

**WITH A LAW DECREE OF P AND
On the National Bank of Ukraine**

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(As amended by the Law
N 1458-III ([1458-14](#)) of 17.02.2000, BD, 2000, N 14-15-16, Article 121)*

Section I

TERMS

Article 1. Terms and concepts

The terms and definitions used in the following meaning:

bank - a legal entity which under license of the National Bank Ukraine operates to attract deposits from individuals and entities, maintenance of accounts and loans to own terms;

precious metals - gold, silver, platinum, metals platinum, brought (refined) samples according to the highest with international standards, bars and powders with certificate money and coins made of precious metals;

banking regulation - one of the functions of the National Bank Ukraine, which is to create a system of rules governing banking activities, define the general principles of banking activities, the exercise of banking supervision, responsibility for violations of banking laws;

banking supervision - control and active organized actions of the National Bank of Ukraine aimed at ensure compliance by banks and other financial and credit institutions in the course of their activities and legislation of Ukraine established standards in order to ensure stability

banking system and to protect the interests of depositors;

currency values - material objects defined

Ukraine law on currency regulation as a means of monetary and financial relations;

open market - a market in which the operations of purchase and sale of securities between persons who are not the primary lenders and borrowers, and when the funds from the sale securities in such market receives the benefit of the holder securities rather than their issuer. Use central

banks for sale are usually short-term

State securities to regulate the money supply.

As a result of the purchase increases investment in the economy, the sale - is reduced;

currency position - the ratio of bank assets and liabilities in foreign currency. In their equity position is considered closed when

inequality - open. The open position is short if

of the liabilities by currency sold than the claims, and

long if the claims on purchased currency exceeds the amount commitments;

monetary policy - a set of measures in monetary and credit aimed at regulating economic growth, inflation and ensuring stability of the Ukraine, employment population and alignment of the balance of payments;

money substitutes - any documents in the form of cash characters that are different from the currency of Ukraine, issued in circulation is not the National Bank of Ukraine and made for the purpose of payments in economic exchange;

devizna monetary policy - monetary policy adjustment rate by buying and selling foreign currency;

Discount monetary policy - reducing or increasing National Bank of Ukraine in interest rates on loans to regulation of supply and demand for loan capital;

Foreign exchange reserves - reserves Ukraine are reflected in The National Bank of Ukraine, which include assets recognized by the international community as international and designated for International Settlements;

insider - a person (legal or natural) who has access to confidential information about the affairs of the bank through its office, equity bank, family ties and is able to use their position for their own benefit;

lender of last resort - is usually the National Bank of Ukraine, which may refer a bank or other credit Institution for refinancing when the exhaustion of other refinancing opportunities. National Bank of Ukraine has the right, but not required, to provide loans to refinance bank if it does not entail risks to the banking system;

treasury bonds - debt securities emitted by the state, through its competent authorities placed only on a voluntary basis between individuals and entities and certifies their owners funds to the budget and are entitled to receive financial income or other property rights under the terms of their release;

Metal accounts - accounts that are opened by authorized Ukraine banks to account for transactions made with precious metals;

basic principles of monetary policy - a set of variables indicators of the financial sector, enabling the National Bank of Ukraine with the help of tools (tools and methods) monetary policy to regulate monetary credit to the economy and to ensure stability currency monetary Ukraine as preconditions for economic growth and maintain a high level of employment;

discount rate of the National Bank of Ukraine - expressed as percentage fee that is set by the National Bank of Ukraine

refinancing of commercial banks by buying bills to maturity on them and deducted from the nominal amount bill. The discount rate is the lowest among the refinancing rates and is the benchmark for the money;

official publication of the National Bank of Ukraine - Special publication by the National Bank of Ukraine as official and registered in the prescribed manner in which published regulations of the National Bank of Ukraine and information-analytical, statistical and other materials reviews the state of the banking system of Ukraine, foreign exchange and financial markets, etc.;

official exchange rate - exchange rate officially established National Bank of Ukraine as the competent authority of the State;

balance of payments - the ratio between the amount of money proceeds received by the country from abroad, and the amount made it payments abroad for a certain period. To BOP includes payments for foreign trade, services, non-trading operations, income from investments abroad, trade licenses from chartering and ship service, tourism, maintenance of diplomatic and trade missions abroad, remittances individuals paying other countries for loans and so on. The balance of payments includes capital flows: investment and loans;

Reserve position in the International Monetary Fund (hereinafter - the IMF) - The requirements of the Member State to the IMF, defined as the difference between quota and holdings of IMF (Member State) currency net cash holdings IMF received by the member in the form of loans IMF and balances IMF N 2, not exceeding one-tenth percent of the member's quota;

refinancing rate of the National Bank of Ukraine - expressed in percent of the loans provided by commercial banks, which established by the National Bank of Ukraine to influence cash flow and credit. National Bank of Ukraine set the discount and lombard interest rates;

Special Drawing Rights (SDRs) - an international reserve asset created by the IMF to supplement existing international reserve assets, which is a "basket" of five currencies, the composition which is reviewed every five years. Cost of special rights Drawing determined daily;

financial institution - a legal entity that holds one or more operations that can be performed by banks for exception of attracting deposits from the public;

price stability - the maintenance of prices at a certain level by maintaining a stable exchange rate of the monetary unit of Ukraine;

Insolvency - is:

- Failure in one month to comply with lawful creditors' claims;
- Reduction of equity to an amount that is less than one-third of the amount set by the National Bank of Ukraine as the minimum necessary.

Article 2. The legal basis of the National Bank of Ukraine

National Bank of Ukraine (hereinafter - the National Bank) is central bank of Ukraine, a special central body governance, legal status, tasks, functions, powers and principles of the organization are determined Constitution of Ukraine, this Law and other laws of Ukraine. Place of management and central staff National Bank - the city of Kyiv.

Article 3. Authorized Capital

National Bank has a share capital, which is the government property.

