

## THE COMPETENCES OF THE NATIONAL BANK OF ROMANIA REGARDING THE AUTHORIZATION OF CREDIT INSTITUTIONS

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**Abstract.** *Within the banking field there is the principle of unique authorization, that is of a juridical act issued by a competent authority of a state – in Romania, the National Bank – with the observance of the access conditions provided by the law and regarding the procedure as well as the ground and form conditions. The authorization issued by the Central Bank of a state provides the quality of credit institution and allows the performing of all the activities which characterize the latter. Any authorized credit institution belonging to one of the European Union's member states may perform its banking activity on the territory of whichever member state, in a direct way or through branch banks. This represents a mutual acknowledgement, enforced by the principle which requires that the credit institution in question should be supervised by the competent authority from its state of origin, given the fact that there is no possibility to absolutely harmonize the various practices and banking laws applied by the EU's member states. In the present work, there shall be analyzed the mechanism through which the National Bank of Romania authorizes credit institutions - physical persons, against the background of the Unique European Banking Market.*

**Keywords:** unique authorization, mutual acknowledgement, access conditions to the banking activity, banking evidence

### 1. Introduction

Dans la présente recherche, nous nous sommes proposé l'approche d'un sujet très actuel, d'intérêt public, mais insuffisamment approfondi dans la littérature juridique de spécialité – l'autorisation des institutions de crédit. Nous avons orienté notre étude vers les aspects juridiques de fond de cette thématique, notamment:

- a. les caractéristiques fondamentales du domaine, apparemment contradictoires – liberté et contrôle; le contrôle – déterminé par l'intérêt public, prend la forme de l'observation et de la surveillance du domaine par l'unique autorité compétente dans le domaine – la Banque Nationale de la Roumanie;
- b. les principes selon lesquels on autorise des institutions de crédit, dans le contexte du Marché Bancaire Unique Européen, principes utilisés aussi dans le droit interne;

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