution;
  - information from the identification document about the habitual residence or temporary residence address and citizenship;
  - information about the day of registration of that person in the Central Registry of Business Entities;
- 10) information about status changes of the credit institutions;
- 11) number and date of the decision on the introduction of temporary administration in the credit institution;
- 12) number and date of the decision on the opening of the resolution procedure of the credit institution;
- 13) number and date of the Decision to revoke the licence from the credit institution;
- 14) number and date of the Decision of the Central Bank to initiate bankruptcy proceedings against the credit institution.

### **Information on the branches of credit institutions from other countries**

#### **Article 4**

(1) The Registry shall contain the following information on branches of credit institutions referred to in Article 2 paragraph (1) item 2) of this Decision:

- 1) ordinal number of the entry;
- 2) name, address and head office of the credit institution establishing a branch in Montenegro;
- 3) name and address of a branch;
- 4) number and date of the decision authorising the establishment of a branch;
- 5) date and number of registration in the Central Registry of Business Entities;
- 6) information on the person responsible for managing affairs of the branch (name and surname, with the information from the identification document on the habitual residence or temporary residence address and citizenship);
- 7) business activities of the branch;
- 8) information on the members of the management bodies of the credit institution establishing the branch (name and surname, with the information from the identification document on the habitual residence or temporary residence address and citizenship);
- 9) number and date of the Decision revoking the license of the branch.

(2) For branches of credit institutions referred to in Article 2 paragraph (1) item 3) of this Decision the Registry shall contain the information referred to in paragraph (1) items 1) to 3) and items 5) to 8) of this Decision.

### **Information on representative offices of a third-country credit institutions**

#### **Article 5**

(1) The Registry shall include the following data on representative offices referred to in Article 2 paragraph (1) item 4) of this Decision:

- 1) ordinal number of the entry;
- 2) name, address and head offices of the credit institution establishing representative offices in Montenegro;
- 3) name and address of the representative office of the credit institution;
- 4) number and date of the Decision of the Central Bank authorising the establishment of representative office of the credit institution;
- 5) number and date of registration of representative office in the Central Registry of Business Entities;
- 6) information about the person responsible for managing affairs of the representative office (name and surname, with information from identification document about the habitual residence or temporary residence address and citizenship);
- 7) business activities of the representative office;
- 8) information about the members of the management bodies of the credit institution establishing the representative office (name and surname, with the information from the identification document on the habitual residence or temporary residence address and citizenship of those persons);
- 9) number and date of the Decision of the Central Bank revoking the license of the representative office.

(2) For representative offices referred to in Article 2 paragraph (1) item 5) of this Decision, the Registry shall contain information referred to in paragraph (1) items 1) to 3) and items 5) to 8) of this Article.

### **III. KEEPING THE REGISTRY, ENTERING AND DELETING DATA**

#### **Manner of keeping the Registry**

##### **Article 6**

The Registry shall be kept in electronic form, in a manner that ensures the permanent storage of all data as well as unhindered use thereof.

#### **Entry and change of data in the Registry**

##### **Article 7**

(1) The data shall be entered into the Registry based on the documentation available to the Central Bank and other documentation required for the entry of data in accordance with this Decision submitted by the entities of the entry referred to in Article 2 of this Decision.

(2) Entities of entry referred to in Article 2 of this Decision shall notify the Central Bank of any changes to the data entered in the Registry, no later than five days following the day of the change.

(3) Notwithstanding paragraph (2) of this Article, entities of entry referred to in Article 2 of this Decision shall submit to the Central Bank an excerpt from the Central Registry of Business Entities no later than three working days following the registration of the change that is entered in the Registry.

(4) The Central Bank shall enter changes in the data in the Registry no later than three days following the day of receipt of the notification of the change.

#### **Deleting credit institutions from the Registry**

##### **Article 8**

Information on a credit institution shall be deleted from the Registry after the bankruptcy proceedings or liquidation proceedings initiated against that credit institution has been finally terminated.

#### **Deleting from the Registry branches and representative offices of credit institutions from other countries**

##### **Article 9**

(1) The data from the Registry on the branches referred to in Article 2 paragraph (1) item 2) of this Decision, or representative offices referred to in Article 2 paragraph (1) item 4) of this Decision, shall be deleted when:

- 1) the Central Bank revokes the authorisation of the branch, or representative office of the credit institution from a third country;
- 2) the competent authority of the credit institution makes a decision to terminate the branch, or representative office in Montenegro.

(2) In the case referred to in paragraph (1) item 2) of this Article, the competent authority of the credit institution shall submit to the Central Bank evidence of termination of the branch, or representative office of the credit institution.

(3) The Central Bank shall delete the branch referred to in Article 2 paragraph (1) item 3) of this Decision, or the representative offices referred to in Article 2 paragraph (1) item 5) of this Decision, when the competent authority of the credit institution decides to terminate the branch or representative office in Montenegro.

## **Data access**

### **Article 10**

(1) The Central Bank shall publish the updated data from the Registry on its website.

(2) The data from the Registry are of informative nature only and do not replace certified documents, i.e. an excerpt from the Central Registry of Business Entities.

(3) For historical data from the Registry, the Central Bank shall issue, within eight days following that of the receipt of the request, to the interested party, in written or electronic form, an appropriate excerpt from the Registry,

(4) The request referred to in paragraph (3) of this Article shall contain data on the request, information on the applicant (name and surname, habitual residence or temporary residence, company name and head office), or his agent, representative or proxy.

(5) The Central Bank shall act with personal data from the Registry in accordance with the regulations governing the protection of personal data.

## **IV. TRANSITIONAL AND FINAL PROVISIONS**

### **Deferred application**

#### **Article 11**

The provisions of Article 2 paragraph (1) items 3) and 5), Article 4 paragraph (2), Article 5 paragraph (2) and Article 9 paragraph (3) of this Decision shall be applied as of the Montenegro's European Union accession date.

### **Repealed regulations**

#### **Article 12**

As from the commencement date of application of this Decision, the Decision on the content and manner of keeping registers of banks, MFIs, credit unions, branches of foreign banks, representative offices of foreign legal entities and legal persons engaged in credit guarantee operations (OGM 60/08) shall be repealed.

## **Entry into force**

### **Article 13**

This Decision shall enter into force on the day following that of its publication in the Official Gazette of Montenegro, and it shall apply from the date of application of the Law on Credit Institutions (OGM 72/19).

## **THE CENTRAL BANK OF MONTENEGRO**

No. 0101-7571-2/2020  
Podgorica, 21 December 2020

**CHAIRMAN  
GOVERNOR,**  
**Radoje Žugić, m.p.**