The authorized capital of 10 million.

The authorized capital may be amended by a decision of the Council of the National Bank.

The sources of the share capital of the National Bank income is his estimate, if necessary - State Budget of Ukraine.

Article 4. Economic independence

National Bank is economically independent body that makes expenditures from their own income within the approved estimates, as defined in this law - and by State Budget of Ukraine.

National Bank is a legal entity with separate property, that is the object of public property and are wholly economic management.

National Bank is not liable for the obligations of government and the public authorities responsible for liabilities of the bank, unless they voluntarily assume such obligations.

National Bank is not liable for the obligations of other banks and other banks are not liable for the obligations of National Bank, unless they voluntarily take assume such obligations.

National Bank can open their institutions, branches and representations in Ukraine, and offices abroad.

National Bank, its agencies, affiliates and representative offices seal with the State Emblem of Ukraine and its names.

Article 5. Revenues and Expenditures

Profit is not the objective of the National Bank.

Expected revenues and expenditures of the National Bank reflected in the estimates of revenues and expenditures. Estimated income

and expenses must be capable of implementation by the National Bank's functions, established by the Constitution of Ukraine and this Law.

(The effect of Article 5 suspended in 2000 for pursuant to the Law N 1458-III ([1458-14](#)) of 17.02.2000) National Bank for the year in excess estimated revenues over budgeted expenditures approved in current fiscal year, submit to the State Budget of Ukraine following the reporting year a positive difference to cover the deficit budget, and the excess of expenditure over income is compensated by the State Budget of Ukraine following the reporting year.

Planning and accounting of revenues and expenditures, as well as the formation of funds and reserves of the bank made in accordance with regulations approved by the Board of the National Bank of Ukraine.

Article 6. Primary function of

According to the Constitution of Ukraine ([254k/96-VR](#)) primary function of the National Bank is to ensure stability of units Ukraine.

To carry out its core functions, the National Bank promotes the stability of the banking system as well as within their powers - price stability.

Article 7. Other Functions

National Bank has the following functions:

- 1) as developed by the Council of the National Bank Ukraine Basic principles of monetary policy and determines conducting monetary policy;
- 2) monopoly issue the national currency of Ukraine and organize its circulation;
- 3) a creditor of last resort for banks and arranges refinancing system;
- 4) imposes on banks and other financial institutions rules for banking operations, accounting and reporting, data security, funds and property;
- 5) organize and methodological support system monetary and banking statistics and balance of payments statistics;
- 6) defines a system, procedure and forms of payment, including between banks and financial and credit institutions;
- 7) guides the development of modern electronic banking Technology creates, coordinates and oversees the creation of electronic means of payment, payment systems, banking automation business and banking information protection facilities;
- 8) provides banking regulation and supervision;
- 9) the Register of banks, their branches and representative offices of foreign currency markets and financial institutions, licensing

banking activities and transactions provided by the laws cases;

10) is the balance of payments, analyze and forecasting;

11) represents Ukraine at the central banks of other States, international banks and other credit institutions where cooperation takes place between the central banks;

12) has defined according to a special law powers currency regulation defines the procedure for payments in foreign currency, organizes and carries out foreign exchange control over commercial banks and other credit institutions, licensed by the National Bank to trade in currency values;

13) to ensure the accumulation and storage of gold reserves and transactions with them and precious metals;

14) examines the state of monetary, financial, pricing and exchange relations;

15) organize the collection and transportation of banknotes and coins and other values, issues licenses for collection and transportation banknotes and coins and other valuables;

16) State policy on the protection of public secrets of the National Bank;

17) participates in training for the banking system Ukraine;

18) perform other functions in the financial and credit sector within its competence as defined by law.

Section II

GOVERNING BODIES OF THE NATIONAL BANK

Article 8. Governing Bodies

The highest governing body is the Board of the National Bank National Bank of Ukraine (hereinafter - the Council of the National Bank). The governing body is the Board of the National Bank National Bank of Ukraine (hereinafter - the National Bank).

Article 9. Powers of the National Bank

Council of the National Bank:

1) in accordance with national economic development and basic parameters of economic and social of Ukraine develop and submit for information to 15 September at the Verkhovna Rada of Ukraine, Basic Principles monetary policy and supervise their implementation;

2) analyzes the impact of monetary policy in Ukraine the state of socio-economic development of Ukraine and develops proposals for appropriate amendments thereto;

3) make recommendations to the Board of the National Bank within The basic principles of monetary policy with respect to: methods and forms of economic forecasting macroeconomic indicators and social development of Ukraine and monetary policy;

individual measures of monetary and regulatory nature and impact on economic and social development of Ukraine; exchange rate policy and currency regulation; the banking system and individual regulations of on banking activities; improving the payment system; other matters within the competence of the National Law Bank;

4) approve the budget of revenues and expenditures of the National Bank and submit to the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine 1

September this year projected data on balance estimates for inclusion in the draft State Budget of Ukraine for the next year;

5) establish the forms of remuneration of employees of the National bank in accordance with the laws of Ukraine;

6) decide on the change of share capital National Bank;

7) defines audit company for auditing

Check the National Bank is considering the auditor's report and approve the balance sheet of the National Bank publishes in official print media annual balance National Bank;

8) confirm annually by July 1 report on budget performance National Bank and the distribution of income during the reporting fiscal year;

9) approve the Rules of Procedure of the National Bank;

10) has the right to veto the use of suspensive individual decisions of the National Bank on matters within its competence;

11) approve the decision of the National Bank of participation in international financial institutions in the capital of banks and

financial institutions;

12) approve the foreign trade contracts and other agreements

If you liable for more than the last share capital of the National Bank;

13) determines annually to the National Bank:

requirements dyversyfikuvannya assets and liquidity;

limits for off balance sheet commitments;

regulation on provisioning, impairment losses and

income payments order for the State Budget of Ukraine;

requirements for the minimum amount of reserves;

other indicators that characterize the capacity of the National Bank to meet its obligations;

14) by the Chairman of the National Bank agrees to the appointment and dismissal of members of the Board of the National Bank;

15) make recommendations to the Cabinet of Ministers of Ukraine concerning the impact of the government debt and fiscal policy in the monetary sphere in Ukraine.

