

FMA • FINANCIAL MARKETS SUPERVISION

Oberbank Aktiengesellschaft
Hauptplatz 10 – 11
4020 Linz

Bank Supervision

Ref. 23 5108/46 - FMA -I/2/02

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DVR: 0937487

(Square seal [partially legible]:

Received 24 October 2002)

Notice

Further to the application received on 31 July 2002, it is [hereby] determined pursuant to § 7 *E-Geldgesetz* (e-money act), *BGBI 45/2002*, that Oberbank Aktiengesellschaft is authorized to issue electronic money (e-money business) in accordance with § 1 Abs 1 Z 20 *Bankwesengesetz* (banking act), *BGBI 532/1993*, as amended.

The scope of the licence granted to Oberbank Aktiengesellschaft is declared to be as follows:

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| § 1 Abs. 1 Z 1 Bankwesengesetz: | The accepting of third-party funds for management or as deposits (deposit business); |
| § 1 Abs. 1 Z 2 Bankwesengesetz: | The carrying out of cashless payment transactions and clearinghouse operations on a current-account basis for others (giro business); |
| § 1 Abs. 1 Z 3 Bankwesengesetz: | The conclusion of monetary credit agreements and the granting of money loans (credit business); |
| § 1 Abs. 1 Z 4 Bankwesengesetz: | The purchasing of cheques and bills, including in particular the discounting of bills (discount business); |
| § 1 Abs. 1 Z 5 Bankwesengesetz: | The safekeeping and management of securities for others (custodianship business); |

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- § Abs. 1 Z 6 Bankwesengesetz:** The issuing and administration of means of payment such as credit cards and traveller cheques;
- § 1 Abs. 1 Z 7 Bankwesengesetz:** Trading for its own account or for the account of others in
- a) foreign means of payment (foreign exchange and foreign notes and coin business);
 - b) money-market instruments;
 - c) financial futures inclusive of equivalent cash instruments and call and put options on the instruments named in letters *a)* and *d)* through *f)* inclusive of equivalent cash instruments (futures and options business);
 - d) interest rate futures, forward rate agreements, interest rate and foreign exchange swaps and swaps on underlyings and equity indices (“equity swaps”);
 - e) securities (securities business);
 - f) instruments inferred from letters *b)* through *e)* insofar as trading does not take place for the account of personal assets;
- § 1 Abs. 1 Z 8 Bankwesengesetz:** The assumption of sureties, guarantees and other liabilities for others insofar as the assumed obligation is a pecuniary obligation (guarantee business);
- § 1 Abs. 1 Z 9 Bankwesengesetz:** The issuing of consolidated bank bonds as investments in the profits from other banking business (securities issuing business);
- § 1 Abs. 1 Z 10 Bankwesengesetz:** The issuing of other fixed-interest securities as investments in the profits from other banking business (other securities issuing business);

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- § 1 Abs. 1 Z 11 Bankwesengesetz:** Participation in third-party issues of one or more of the instruments named in Z 7 letters *b)* through *f)* and the rendering of the associated services (loro issuing business);
- § 1 Abs. 1 Z 15 Bankwesengesetz:** The transaction of financing business by acquiring and reselling equity interests (capital funding business);
- § 1 Abs. 1 Z 16 Bankwesengesetz:** The purchasing of debts arising from supplies of goods or services and the assumption of the collection risks associated with such debts – with the exception of credit insurance – and in that connection the collection of such debts (factoring business);
- § 1 Abs. 1 Z 17 Bankwesengesetz:** The transaction of money broker business in the interbank market;
- § 1 Abs. 1 Z 18 Bankwesengesetz:** The brokering of business within the scope of
- a) Z 1, except business transacted by contract insurance companies;
 - b) Z 3, except the arrangement of mortgage and personal loans within the scope of the real estate agency trade or within the scope of the arrangement of personal loans, mortgage loans and financial consultancy services;
 - c) Z 7 letter *a)*, insofar as it is foreign exchange business;
 - d) Z 8;
- § 1 Abs. 1 Z 20 Bankwesengesetz:** The issuing of electronic money (e-money business).

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Instructions Regarding the Right of Appeal

There is no ordinary right of appeal against this Notice.

