

**Standpoint No. 10.007/2/2006
of the Advisory Board of Equal Treatment**

The effect of Ebktv. covers those legal relationships of legal entities classified as credit institutions that belong under the effect of the Credit Institution Act

According to Act CXII of year 1996 on credit institutions and financial enterprises (Hitv.), the legal relationships of legal entities classified as credit institutions belong under the effect of Act CXXV of year 2003 on equal treatment and the promotion of equal opportunities. (Articles 3, 4, 5 and 6 of Hitv, and Article 5 of Ebktv)

According to Article 3 of Act CXII of year 1996 on credit institutions and financial enterprises, the following activities are classified as financial activities and supplementary financial activities:

- a) collection of deposits and accepting from the public other money assets that are to be repaid - . exceeding registered own capital;
- b) provision of credit and money loans;
- c) financial leasing;
- d) provision of money circulation services;
- e) issuing electronic money and cash-substituting means of payment and the provision of related services;
- f) undertaking surety and bank guarantee and other bankers' obligations;
- g) trading activity done with currency, foreign exchange – not including here the currency exchanging activity – draft, and cheque for own account or as a commission-agent;
- h) mediation of financial services (agent activity);
- i) deposit management for collective investments;
- j) deposit service, safe service;
- k) credit reference service;
- l) asset management for voluntary mutual insurance fund;
- m) cash remittance;
- n) asset management for private pension fund.

(2) Supplementary financial services means the business-like execution of the following activities in HUF or in foreign exchange:

- a) money exchanging activity;
- b) accounting-traffic administration (accounting-traffic deal);
- c) money processing activity;
- d) financial agent activity on the inter-bank market.

Paragraph (1) of Article 4 declares: credit institutions (Article 5) and financial enterprises (Article 6) are financial institutions.

5. § (1) A credit institution is a financial institution, which – from among the financial services that are determined in Article 3 – at least collects deposits, or accepts from the public other money assets that are to be repaid (not including here public bond issuing determined in a separate legal provision), as well as provides credit and money loans or issues electronic money.

(3) A credit institution can be a bank, a specialised credit institution or a union type of credit institution (savings union or a credit union).

6. § (1) A financial enterprise is

- a) a financial institution that executes one or more financial services,
- b) a financial holding association, or
- c) a credit institution clearing house.

According to Point d) of Article 3 of the Ebktv, public service is: a service that is directed at meeting the basic needs of the population on the basis of a contractual obligation, thus especially electric energy, gas, heat, water, sewage water and waste treatment, scavenging, postal and telecommunication services, and public passenger transportation executed with vehicles that are operated according to a timetable.

In view of the fact that credit institutions do not have a contract signing obligation in general, for this reason they are not classified as public service providers.

At the same time, according to Article 5 of the Ebktv, in addition to the above, that entity is obliged to observe the requirement of equal treatment in respect of a given legal relationship,

- a) which makes an offer for signing a contract to or requests a proposal from entities that are not determined in advance,
- b) which provides services or sells goods in its rooms that are open to the client traffic.

The range of services that are provided by the credit institutions is exactly determined by the relevant legal provision. For implementing a part of the activity scopes it is indispensable that they should be carried out in rooms that are open to the client traffic (e.g. provision of money circulation services, deposit service, safe service), and for other activity scopes it is necessary for the credit institution to make offers for signing a contract to entities not determined in advance (e.g. collecting deposits and accepting from the public other money assets to be repaid – of an extent that exceeds the own registered capital -; provision of credit and money loans.)

According to Act CXII of year 1996 on credit institutions and financial enterprises, the legal relationships of legal entities that are classified as credit institutions belong under the effect of the Ebktv. On the basis of all the above, the provisions of the Ebktv do cover the legal relationships of credit institutions, the merits of the cases related to these have to be investigated by the Authority.

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