Council of the National Bank can not advise on feasibility appointment or dismissal of the Chairman of the National Bank, the Board of the National Bank or give personal assessment of some officials of the National Bank, except as specified in paragraphs 2 and 3 of this Article.

In the case of repeated non-fulfillment or improper fulfillment of decisions of the National Bank National Bank, which is required under the Act, the Board of the National Bank has the right to appeal to the Supreme Council of Ukraine and the President of Ukraine to set out its position and obtain a reasoned response.

Article 10. Composition and formation of the National Bank Council of the National Bank consists of fourteen people. Member of the National Bank shall be a citizen of Ukraine, which has a higher economic or financial education or a degree in economics and finance and has experience with constant work in state legislatures and in leadership positions of the central executive power bodies of Ukraine or banking institution or scientific work the financial or economic issues. President of Ukraine appoints seven members of the National Bank, which include the National Bank for the post, by appropriate decree.

Appointment of members of the National Bank conducted by the Verkhovna Rada of Ukraine by the adoption of the resolution. Those nominations are subject to approval by the Verkhovna Rada of Ukraine, are discussed at a special public meeting of the core committee of the Verkhovna Rada of Ukraine, which makes recommendations to the Verkhovna Rada of Ukraine. Another purpose of the Council of the National Bank not later than three months before the expiry of the powers previously appointed members of the Board of the National Bank.

The members of the Board of the National Bank - seven years than the President of the National Bank, appointed for a term of office as they have been in office. Termination of office of members of the National Bank takes place in connection with the termination of their office or in advance by the body that appointed them, if: own desires, provided that a written application; termination of their citizenship or departure from Ukraine for permanent residence; entry into force of conviction of committing a criminal offense; death or a court decision to declare a person dead or missing.

Ukraine president dismisses the members of the National Bank, appointed by him, by appropriate decree, but not earlier than one year from the date of appointment. Parliament of Ukraine dismisses the members of the National bank designated by the adoption of the resolution for

submission of committees of the Verkhovna Rada of Ukraine, but not earlier than one year from the date of appointment.

Powers of the National Bank as a member of the National Bank of prematurely terminated due to his resignation or termination from office for other reasons stipulated by this Law.

Members of the National Bank shall serve on a voluntary basis. Members of the National Bank reimbursed their actual expenses incurred in connection with the performance of their responsibilities under the Rules of the National Bank.

Internal issues of the Council of the National Bank, order management, and other matters determined by the Regulations, approved at its meeting.

Accommodation and organizational financial support of the National Bank carried out by the National Bank by its estimated costs.

Article 11. Procedure of the Council of the National Bank
The Council of the National Bank held at least once per quarter.

Extraordinary meeting of the National Bank convened by the Chairman of the National Bank on his own initiative or by the Board of the National Bank at the urging of at least one third of the total number of its members. Members of the National Bank notified about the meeting no later than five calendar days prior to the date of the meeting. The procedure of early meetings of the National Bank determined its Regulations.

The Council of the National Bank is authorized by the presence of at least eight members.

The Council of the National Bank is President of the National Bank, and in the absence - his deputy, in accordance with the Regulation.

Decisions are taken by simple majority of the total number of the members of the National Bank.

Each member of the Board of the National Bank shall have one vote.

At the meeting of the National Bank may be invited leaders of the central government, and representatives of business entrepreneurship, academics and other experts.

Members of the National Bank may participate in the work of the National Bank in an advisory capacity.

Article 12. President of the National Bank and his deputy
President of the National Bank and his deputy are elected by the Board of the National Bank for three years.

President of the National Bank:

organizing a meeting of the National Bank and preside at meetings of the National Bank;

convene an extraordinary meeting on its own initiative or at the urging of at least one third of the total number of members of the National Bank;

exercise other powers and functions in accordance with the decisions of the National Bank.

Deputy Chairman of the replacement of the National Bank in the event of his absence or inability them to exercise their powers and perform other powers and functions in accordance with the decisions of the National Bank.

Dismissal of the President of the National Bank or its deputy during his term of office shall be effected: upon the expiration of his term of office; at our option, subject to the submission of a written application; in the case of systematic misconduct as health for four months.

In the event of termination of office of the Chairman of the National Bank and deputy election for this position are carried out in the manner prescribed by this Law.

Article 13. Decision of the National Bank and the suspensive veto

Materials meeting of the National Bank issued in the form of protocols and solutions and be signed by the chairman at its meeting.

The decision of the National Bank of the issues identified in paragraphs 1, 4-12 Article 9 of this Act, be binding on the performance of the Board of the National Bank.

Recommendations of the National Bank are considered by the Board of the National Bank within five working days. By results of this review, the Board of the National Bank must submit to the National Bank of reasoned response.

Council of the National Bank has no right to interfere in the operational activities of the National Bank.

In the event the Board of the National Bank uses suspensive veto individual decisions of the Board, the decision shall enter into force only upon confirmation by two-thirds of the total number of members of the Board of the National Bank not later than five days from the date of application of the veto. If during this period the said decision is not supported by two-thirds of the members of the Board of the National

Bank, the decision shall be deemed to take effect. In if the judgment of the Board of the National Bank entered into force until the application suspensive veto it, a stop solution from a point to confirm the two-thirds majority of the members of the Board of the National Bank in the specified time frame.

The decision of the National Bank shall be published, except in cases where such decisions constitute state, banking or professional secrecy by law.

Members of the Board of the National Bank shall be prohibited to disclose government, banking or professional secrecy, which has become known to them in

connection with the exercise of their powers under the Regulation.

