

## UNOFFICIAL TRANSLATION

### Gov. Decree 205/2014. (VIII. 15.)

#### **on the independent valuers within the meaning of the act on the further development of the institutional system strengthening the safety and security of certain participants of the financial intermediary system, and the rules governing their selection**

Acting on the basis of the authorisation granted under Section 145(1)(d) of Act XXXVII of 2014 on the further development of the institutional system strengthening the safety and security of certain participants of the financial intermediary system and proceeding within its role defined in Section 15(1) of the Fundamental Law, the Government hereby orders the following:

#### **Section 1**

(1) The Magyar Nemzeti Bank (hereinafter: MNB) publishes public tender notices specified in Section 22(4) of Act XXXVII of 2014 on the further development of the institutional system strengthening the safety and security of certain participants of the financial intermediary system (hereinafter: Resolution Act) on its website.

(2) The MNB shall not define a group of applicants nor a framework number thereof in the tender notice.

(3) The MNB shall provide a period of 30 day application period from the day of tender announcement.

(4) The applicant shall submit its tender application to the MNB by the deadline defined in the tender notice, with the contents and annexes specified in *Annex 1*, in the manner and form defined in the tender notice.

(5) If the applicant discloses false data or documents with false contents substantially impacting the assessment of the tender, the applicant shall be barred from the tender.

#### **Section 2**

(1) The committee assessing the tender applications (hereinafter: committee) shall comprise at least one member each from among the candidates presented by the professional interest groups of credit institutions and investment enterprises. If the professional interest group of credit institutions or investment enterprises fails to present a candidate within 15 days of the request to appoint a candidate, the MNB shall be eligible for filling the position.

(2) The members of the committee shall elect a chair from among themselves. Tasks arising from committee membership may only be discharged personally. In the event of a tie, the chair has the deciding vote.

(3) The committee may hold a hearing of applicants in order to assess compliance with tender requirements and may request the procurement and presentation of deeds and the issuance of declarations on facts pertaining to the tender.

(4) The committee shall decide on the course of action defined in Paragraph (3) within 15 days of expiry of the tender application submission deadline.

(5) If the committee does not deem the course of action defined in Paragraph (3) necessary, it shall simultaneously assess the tender applications.

(6) If the committee deems it necessary to hold a personal hearing, it shall set the date for the hearing within 30 days of the pertaining decision, notifying the applicant at least five

days prior to the date of the hearing. If a decision to take the further course of action defined in Paragraph (3) is made, the committee shall grant a deadline of at least 15, but no more than 30 days to the applicant.

(7) If having taken the course of action defined in Paragraph (3), the committee shall assess the tender application within 15 days of the hearing or of such further action.

(8) The committee shall reach decisions by simple majority vote and draw up a protocol of its decisions, along with their reasoning. Member opinions shall be stated in the protocol.

(9) The committee shall notify the applicant within eight days of its decision and shall take steps to admit successful applicants to the register of independent valuers within 15 days of its decision.

### **Section 3**

The MNB may examine in the context of an administrative controlling procedure whether the applicant added to the register of independent valuers has met the reporting requirement undertaken in its application.

### **Section 4**

(1) When selecting an independent valuer for a specific task, the MNB takes into account whether the independent valuer has:

*a)* experience in the field of insolvency and resolution procedures in respect of the affected type of institution (including the performance or participation in valuation within the meaning of the Resolution Act, with no subsequent resolution),

*b)* a sufficient number of experts and sufficient other resources of adequate standard for carrying out the specific valuation task, taking into consideration the nature, scope, complexity and time requirement of the valuation at issue.

(2) Prior to appointing an independent valuer, the MNB may check the contents of the valuer's declaration defined in Section 22(9) of the Resolution Act.

### **Section 5**

This decree shall become effective on the third day following the date of its promulgation.

Annex 1 to Government Decree 205/2014. (VIII. 15.)

The tender application shall include at least:

1. all the data specified in Section 22(2) of the Resolution Act to be indicated in the register of independent valuers, along with notarised copies of the corroborating documents;
2. the educational and vocational qualifications and notarised copies of the documents certifying vocational qualification of the applicant or the legal entity applicant, and the original counterpart of the official certificate attesting to its clean criminal record;
3. in case of a legal entity applicant, a declaration or certificate on the employment status of the person defined under Point 2;
4. a certificate no older than three months attesting to the absence of any public debt of the applicant in Hungary and in the countries where it is established or operates branch offices;
5. a declaration of the person indicated in the tender application on consent to data handling in the interest of satisfying legal criteria and on its submission to the verification of such criteria;
6. the applicant's declaration on its commitment to report any changes in the data specified in Points 1–4 to the MNB within 15 days of their occurrence.