



## **Translation into English**

Letterhead: Österreichische

FMA – Finanzmarktaufsicht – Financial Market Authority

CERTIFIED COPY

Raiffeisen Bank International AG

Am Stadtpark 9  
1030 Vienna

DEPARTMENT: Supervision of Banks

CASE NO.: FMA-KI29 0101/0026-SYS/2011

(please cite on all submitted documents!)

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VIENNA, 12 May 2011

### **DECISION**

I. The license of Raiffeisen Bank International AG (FN 122119m), having its seat in 1030 Vienna, Am Stadtpark 9, is hereby determined with the following scope:

Sec. 1 para. 1 sub-para. 1 of the Austrian Banking Act ("BWG"):

The acceptance of funds from third parties for management purposes or as deposits (deposit business);

Sec. 1 para. 1 sub-para. 2 BWG:

The execution of non-cash payment transactions and the provision of clearing services for current-accounts of third parties (current-account clearing business);

Sec. 1 para. 1 sub-para. 3 BWG:

Entering into money lending agreements and the granting of money loans (lending business);

Sec. 1 para. 1 sub-para. 4 BWG:

The purchase of checks and bills of exchange, including in particular the discounting of bills of exchange (discount business);

Sec. 1 para. 1 sub-para. 5 BWG:

The holding in custody and administration of securities for third parties (safe-custody business);

Sec. 1 para. 1 sub-para. 6 BWG:

The issuance and administration of means of payment such as credit cards, banker's checks and traveler's checks, provided that the term of the credit provided under a credit card is not limited;

Sec. 1 para. 1 sub-para. 7 BWG:

The trading, for the institution's own account or for the account of third parties, in:

- a) foreign means of payment (foreign exchange transactions and foreign currency trading);
  - b) money market instruments;
  - c) financial futures, including equivalent cash-settled instruments, and put and call options on the instruments specified in lit. a) and d) through f), including equivalent cash-settled instruments (futures and options business);
  - d) interest rate futures contracts, forward rate agreements (FRA), interest rate and currency swaps as well as equity swaps;
  - e) transferable securities (securities business); and
  - f) derivative instruments based on lit. b) through e);
- unless the trading is for private assets.

Sec. 1 para. 1 sub-para. 7a BWG:

The trading in financial instruments pursuant to sec. 1 para. 1 sub-para. 6 lit. e through g and j of the (Austrian) Securities Supervision Act of 2007 (*Wertpapieraufsichtsgesetz 2007, WAG 2007*, Federal Law Gazette (*BGBI.*) I No. 60/2007), for its own account or for the account of third parties, except for trading carried out by persons pursuant to sec. 2 para. 1 sub-paragraphs 11 and 13 of the Securities Supervision Act of 2007;

Sec. 1 para. 1 sub-para. 8 BWGt:

The assumption of sureties, guarantees and other liabilities for third parties provided that the obligation assumed is of a monetary nature (guarantee business);

Sec. 1 para. 1 sub-para. 9 BWG:

The issuance of mortgage bonds, municipal bonds and covered bank bonds and the investment of the proceeds thereof in accordance with the applicable special legal provisions (securities underwriting business), limited to the issuance of covered bank bonds and the investment of the proceeds thereof in accordance with the applicable special legal provisions;

Sec. 1 para. 1 sub-para. 10 BWG:

The issuance of other fixed income securities for the purpose of investing the proceeds in other banking business (other securities issuance business);

Sec. 1 para. 1 sub-para. 11 BWG:

Arranging the issuance by third-parties of one or more of the instruments mentioned in sub-para. 7 lit. b) through f) BWG and the provision of services related to such issues (third-party issuance business);

Sec. 1 para. 1 sub-para. 15 BWG:

Engaging in the financing business through the acquisition and resale of participations (capital financing business);

Sec. 1 para. 1 sub-para. 16 BWG:

The purchase of trade receivables, taking the risk of collection on such receivables - except for providing credit insurance - and, in connection therewith, the collection of such receivables (factoring business);

Sec. 1 para. 1 sub-para. 17 BWG:

Money brokering in the interbank market;

Sec. 1 para. 1 sub-para. 18 BWG:

The brokerage of transactions set forth in

- a) sub-para 1 BWG, except for transactions conducted by contract insurance undertakings,
- b) sub-para 3 BWG, except for the brokering of mortgage loans and personal loans within the scope of carrying on the trades of real estate agent, personal loan and mortgage loan broker, and investment advisor
- c) sub-para 7 lit. a) BWG, but only concerning foreign exchange transactions,
- d) sub-para 8 BWG.

Sec. 1 para. 1 sub-para. 20 BWG:

The issuance of electronic moneys (e-money business).

II. For the determination of the scope of the license a fee of EUR 50.00 is payable pursuant to Sec. 10 para. 10 FMABG (Finanzmarktaufsichtsbehördengesetz Financial Market Authority Act, Federal Law Gazette I No 97/2001, as amended) in combination with TP 2 of the FMA-GebV (FMA Gebührenverordnung – Financial Market Authority Fee Regulation, Federal Law Gazette II No. 230/2004, as amended).

### **Statement of Reasons**

In its application dated 2 May 2011 Raiffeisen Bank International AG asked the authority to render a declaratory decision determining the scope of its banking license.



For reasons of legal certainty and documentation the authority is allowed (see VwGH 28/03/2008, ZI 2007/12/0091) to deliver declaratory decisions.

Raiffeisen Bank International AG set out in its application of 2 May 2011 that the declaratory decision is suitable for the purpose of clarifying the existence of a right or legal relationship in the future in order to avoid any impairment of the legal position of the applicant.

Therefore, the banking license of Raiffeisen Bank International AG is hereby determined to have a scope as set out above.

### **Instructions on right to appeal**

There is no ordinary right of appeal against the present decision.

### **Please note:**

You have the right to lodge an appeal against this decision with the Administrative Court (*Verwaltungsgerichtshof*) and with the Constitutional Court (*Verfassungsgerichtshof*) within six weeks after it has been served on you. The appeal must be signed by an attorney at law. Upon filing the appeal, a fee of EUR 220.00 must be paid into the relevant account of the tax office for fees and transaction taxes (*Finanzamt für Gebühren und Verkehrssteuern*) in Vienna, using a payment slip on which the purpose of the payment must be stated. Proof of payment by payment slip as certified by the post office must be included in the filing.

Financial Market Authority  
on behalf of the Management Board

[illegible signature]

Mag. Marion Göstl

Head of Department

[illegible signature]

Mag. Karin Rosenkranz, BA

[Seal confirming the electronic signature on behalf of FMA]

The above decision has been duly signed on behalf of the Austrian Financial market Authority (FMA)

18 May 2011

[illegible signature]

Mag. Alfred Lejsek

Federal Ministry of Finance

Stamp: Federal Ministry of Finance, Section I

We hereby certify that the above signature of Mag. Lejsek of the Federal Ministry of Finance is genuine.

Seal: Federal Ministry of Finance]

[illegible signature]

(Sauer)

19 May 2011

FREE OF CHARGE

The above is a true copy in all respects, regarding wording and numbers, of the original presented to me.

Vienna, this 7<sup>th</sup> (seventh) August 2014 (two thousand fourteen).

Seal

Dr. Christoph Bieber

Notary Public

Vienna, Inner City

Republic of Austria

(illegible signature)

Notary Public

With reference to my oath I hereby certify that the above is a correct translation of the German text produced to me.

Vienna, 8 August 2014

Toscani