Article 14. Functions of the National Bank

Board of the National Bank in accordance with basic principles of monetary policy through appropriate monetary instruments and other means of banking regulation ensures the implementation of monetary policy, organize other functions in accordance with Articles 6 and 7 of this Act and manages the activities of the National Bank.

Article 15. Powers of the Board of the National Bank

Board of the National Bank:

1) decide:

on economic assets and monetary techniques required to implement basic principles of monetary and credit policy in accordance with the decisions of the National Bank of these issues and the need for stability and the purchasing power of national currencies;

Ukraine to issue currency and withdrawal of banknotes and coins;

a change in interest rates of the National Bank;

establishment of prudential regulations for banks and financial institutions;

about the size and order of formation of the required reserves of banks and financial institutions;

enforcement of commercial banks and financial institutions;

setting limits on open market operations, which are made by the bank;

a list of securities and other assets eligible for collateral for loans to the National Bank;

on the conditions of admission of foreign capital in the banking system of Ukraine;

on the establishment and liquidation of enterprises, institutions of the National Bank;

of participation in international financial institutions in the capital of banks and financial institutions in consultation with the Council of the National Bank;

to submit for approval by the National Bank of international treaties and other agreements, if the responsibility for the recent exceeds the statutory capital of the bank;

purchase and sale of property for the support of the National Bank;

2) submit to the Council an annual report of the National Bank National Bank, project estimates of income and expenditure for the following year, and other accounting and statistical information about the activities of the National Bank and the banking system of Ukraine at the request of the National Bank;

3) defines the organizational framework and structure of the National Bank, approves regulations on structural units and institutions of the National Bank, the statutes of its businesses, the appointment department managers, businesses and institutions;

4) approve the staffing table of the National Bank;

5) establishes the procedure for issuing licenses to conduct banking operations and other licenses in the cases and under the procedure prescribed by law;

6) issues regulations of the National Bank;

7) approve the Regulations of the Board of the National Bank;

8) perform the functions referred to in Articles 3, 23, 28, 60 and 64 of this Law and other features resulting from the primary objective of the National Bank.

Article 16. Composition of the Board of the National Bank

The head of the National Bank Governor of the National Bank.

Quantitative and personal composition of the Board of the National Bank approved by the National Bank by the Chairman of the National Bank.

Deputy Governor of the National Bank is a member of the Board of the National Bank of the post.

Article 17. Modus Operandi of the National Bank

The organization and conduct of meetings of the Board of the National Bank is determined by the Regulation.

Article 18. Appointment and dismissal of the Chairman of the National Bank

National Bank Chairman is appointed by the Verkhovna Rada of Ukraine by the President of Ukraine the majority of the constitutional composition of the Verkhovna Rada of Ukraine for five years.

If not approved by the Verkhovna Rada of Ukraine of candidates proposed by the President of Ukraine, issues management by the National Bank, and also for the introduction of new candidates are governed by the Law of Ukraine "On temporary duty officers who were appointed to the consent of the Verkhovna Rada of Ukraine President of Ukraine and the Verkhovna Rada Ukraine on the proposal of

the President of Ukraine "([709/97-VR](#)). One candidate could be introduced no more than two times.

Governor of the National Bank dismissed by the Verkhovna Rada of Ukraine through adoption of the resolution in the following cases:

- 1) the expiration of the term of office;
- 2) The entry into force of conviction of a criminal offense;
- 3) due to the resignation for political or personal reasons, lodged in writing and accepted by the President of Ukraine;
- 4) The death or a court decision to declare a person dead or missing;
- 5) termination of citizenship or departure from Ukraine for permanent residence;
- 6) by the President of Ukraine within its constitutional powers.

Article 19. Duties and powers of the Governor of the National Bank

Governor of the National Bank:

- 1) manages the National Bank;
- 2) acting on behalf of the bank and represents his interests without authorization in relations with public authorities, with banks, financial and credit institutions, international organizations, other agencies and organizations;
- 3) presides at meetings of the Board of the National Bank;
- 4) sign the minutes, resolutions of the Board of the National Bank, orders and instructions, as well as agreements concluded by the National Bank;
- 5) divides responsibilities between Vice Chairman of the National Bank;

6) issue administrative acts binding on all employees of the National Bank, its businesses, institutions,
7) decide on other matters relating to the activities of the National Bank, in addition referred to the exclusive competence of the National Bank and the National Bank under this Act;

8) alone is responsible to the Parliament of Ukraine and the President of Ukraine for the National Bank.

Article 20. Deputy Governor of the National Bank
Governor of the National Bank is one of the first deputy and two deputies, who are appointed and dismissed them for approval by the Board of the National Bank.

Article 21. Appointment and dismissal of directors of Departametiv Directors of the National Bank appointed and dismissed by the Governor of the National Bank under the labor legislation of Ukraine.

Section III

ORGANIZATIONAL STRUCTURE AND BASIS OF NATIONAL BANK

Article 22. structure of the National Bank

The structure of the National Bank based on the principle of centralization of vertical subordination.
The system consists of the National Bank of the central office, branch (Regional Office), clearing houses, Banknote Printing and Minting Banknote Paper Mill, the State treasury Ukraine, Central Repository, specialized companies, banking institutions and other structural units and units required for the operation National Bank.

National Bank within the limits set by law, to decide the question of creation, liquidation and reorganization of structural units and institutions of the National Bank, its businesses, approve their statutes and regulations. For the collection and protection of property and facilities National Bank has departmental guard, armed combat firearms.

Article 23. rank affiliates

Affiliates (Regional Office) National Bank have no legal status and can not issue regulations on behalf of the National Bank received within him powers. Tasks and functions of the National Bank branches are determined by the Regulations approved by the Board of the National Bank.

