

Pursuant to Article 15, paragraph 1 of the Law on the National Bank of Serbia (RS Official Gazette, Nos 72/2003, 55/2004 and 44/2010) and Article 51, paragraphs 2 and 6 of the Law on Voluntary Pension Funds and Pension Schemes (RS Official Gazette, Nos 85/2005 and 31/2011), the Executive Board of the National Bank of Serbia issues

DECISION
ON INTERMEDIARIES OF VOLUNTARY PENSION FUND MANAGEMENT
COMPANIES AND ISSUE OF LICENSES FOR THE PERFORMANCE OF
ACTIVITIES OF PROVIDING INFORMATION ON VOLUNTARY PENSION
FUNDS

1. This Decision stipulates the types of financial institutions that may act as intermediaries of a voluntary pension fund management company (hereinafter: intermediaries), requirements for issuing licenses of the National Bank of Serbia (NBS) to natural persons to perform activities of providing information on membership of a voluntary pension fund and on the fund's operation and to distribute prospectuses (hereinafter: license), and the manner in which the NBS keeps records of intermediaries and licensed natural persons.

2. Intermediaries may be banks and insurance undertakings that are licensed by the NBS, and that have concluded a contract on intermediation with a voluntary pension fund management company (hereinafter: company).

3. Before it concludes a contract on intermediation, the company shall verify whether the intermediary may:

- ensure that employees performing activities of intermediation are licensed and employed full-time;
- ensure that on business premises there is a visibly marked place where intermediation activities are performed and a visibly displayed name of the company;
- establish adequate internal procedures regulating the activities of intermediation, the procedure of receipt and processing of complaints, as well as the procedure of supervising employees engaged in intermediation activities;
- provide with employees engaged in intermediation activities with continuous training in the field of voluntary pension funds (hereinafter: fund).

The company shall submit to the NSB the contract on intermediation concluded with intermediaries.

4. A natural person with temporary/permanent residence in the territory of the Republic of Serbia and at least secondary school background, against whom no security measure or protective measure on the ban of activity was pronounced by a final court decision, and who passed a professional exam for the performance of activities referred to in Section 1 hereof, may submit to the NBS the request for license issuance.

The professional exam referred to in paragraph 1 hereof (hereinafter: professional exam) shall be organised by the NBS testing the knowledge of regulations on companies' operation and functioning of the system of funds.

5. The contents of the professional exam programme and the examination schedule shall be established by the professional examination committee. The committee shall publish the contents and schedule on the NBS's website.

The professional exam shall be organised twice a year, or more frequently when needed.

6. The application for professional examination shall be submitted to the NBS by no later than three working days before the term.

In the application for professional examination the candidate shall specify: name and surname, unique personal identification number and/or passport number for foreign citizens, address and place of residence, email and telephone number. Before examination, the candidate shall pay a fee prescribed by the Decision on Uniform Fees Charged for Services Provided by the NBS (hereinafter: examination fee).

A person that applied for professional examination and paid the examination fee, but has not taken the examination, may apply for professional examination in the next examination period, without paying the fee.

7. The professional exam shall be taken in writing, in the form of a test, before the Professional Examination Commission (hereinafter: Commission), formed by the Governor or a person he authorises.

The Commission shall have three members, one of whom is chairman.

The Commission shall determine the contents of the professional examination in line with the professional examination programme, and shall also determine the duration of examination.

8. The Commission shall check and grade the completed professional examination test, and based on test results, shall grade the candidates' performance by assigning 'passed' or 'failed' grades.

The test results shall be published on the NBS's website.

9. The Commission shall compile minutes of completed professional examination.

The minutes referred to in paragraph 1 hereof shall contain: name and surname of each candidate and unique personal identification number and/or passport number, candidate's performance at professional examination, names and surnames of Commission members and the note taker, as well as the date and signatures of Commission members and the note taker. Integral to these minutes are tests of candidates taking the professional exam.

10. A candidate dissatisfied with results of the test may have access to his/her test in the presence of at least two Commission members.

