



Federal Law From 29.12.2006 N 247-Fz "On Amendments To Articles 50.36 And 50.39 The Federal Law" On Insolvency (Bankruptcy) Of Credit Institutions' And Article 72 Of The Federal Law "On Central Bank Of Russian Federation (Bank Of Russia)"

December 29, 2006 N 247-FZ

Article 1

Article 1

The Federal Law [of February 25, 1999 N 40-FZ](#) "On Insolvency (Bankruptcy)" (Collected Legislation of the Russian Federation, 1999, N 9, Art. 1097, 2004, N 34, art. 3536) as follows:

1) in paragraph 6 of Article 50.36 of the word "included in the register of creditors" shall be deleted;

2) Article 50.39:

a) In paragraph 1, the words "included in the register of creditors" shall be deleted;

b) in paragraph 2:

Paragraph 2 shall read as follows:

"2) if the contract of loan (deposit, loan) or the terms of issue registered bonds contain provisions on impossibility without the consent of the Bank of Russia:
early repayment of the loan (deposit, loan), or part thereof, as well as advanced payment of interest on the loan (deposits, loans) or early redemption;
early termination of the loan (deposit, loan) and (or) amendments to the said agreement; "

Paragraph 3 shall read as follows:

"3) If the conditions of the provision of credit (deposit, loan), including interest rate and conditions for its revision at the moment contract (treaty change) do not differ significantly from market conditions provide similar loans (deposits and loans) and interest paid on bonds and conditions for revision not differ significantly from the average interest on similar bonds at the time of placement (amending the decision to issue the bonds). "

Article 2

Article 2

[Article 72 of](#) the Federal Law of July 10, 2002 N 86-FZ "On the Central Bank of the Russian Federation (Bank of Russia)" (Collected Legislation of the Russian Federation, 2002, N 28, Art. 2790) to add the sixth and seventh parts as follows:

"Bank of Russia sets conditions for the inclusion of subordinated loans (deposits, loans, bonds) in the sources of own funds (capital), as well as the exclusion condition of subordinated loans (deposits, loans, bonds) from the sources of their own funds (capital). Amount of subordinated credit (deposit, loan, bond issue) after prior agreement with the Bank of Russia, carried out in the manner prescribed by the Bank of Russia normative act, may be excluded from the calculation of own funds (capital) for early termination of the contract of a subordinated loan (deposit, loan), early redemption on initiative of the credit organization - the borrower.

The Bank of Russia has the right to suspend the payment of the principal amount and (or) interest on the subordinated loan agreement (deposit, loan), or bonds in the manner prescribed by regulatory enactments Bank of Russia, in cases where the suspension of payments by the contract subordinated credit (deposit, loan) or registered bond issue conditions and implementation of regular payments to creditors will cause basis for the implementation of measures to prevent the bankruptcy of credit institutions by the Federal Law "On Insolvency (Bankruptcy) of Credit Institutions". Simultaneously, the Bank of Russia establishes a ban on the adoption credit organization decisions on the allocation of profits between its founders (participants) payment (declaration) of dividends, as well as a ban on the distribution of profits among its founders (participants), the payment dividends to them satisfaction founders (participants) of the credit institution to allot them to share (part thereof) or the payment of its actual cost or redemption of shares of a credit institution. Suspension of payments under the contract subordinated loan (Deposit, loan), or on the bonds and a ban on the adoption of a credit institution making the distribution of profits, payment (declaration) of dividends, as well as a ban on the distribution of profits among its founders (participants), the payment of dividends, the satisfaction requirements of founders (participants) of the credit institution to allot them to share (part thereof) or payment of its actual cost or redemption of shares of a credit institution shall be subject to cancellation eliminate the threat of a real reason to implement measures to prevent the bankruptcy of credit at the request of organizations representing the procedure established by the Bank of Russia. ".

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