Section IV

MONETARY POLICY

Article 24. Basic principles of monetary policy

Basic principles of monetary policy based on fixed criteria and macroeconomic indicators of national economic development programs and the basic parameters of economic and social development of Ukraine for the relevant period, including forward-looking indicators of gross domestic product, inflation, the size of the deficit of the state budget and the sources of its coverage, payments and trade balance, approved by the Cabinet of Ministers of Ukraine.

Each year, the National Bank of Ukraine shall inform Parliament about directions of monetary and exchange rate policy, developed by the National Bank for the next year and for a longer period.

Article 25. means and methods of monetary policy

The main economic means and methods of monetary policy is to regulate the money supply through:

- 1) the definition and regulation of required reserves of commercial banks and financial institutions;
- 2) The interest rate policy;
- 3) the refinancing of commercial banks;
- 4) management of foreign exchange reserves;
- 5) transactions in securities on the open market;
- 6) regulate the import and export of capital.

Article 26. Standards required reserves

National Bank establishes banks and other financial lenders Reserve requirements funds. In this case:

- 1) the amount of required reserves is set only for banks and financial institutions as a percentage of the total amount of funds raised by the bank in local and foreign currencies;
- 2) for different types of obligations may be imposed different standards required reserves;
- 3) The decision to raise the standards of provision takes effect no earlier than 10 days after its publication.

Article 27. interest rates

National Bank establishes the procedure for determining the discount rate and other interest rates on its operations.

Article 28. Managing foreign exchange reserves

The National Bank manages foreign exchange reserves of the state, making foreign exchange intervention by the purchase and sale of currency values in foreign exchange markets to influence the exchange rate against foreign currencies and the overall demand and supply of money in Ukraine.

Article 29. Operations Open Market

Open market operations of the National Bank is buying and selling Treasury bonds, its responsibilities National Bank (certificates of deposit), and determined by the Board of the National Bank of commercial paper and other securities and debt securities.

Article 30. Regulation of import and export of capital

National Bank of Ukraine in accordance with the laws of foreign trade activities and the system of currency regulation and currency control regulates the import and export of capital.

Article 31. funds of the State Budget of Ukraine

The Cabinet of Ministers of Ukraine shall keep the funds of the State Budget of Ukraine and extra-budgetary funds in the National Bank in the State Treasury of Ukraine.

Conditions and procedure for service of the State Budget of Ukraine are determined by agreement between the National Bank and the State Treasury of Ukraine.

Section V

MANAGEMENT cash circulation

Article 32. Currency

The monetary unit of Ukraine is the hryvnia, equal to 100 kopecks. Issue and circulation in Ukraine and other currencies use money substitutes as means of payment are prohibited. Formal relationship between the UAH and gold or other precious metals is not installed.

Article 33. Powers of the National Bank on cash circulation

To ensure the cash turnover of the National Bank shall:

- 1) production and storage of banknotes and coins;
- 2) the creation of reserve funds banknotes and coins;
- 3) establishment of denominations, security systems, payment features and design of banknotes;
- 4) establish procedures for the replacement of damaged banknotes and coins;
- 5) establish rules for issuance, storage, transportation, removal and collection of cash;
- 6) determine the order of cash transactions for banks, other financial institutions, enterprises and organizations;
- 7) determine requirements for maintenance of the status and protection of areas of banking institutions.

Article 34. Issue

The exclusive right to put into circulation (issue) UAH and token coins, the organization of their treatment and the retirement of belonging to the National Bank.

Cash in circulation as currency - banknotes (paper) and coins (metal). The total amount put into circulation banknotes and coins mentioned in the accounts of the National Bank as its liabilities.

Banknotes and coins are unconditional liabilities of the Bank and provided all of its assets.

Article 35. banknotes and coins

Hryvnia (banknotes and coins) as the national currency is the only legal tender on the territory of Ukraine, adopted by all natural and legal persons without any restrictions on the entire territory of Ukraine for all types of payments, as well as admission to the accounts, deposits, letters of credit for transfers.

Article 36. Hryvnia Rate

National Bank sets the official exchange rate of hryvnia to foreign currencies and publish it.

To control the rate of hryvnia against foreign currencies, the National Bank uses foreign reserves, buys and sells securities establishes and modifies the refinancing rate and uses other instruments regulating the money supply.

Article 37. Convertibility Hryvnia

Conditions and procedure for the conversion (exchange) rate of hryvnia to foreign

currencies by the National Bank established under the laws of Ukraine on currency regulation.

National Bank can not restrict the rights of subjects of foreign exchange market to trade in foreign currency are guaranteed to them by law.

Article 38. Procedure for replacing worn and damaged banknotes and coins

Worn and damaged banknotes Ukraine accepted and exchanged free of charge at the new banknotes by the National Bank of Ukraine and commercial banks without restrictions on the amount and timing of the change.

Features and procedure for determining the solvency of money, as well order the exchange of worn and damaged banknotes are set by the National Bank.

Article 39. Withdrawal of banknotes and coins

National Bank, Commercial Bank of Ukraine shall exclude false, counterfeit or those that do not have the required solvency signs, banknotes (bills and coins).

The procedure for removal of such currency is set by the National Bank and regulated by the relevant regulatory acts.

National Bank and commercial banks are not required to reimburse destroyed, lost, counterfeit, fake and those that have become invalid banknotes and coins.

National Bank officially announced through the media about the retirement of Ukraine currency (banknotes, coins).

Production for the purpose of putting into circulation or putting into circulation

of counterfeit banknotes entail responsibility according to the legislation of Ukraine.

Section VI

ORGANIZATION OF ACCOUNTS AND ACCOUNTING

Article 40. Adjusting payments

National Bank sets the rules, forms and standards settlement banks and other businesses and individuals in economic circulation Ukraine using both paper and electronic documents and cash, the organization coordinates calculation, gives permits for clearing transactions and payments through electronic documents.

National Bank provides interbank payments through its institutions, giving permission to conduct interbank payments through direct correspondent relations with commercial banks and through their own clearing system.

