



Pursuant to Article 9 and 25 of the Law on the Banking Agency of the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of BiH”, No. 9/96, 27/98, 20/00, 45/00, 58/02, 13/03, 19/03, 47/06, 59/06, 48/08, 34/12 and 77/12), Article 12, paragraphs 1 and 2, Article 15, paragraph 1 of the Law on Leasing (“Official Gazette of the Federation of BiH”, No. 85/09, 39/09, 65/13 and 104/16) and Article 18 of the Statute of the Banking Agency of the Federation of BiH (“Official Gazette of the Federation of BiH”, No. 42/04), the Management Board of the Banking Agency of the Federation of Bosnia and Herzegovina, at the session held on 24 July 2017, adopted the

## **DECISION ON AMENDING THE DECISION ON CONDITIONS AND PROCEDURE FOR ISSUING AND REVOKING THE LICENCE TO PERFORM LEASING OPERATIONS**

### **Article 1**

In Article 7, paragraph 1, item 1 of the Decision on Conditions and Procedure for Issuing and Revoking the Licence to Perform Leasing Operations (“Official Gazette of the Federation of BiH”, No. 46/09 and 46/11), the words “six months” is replaced with the words “a year”. A comma and the following text are added after the word “operations”:

“which implies the payment of the initial capital and the registration of the leasing company with the competent court, the fulfillment of other legal and general organisational requirements as defined in the provisions of Article 60a of the Law on Leasing, and the commencement of business activities by way of the conclusion of a leasing arrangement;”

### **Article 2**

In Article 7, paragraph 1, item 2 of the Decision, the words “six months” are replaced with the words “a year, which implies a failure to perform leasing operations prescribed by the provisions of the Law”.

### **Article 3**

A new Article 7a is added after Article 7 and it reads as follows:

#### “Article 7a

- (1) The leasing company assembly may make a decision on ceasing business operations as a leasing company and re-register it as another company, provided that there are no valid leasing arrangements in the portfolio. Valid arrangements include leasing arrangements that are in repayment and for which a collection process has not been initiated through a competent court.
- (2) The leasing company shall notify the FBA within 15 days from the adoption of the decision on ceasing business operations as a leasing company and submit a copy of the decision of the leasing company assembly. The decision on ceasing business operations as a leasing company is irrevocable, and the re-registration as another company and its potential revocation have no legal effect on the further activities of the FBA.
- (3) The leasing company referred to in paragraph 1 of this Article shall, prior to changing the business activity in the court register, obtain an FBA decision on the revocation of the licence to perform leasing operations.

- (4) The FBA shall issue a Decision on the revocation of the licence when it is established that the conditions referred to in paragraph (1) of this Article have been fulfilled, together with other conditions necessary for the cessation of a leasing company's business operations. The FBA is authorised to carry out an inspection of the leasing company in order to verify the fulfillment of the conditions for re-registration.
- (5) If the leasing company decides to cease business operations as a leasing company while having valid leasing arrangements in the portfolio and it fails to transfer its leasing operations to another leasing company within six months, it may contact the FBA for an extension of the deadline by an additional six months. The request should be accompanied by proof that adequate activities have been undertaken in the previous period in order to meet the conditions for re-registration. The FBA will consider whether the request is justified and issue a Decision on the extension of the deadline in the event that it is justified.
- (6) If the leasing company does not contact the FBA with a request for the extension of the deadline or if it fails to meet the conditions for re-registration within the extended deadline, the FBA shall initiate activities to revoke its licence. The leasing company shall remain under the supervision of the FBA until the completion of the re-registration process or the initiation of liquidation proceedings by the competent court.
- (7) The leasing company referred to in paragraph 1 of this Article may transfer its leasing operations to another legal entity registered to perform leasing operations. Legal entities participating in this procedure shall notify the FBA of that intention in written form, conduct prior consultations with the FBA, and obtain the FBA's approval for that transfer.”

#### **Article 4**

This Decision shall enter into force on the eighth day following its publication in the “Official Gazette of the Federation of BiH”.

**No.: U.O.-05-04/17  
Sarajevo, 24.07.2017**

**Chairwoman  
of the Management Board**

**Ljerka Marić, M.Sc. (Econ.), sgd.**