A candidate may file a written objection to his/her performance at the professional examination, which shall be submitted to the NBS within 7 days after publication of results of the professional examination, and the NBS shall decide on the objection within 15 days after its receipt.

11. If it assesses that the objection referred to in Section 10 hereof is founded and/or that the adoption of the objection would enable the assignment of the grade 'passed', the Commission shall change its decision on the candidate's performance.

12. Within 60 days after publication of results of professional examination, the person who passed the professional exam shall submit to the NBS the request for license issuance, along with:

- CV with the statement on activities that he/she performed;
- certificate of permanent residence or temporary residence for foreign natural persons, not older than six months;
- certified copy of the diploma;
- certificate of a competent court, not older than six months, proving that no security measure or protective measure on the ban of activity was pronounced against him/her by a final court decision.

The natural person shall pay the license issuance fee in line with the decision referred to in Section 6, paragraph 2 hereof, as well as the Republic administrative fee in line with the law regulating Republic administrative fees.

The license shall be issued pursuant to a decree adopted by the Governor or a person he authorises.

13. The NBS shall keep records of intermediaries and licensed natural persons, and shall publish the excerpts from such records on its website.

The records of intermediaries shall contain the following data: business name, registration number, date of conclusion/termination of the contract on intermediation, name and surname of employees performing intermediation activities, as well as the name of the company on behalf of which the intermediary performs intermediation activities.

The records of licensed natural persons shall contain the following data: name and surname, unique personal ID number or the passport number for foreign citizens, the address of permanent/temporary residence, telephone number, date and number of the NBS's decree, the period of activity/non-activity of the natural person, and the name of the company on behalf of which this person performs information activities.

The excerpt from records of intermediaries shall contain the following data: number, business name of the intermediary, registration number, date of conclusion of the contract on intermediation, name and surname of employees performing intermediation activities, as well as the name of the company on behalf of which the intermediary performs intermediation activities.

The excerpt from records of licensed natural persons shall contain the following data: number, name and surname, the address of permanent/temporary residence, date and number of the NBS's decree, and the name of the company on behalf of which the natural person performs information activities and activities within the meaning hereof.

The company shall electronically submit to the NBS monthly data needed for record keeping of intermediaries and licensed natural persons, in line with the guidelines regulating the electronic submission of data to the NBS.

The records referred to herein shall be kept in line with the regulation on personal data protection.

14. If the company ascertains that, during the contract concluded with the intermediary, the intermediary fails to meet some of the requirements referred to in Section 3 hereof, it shall terminate the contract and inform the NBS thereof.

15. The NBS shall revoke the license once it ascertains that the natural person obtained the license based on false data, that the requirements within the meaning of Section 4 hereof are no longer met, or that the person acted contrary to regulations, principles of conscientiousness, fairness and good business customs, and/or that it otherwise significantly jeopardised its business reputation.

16. The company shall harmonise the contracts concluded with intermediaries by the date of effectiveness hereof with provisions of this Decision until 1 June 2012.

17. The license issuance procedures not concluded in line with the Decision on Types of Financial Institutions that Can Act as Intermediaries of a Voluntary Pension Fund Management Company and on the Requirements for Issuing Licenses to Natural Persons to Engage in Activities of Providing Information on the Fund (RS Official Gazette, No 26/2006), shall end in accordance with the provisions hereof.

18. On the day of effectiveness hereof, the Decision on Types of Financial Institutions that Can Act as Intermediaries of a Voluntary Pension Fund Management Company and on the Requirements for Issuing Licenses to Natural Persons to Engage in Activities of Providing Information on the Fund (RS Official Gazette, No 26/2006) shall cease to be valid.

19. This Decision shall be published in the RS Official Gazette and shall enter into force on 1 September 2011.

NBS Executive Board No 65

11 August 2011

Belgrade

Chairman

of the Executive Board of the National Bank
of Serbia

G o v e r n o r

of the National Bank of Serbia

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