Article 41. Regulation of accounting

National Bank establishes mandatory for banks and other financial institutions standards and rules for accounting and reporting, meeting the requirements of the legislation of Ukraine.

Chapter VII

NBU

Article 42. Kinds of NBU

National Bank for the fulfillment of its functions has the following operations:

1) provides loans to commercial banks and other financial and credit institutions to maintain liquidity at a rate not lower the refinancing rate of the National Bank and in the manner prescribed by the National Bank;

- 2) provides discount real bills and checks in the order determined by the National Bank;
- 3) purchase and sell on the secondary market securities in accordance with the legislation of Ukraine;
- 4) opens its own correspondent and metal accounts in foreign banks and maintains accounts of correspondent banks;
- 5) buys and sells currency values for the purpose of monetary control;
- 6) saves precious metals, as well as buying and selling precious metals, precious stones and other jewelry, commemorative and investment coins made of precious metals in domestic and foreign markets without quotas and licensing;
- 7) places the gold reserves on their own or through banks authorized him to conduct foreign exchange operations, performs with gold reserves of Ukraine banks whose rating by the international rating agencies meet the requirements of first-class banks to not less than Category A;
- 8) takes the storage and management of government securities, securities and other assets;
- 9) issues guarantees and sureties, in accordance with regulations approved by the National Bank;
- 10) is due to the State Treasury of Ukraine with payment and accrual of interest;
- 11) performs servicing public debt, associated with the placement of government securities, their repayment and payment of interest on them;
- 12) maintain personal accounts of employees of the National Bank;
- 13) keep accounts of international organizations;
- 14) provides indisputable collection of funds from the accounts of their clients in accordance with the laws of Ukraine by the court.

National Bank has the right to perform other operations necessary for the performance of its functions.

Article 43. Participation in international organizations
National Bank has the right to take part in the formation of capital and the activities of international organizations under international treaties to which Ukraine is a party to, and in accordance with the agreements between it and foreign central banks.

Section VIII

ACTIVITIES NATIONAL BANK ON OPERATIONS
currency values

Article 44. Authority in the field of foreign exchange regulation
National Bank operates as an authorized government agency in the application of the legislation of Ukraine on currency regulation and currency control.

The competence of the National Bank in the foreign exchange regulation include:

- 1) the issuance of regulations in respect of the foreign exchange transactions;
- 2) the issuance and revocation of licenses, supervision of banks and other institutions licensed by the National Bank for operations with currency values;
- 3) establishment of open currency position limits for banks and other institutions that buy and sell foreign currency.

Article 45. Organization of the foreign exchange market

National Bank determines the structure of the foreign exchange market of Ukraine

and organizes trade currency values on it in accordance with the laws of Ukraine on currency regulation.

Article 46. devizna discount and exchange rate policy

National Bank conducts monetary deviznu and discount policies and, where necessary, apply exchange restrictions.

The NBU discount monetary policy

by changing the discount rate of the National Bank to regulate the movement of capital and the balance of payment obligations, as well as currency exchange rate adjustment Ukraine to foreign currencies.

The NBU deviznu monetary policy on

the basis of rate regulation Ukraine currency against foreign currencies by buying and selling foreign currencies in the financial markets.

Article 47. structure of the reserves

To ensure internal and external stability of the currency of Ukraine National Bank has a gold

reserve, which consists of the following assets:

bank gold;

special drawing rights;

Reserve position in the IMF;

foreign currency in the form of banknotes and coins or money to accounts abroad;

securities (other than shares) that are paid in foreign currency;

any other internationally recognized reserve assets provided

to ensure their safety and liquidity.

Article 48. Updating and using the reserves

Replenishment of reserves held by the National Bank through:

1) Buying bank gold and foreign currency;

2) revenues from transactions in foreign currencies,

precious metals and other internationally recognized reserve asset;

3) the involvement of the National Bank of currency from international financial institutions, central banks of foreign countries and other creditors.

Use of reserves is carried out

by the National Bank on the following objectives:

1) purchase of currency on financial markets for

monetary policy, including exchange rate policy;

2) costs on foreign currency monetary

metals, and other internationally recognized reserve asset.

You may not use the reserves for

loans and guarantees and other commitments to residents and non-residents of Ukraine.

Article 49. storage gold reserves

National Bank is the sole custodian of the state

's gold reserves, as well as precious metals, precious stones and other valuables belonging to the state.

Article 50. currency non-operating income and losses

Gains and losses NBU related to changes in

the valuation of assets and liabilities presented in the form of bank foreign exchange and gold, Special Drawing Rights, in

connection with changes in exchange rates and gold prices are taken into account and compensated as follows:

- 1) the net foreign exchange earnings and losses zbalansovuyutsya appropriate amount of the special reserve account of revaluation of foreign exchange reserves in the balance sheet of the National Bank;
- 2) The above net income and losses are not taken into account when calculating the annual income of the National Bank.

Section IX

RELATIONSHIP WITH PRESIDENT OF UKRAINE, Supreme COUNCIL OF UKRAINE UKRAINE and Cabinet

Article 51. Accountability

Accountable to the President of the National Bank of Ukraine and the Verkhovna

Rada of Ukraine within its constitutional powers.

Accountability means:

- 1) the appointment and dismissal of the Chairman of the National Bank of the Verkhovna Rada of Ukraine by the President of Ukraine;
- 2) The appointment and dismissal of the President of Ukraine half of the Board of the National Bank;
- 3) The appointment and dismissal of the Verkhovna Rada of Ukraine half of the Board of the National Bank;
- 4) Report of the National Bank of Ukraine Parliament on the activities of the National Bank;
- 5) Provision President of Ukraine and the Verkhovna Rada of Ukraine twice a year about the monetary market in the country.

Article 52. Relations with the Cabinet of Ministers of Ukraine
National Bank of Ukraine and the Cabinet of Ministers hold mutual consultations on monetary policy, development and implementation of national economic and social development.