Note

However, you are entitled within six weeks of service of this Notice to lodge an appeal against this Notice with the higher administrative court (*Verwaltungsgerichtshof*) and/or the constitutional court (*Verfassungsgerichtshof*). The appeal must be signed by a lawyer. Upon lodging an appeal, a fee of €180.00 is payable by way of payment into an appropriate account of the tax office for fees and transaction taxes (*Finanzamt für Gebühren und Verkehrssteuern*) in Vienna using a payment slip and stating the purpose of the payment. The proof of payment by payment slip as certified by the post office must be included with the submission.

21 October 2002

Financial Markets Supervision Authority

(*Finanzmarktaufsichtsbehörde*)

On behalf of the Management Board

(Signed)
Mag. Riemer (AL)

(Signed)
Mag. Neubauer

NOTICE

- I. Further to the application made by Oberbank AG (FN [Company No.] 79063w), whose registered office is at 4020 Linz, Hauptplatz 10–11, of 19 September 2008, the Finanzmarktaufsichtsbehörde [Financial Market Authority] grants to Oberbank AG in conformity with § 4 Abs. 1 Bankwesengesetz (BWG [Austrian banking act]), BGBl. Nr. 532/1993, as amended, the

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pursuant to § 1 Abs. 1 Z 7a BWG, to trade in financial instruments for its own account or for the account of another in conformity with § 1 Abs. 1 Z 6 lit. e to g and j Wertpapieraufsichtsgesetz 2007 (WAG [Austrian securities supervision act] - 2007).

- II. An approval fee in the amount of EUR 750.00 is payable for the approval granted in paragraph I. pursuant to § 19 Abs. 10 FMABG (Finanzmarktaufsichtsbehördengesetz [Austrian financial market supervision authority act], BGBl. I Nr. 97/2001, as amended) in conjunction with TP 7 of FMAGebV (FMA-Gebührenverordnung [Financial Market Authority fees and charges directive], BGBl. II Nr. 230/2004, as amended).

Justification

In a letter of 19 September 2008, Oberbank AG (FN 79063w), whose registered office is at 4020 Linz, Hauptplatz 10–11, applied for the extension of its existing licence to trade in financial instruments for its own account or for the account of another in conformity with § 1 Abs. 1 Z 6 lit. e to g and j Wertpapieraufsichtsgesetz 2007 (WAG - 2007) pursuant to § 1 Abs. 1 Z 7a BWG.

The legal prerequisites for the granting of a licence are listed exhaustively in § 4 and § 5 of the Bankwesengesetz. The applicant was able to demonstrate that those prerequisites had been satisfied. Similarly, in the course of the required investigation procedure, nothing came to light to indicate that the prerequisites for the granting of the licence had not been satisfied. Finally, in the course of the required hearing procedure before the Bundesministerium für Finanzen [Austrian federal ministry of finance] and Oesterreichische Nationalbank [Austrian national bank], both institutions advised that there were no objections to be raised against the granting of said licence.

The decision contained in this Notice was based on the above evaluation.

Legal Appeal

No ordinary appeal [ordentliches Rechtsmittel] against this Notice is permissible.

Note

However, you have the right to appeal against this Notice to the Verwaltungsgerichtshof [Austrian higher administrative court] and the Verfassungsgerichtshof [Austrian constitutional court] within six weeks of its delivery. The appeal must be signed by a lawyer. A fee of EUR 220.00 must be paid when submitting the appeal. It must be paid to an appropriate account at the Finanzamt für Gebühren und Verkehrssteuern [internal revenue office for fees, charges and transfer taxes] in Vienna using a remittance slip [Zahlschein] stating the purpose of the payment. Proof of remittance using a remittance slip with post office confirmation must be attached.

Note on Fees

Attention is drawn to the fact that, pursuant to § 14 TP 5 Abs. 1 and TP 6 Abs. 1 Gebg (Gebührengesetz [Austrian fees and charges act] 1957, BGBl. Nr. 267/1957, as amended), further fees in the amount of EUR 16.80 are payable. The total fee of EUR 766.80 shall be paid either in cash to FMA, Praterstrasse 23, 1020 Vienna, or, within 14 days of service of this Notice, to account No. 1-1552-5 at Österreichische Nationalbank (BLZ [sort code] 00100) in the name of "Finanzmarktaufsichtsbehörde gemäß Finanzmarktaufsichtsgesetz, BGBl. I Nr. 97/2001 Subkonto für Gebühreneinnahmen."

Finanzmarktaufsichtsbehörde
For the Board

Dr. Michael Hysek
(Bereichsleiter [Head of Division])

Dr. Oliver Schütz
(Abteilungsleiter [Head of Department])

Issued electronically