National Bank at the request of the Cabinet of Ministers of Ukraine gives information on monetary processes.

The Cabinet of Ministers of Ukraine, ministries and other central executive authorities at the request of the National Bank provided information has an impact on the balance of payments.

National Bank to support the economic policy of the Cabinet of Ministers of Ukraine, if it does not contradict ensure stability of the Ukraine.

Governor of the National Bank or on behalf of one of his deputies may participate in the meetings of the Cabinet of Ministers of Ukraine in an advisory capacity.

At meetings of the Board of the National Bank may take part members of the Cabinet of Ministers of Ukraine in an advisory capacity.

Article 53. Guarantees of non-interference

Not allowed interference by the legislative and executive authorities and their officials in the performance of the functions and powers of

the National Bank or the National Bank except in the limits defined by this Law.

Article 54. Lending State

National Bank shall be prohibited to provide direct loans to both national and foreign currency to finance expenditures of the State Budget of Ukraine.

Chapter X

BANKING REGULATION AND SUPERVISION OF BANKING

Article 55. Objective and scope of banking supervision

The main purpose of banking regulation and supervision - safety and financial stability of the banking system, protect the interests of depositors and creditors.

National Bank carries out the functions of banking regulation and supervision of banks and other financial institutions within and manner prescribed by the legislation of Ukraine. National Bank has constant supervision of compliance by banks and other financial and credit institutions banking laws, regulations of the National Bank for Economic and regulations.

Article 56. Normative legal acts of the National Bank

The National Bank shall issue regulations on matters within its powers, which are mandatory for government and local authorities, banks, businesses, organizations and institutions, regardless of ownership, as well as for individuals.

Normative legal acts of the National Bank issued in the form of resolutions of the Board of the National Bank, as well as instructions, regulations, rules, approved by the Resolution of the Board of the National Bank. They can not contradict the laws of Ukraine and other legislative acts of Ukraine and are not retroactive, except where by law they mitigate or annul the responsibility.

Normative legal acts of the National Bank shall be subject to compulsory state registration with the Ministry of Justice of Ukraine and shall enter into force in accordance with the laws of Ukraine.

Normative legal acts of the National Bank may be appealed in accordance with the laws of Ukraine.

Article 57. Access to information

To carry out its functions, the National Bank shall be entitled to receive free of charge from banks and other financial institutions, information on their activities in accordance with the provided license and an explanation of the information received and conducted operations.

To prepare the banking and financial statistics, analysis of the economic situation, the National Bank shall be entitled to receive relevant information from state authorities and local self-government and business entities of all forms of ownership.

This information will not be disclosed except in cases envisaged by the legislation of Ukraine.

Article 58. economic standards

In order to protect the interests of depositors and creditors and ensure the financial soundness of banks and other financial institutions, the National Bank in accordance with regards to the following sets are required economic standards. These standards should provide control over the risks associated with capital, liquidity, loans to shareholders and insiders (related parties), providing large

loans, investment capital, as well as interest rate and currency risk.

On further changes in the standards and methods of calculating National Bank officially announced not later than one month prior to putting them into action.

Article 59. Provisions to ensure risks

National Bank determines the size, formation and use of reserves banks and lending institutions to cover possible losses on loans, provisions for foreign exchange, interest rate and other financial risks of banks.

Reserves to cover possible financial risks as well as the deposit insurance fund shall be established by income before income taxes in accordance with the laws of Ukraine.

Article 60. Defining proficiency

National Bank determines its normative legal acts of the professional requirements for heads of executive agencies, chief accountant of the bank and financial institutions and has the right to request dismissal from office of persons who do not meet the requirements for the occupation of these positions.

If a bank, other financial institution or employee against whom filed a claim for dismissal, do not agree to do so, they can appeal it to the court within two weeks time. In this case, the requirement to stop the release of the court's decision.

Article 61. authority to exercise supervisory and regulatory functions

Supervisory and regulatory functions of the National Bank, established by this Act may be exercised by him directly or through established his bank supervisors.

National Bank carries out its supervisory and regulatory functions by implementing the following powers:

- 1) provide all kinds of on-site inspections of banks and other financial institutions in Ukraine (except inspections and audits of financial-economic activity), as well as checking the reliability of information provided to legal and natural persons in the registration of banks, other financial institutions and Licensing of banking operations;
- 2) can require banks and other financial institutions, the general meeting of shareholders (participants) and identifies issues which should be taken by the decision;
- 3) may participate in the meetings of shareholders (participants) meetings of the supervisory board, the board and the audit committee of the bank

and other financial institution in an advisory capacity.

National Bank imposes requirements to statutory audits of banks and other financial institutions, receives reports from independent auditing organizations on the performance of banks and other financial institutions.

Article 62. Measures of influence

In the event of a bank, other financial-credit institution banking laws, regulations of the National Bank, the carrying out risky operations that threatened their solvency and the interests of depositors and creditors, the National Bank applies

a violation of appropriate sanctions under the law for the protection of creditors and depositors. In case of default in the National Bank term requirements to eliminate violations of the National Bank has the right to apply the following sanctions:

- 1) impose a fine on the heads of banks and other financial institutions of up to one hundred times the minimum income;
- 2) impose on banks and other financial and credit institutions penalties under provisions approved by the Board of the National Bank, but at a rate less than one percent of the amount of the registered authorized capital;
- 3) estrange leadership (chairman and chief accountant) of bank management and other financial and credit institution and appoint an interim administration;
- 4) terminate the license to carry out certain banking transactions for a period of one year.

In case of violation of laws or other regulations, which resulted in a significant loss of assets or income and the onset of insolvency of the bank or other financial institution, or caused significant damage to the interests of their clients, concealment of any accounts, documents or other assets of the National Bank shall be entitled to revoke the license to carry out all banking operations and decide on reorganization or liquidation of the Bank, appoint a liquidator.

Article 63. Restrictions requirements of the National Bank National Bank has no right to demand from banks and other financial institutions of operations and other activities not covered by laws of Ukraine and regulations of the National Bank.

Section XI

Employees of the National Bank

Article 64. status of the National Bank

Terms hiring, firing, pay, vacations, duties and rights, the system of disciplinary sanctions, social protection of employees of the National Bank by the Law of Ukraine "On Civil Service" ([3723-12](#)).

NBU employees are employees and service personnel of the National Bank. Servants are persons who are directly involved in carrying out the functions of the National Bank and hold office as provided for staff.

Employees of the National Bank of civil servants, and are subject to the rules of the Law of Ukraine "On Civil Service", if the law provides otherwise.

Question functioning civil service in the National Bank and decides the classification of the National Bank of Ukraine in accordance with the law.

The ranks of civil servants of the National Bank the first category positions are assigned by the President of Ukraine. Other ranks are assigned by the Chairman of the National Bank. The structure of the service staff of the National Bank includes employees whose duties are not directly related to the performance of the functions of the National Bank.

Wage employees of the National Bank
Board of the National Bank established under
the Law of Ukraine "On Civil Service".
Wage attendants National
Bank Board of the National Bank established pursuant to
legislation on wages.

Article 65. Prohibited activities

Governor of the National Bank, his deputies, members of the Board of
the National Bank and other employees of the National Bank in accordance
with a list of positions approved by the Board of the National Bank
may not be the people's deputies of Ukraine, members of the Government
of Ukraine to do business, to do work
part-time, in addition to teaching, research and other creative
activities.

Employees of the National Bank shall be prohibited to enter the
governing bodies and be shareholders of commercial banks and other
financial institutions.

National Bank Chairman, Deputy Chairman, members of the
Board of the National Bank and other officials of the National
Bank shall be prohibited from receiving loans from any other
credit institutions, with the exception of the National Bank.

Article 66. secrecy

Employees of the National Bank shall be prohibited to disclose
information that is proprietary secret or is confidential
in nature and was known to them in connection with their official
duties, and in the case of termination of the National Bank, except for
the cases stipulated by the legislation of Ukraine.

Chapter XII

The banking STATISTICS STATISTICS AND
BALANCE OF PAYMENTS

Article 67. Determining accountability

National Bank in order to fulfill regulatory and
supervisory functions determines the reporting forms and the procedure for
its
preparation, which are binding on all subjects
of management, including:

- 1) for banks and financial institutions located in
the territory of Ukraine (residents) - for compiling
monetary and banking statistics;
- 2) all business entities (residents and
nonresidents) - for compiling balance of payments statistics and
the implementation of exchange controls.

To banks and other subjects of entrepreneurial
activity information not subject to disclosure, except as
provided for by the legislation of Ukraine.

The requirements of this article do not apply to summary statistical
information to be published by the National Open
bank.

Article 68. Publications

In order to ensure transparency of banking
activities and balance of payments statistics, the National Bank:

- 1) published in the print of the Supreme Rada of Ukraine and the Cabinet of Ministers of Ukraine annual and quarterly balance sheets of the National Bank;
- 2) publishes a monthly statistical bulletin and journal "Bulletin of the National Bank of Ukraine ";
- 3) published in the official publications of the current banking information, information on monetary and banking statistics, which do not belong to the public and banking secrecy;
- 4) provides for the publication of information on monetary and banking statistics and statistics of the balance of payments in accordance with international agreements.

Composition information for publication in the mass media is determined by the State Statistics Committee of Ukraine in accordance with the laws of Ukraine.

The owner of the summary information on monetary and banking is the National Bank, which sets the mode of access to it in accordance with the laws of Ukraine. The use of formal banking information other bodies for a wide publishing only with the permission of the National Bank or with reference to the source of its official publication.

Chapter XIII

NATIONAL BANK AUDIT

Article 69. internal audit

National Bank supervises the activities of its business units through internal audit, which is performed Revision Office of the National Bank, directly subordinate to the President of the National Bank. Comprehensive inspections economic and financial activities of the structural units of the National Bank held at least once a year.

Article 70. External Audit

Council of the National Bank not later than 1 November of the year makes a decision on audit of the National Bank and determines the auditor that has relevant experience to check the annual report and audit report submission. NBU is obliged under the agreement concluded with the accounting firm providing accounting and contract information necessary for the audit.

As part of the State Budget of Ukraine, the analysis estimates the financial performance check of the National Bank has the Accounting Chamber.

Chapter XIV

SPECIAL PROVISIONS

Article 71. Restrictions on activities

National Bank shall be prohibited:

- 1) be a shareholder or member banks and other businesses, institutions;
 - 2) to carry out real estate activities other than those related to the functioning of the National Bank and its institutions;
 - 3) carry trade, manufacturing, insurance and other activities that are not the responsibilities of the National Bank.
- Restrictions set by the first paragraph of this Article shall not apply to:

- 1) acquisition to cover the debt of the National Bank of any rights and assets subject to their exclusion in the shortest possible time;
- 2) in cases provided for in Article 42 of this Law;
- 3) participation in the capital of other companies, institutions that provide activities of the National Bank.

Article 72. Tax regime

The National Bank shall pay taxes according to the laws of Ukraine on taxation.

Chapter XV

MISCELLANEOUS

1. This Law shall enter into force on the date of publication.
2. Council of the National Bank shall be established within two months from the date of enactment of this Act. At the time of formation of the National Bank of its functions in relation to monetary policy takes the National Bank.
3. Consider null and void:
Sections II and V of the Law of Ukraine "On Banks and Banking Activity "([872-12](#)) (Supreme Council of Ukraine, 1991, N 25, st.281);
Resolution of the Presidium of the Supreme Soviet of Ukraine "On Statute of the National Bank of Ukraine "([1605-12](#)) of 7 October 1991.

President of Ukraine Leonid Kuchma
Kyiv, May 20, 1999
N 679-XIV