



Federal Law From 02.07.2013 N 146-Fz "Amending Certain Legislative Acts Of The Russian Federation"

ARTICLE 3

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, 2003, N 2, p. 157; N 52, Art. 5032, 2004, N 31, Art. 3233, 2006, N 19, Art. 2061, 2007, N 1, Art. 9, 10, 2008, N 42, Art. 4699; N 52, Art. 6231; 2009, N 1, Art. 25; N 48, Art. 5731, 2011, N 27, Art. 3873; N 43, Art. 5973, 2012, N 53, Art. 7607) as follows:

1) in [Article 51](#) :

a) the second part in the following wording:

"The Bank of Russia has the right to apply to the central bank and (or) other foreign supervisory authority state, whose function is to bank supervision, request for information and (or) documents, including those containing information constituting bank secrecy, which they received from credit institutions, banking groups and bank holding companies and other associations involving credit institutions in During the performance of oversight functions, including inspections of their activities. As for the information, and (or) the documents received from the centralBank and (or) other foreign supervisory authority state, whose function is to bank supervision, the Bank of Russia must comply with the disclosure and the provision of documents, established by the legislation of the Russian Federation, subject to the requirements established by the legislation of a foreign state. Information and (or) documents received by the Bank of Russia from the central bank and (or) other supervisory authority of the foreign state, whose function is to bank supervision, may be grantedthird parties, including law enforcement bodies only with the consent of providing such information the central bank and (or) other supervisory authority of the foreign state, whose function is to bank supervision, the court or on the basis of a judgment rendered in the criminal case. ";

b) add the third part as follows:

"The Bank of Russia may give the central bank and (or) other supervisory authority of the foreign state, whose function is to bank supervision, they need to implement supervisory information and (or) documents, including those containing information constituting bank secrecy, which is received from credit institutions, banking groups and bank holding companies and other associations involving credit institutions in the execution of their oversight functions, including inspections of their activities, except for the information constituting a state secret. These information and (or) documents provided by the Bank of Russiacentral bank and (or) other supervisory authority of the foreign state whose function is to bank supervision, provided that the laws of a foreign state provides the level of protection (privacy) information provided by the Bank of Russia and (or)

documents no less than the level of protection (privacy) of the information and (or) documents provided by the legislation of the Russian Federation, and if the relationship information exchange and (or) documents regulated international treaties - in accordance with the terms of such contracts, and subject to failure of the central bank and (or) other supervisory authority of a foreign state to third parties, including law enforcement agencies, without the prior written consent of the Bank of Russia, except the provision of such information to the court in a criminal case. ";

2) the first part [of Article 56](#) shall read as follows:

"Article 56. Bank of Russia is a body of banking regulation and supervision. Bank of Russia constantly oversee compliance by credit institutions and banking groups of the Russian legislation, regulations of the Bank of Russia, they have set mandatory standards and (or) the Bank of Russia individual limits mandatory standards. Bank of Russia performs analysis of bank holding companies and uses the information for the purposes of banking supervision of credit institutions and banking groups belonging to bank holding companies. ";

3) in [Article 57](#) :

a) The first part shall read as follows:

"Article 57. Bank of Russia establishes mandatory rules for credit institutions conducting banking operations, accounting and reporting rules for compiling and presenting the financial (accounting) statements and statistical reports, as well as other information required by federal laws. Bank of Russia establishes mandatory rules for banking groups reporting required for the supervision of credit institutions on a consolidated basis, reporting to the Bank of Russia and the disclosure statements banking groups established by the Federal [Law](#) "On Banks and Banking Activity". Bank of Russia establishes mandatory rules for bank holding companies compiling and presenting the information necessary to evaluate the risks of the bank holding company and the supervision of credit institutions - participants of bank holding submission to the Bank of Russia and the disclosure statements of bank holding companies, the Federal Law "On Banks and Banking Activity" . In this set by the Bank of Russia rules apply to financial (accounting), statistical and other reports that are prepared for the period commencing not earlier than the date of publication of these rules. ";

b) the second part in the following wording:

"To carry out its functions, the Bank of Russia in accordance with the list established by the Board of Directors has the right to request and receive from credit institutions, head of credit institutions and banking groups, parent organizations bank holdings information on the activities of credit institutions, respectively, banking groups and bank holding companies, including information about the participants of banking groups and bank holding companies that are not credit institutions, seek clarification on the information received. ";

c) The third part deemed null and void;

4) to add Article 57.1 as follows:

"Article 57.1. Bank of Russia establishes requirements for risk and capital management, internal control, credit organizations in banking groups, as well as qualification requirements for service management leader risk, the head of internal audit, the head of internal control of credit institutions, the parent credit institution banking group. ";

5) to add Article 57.2 as follows:

"Article 57.2. Bank of Russia in the manner prescribed by the Bank of Russia normative act, assessing the quality of risk management and capital, the internal control of a credit institution, a banking group, the equity (capital) and liquidity credit institution (banking group), their compliance

with the nature and scale perpetrated by the credit institution (banking group) operations, the level and combination of risks taken, including the definition of the scope and structure of operations as criteria for such an evaluation. According to the results of the assessment in the case of non-compliance risk management and capital, internal control adequacy ratio (capital) and the liquidity of the credit institution (Banking group) with Bank of Russia requirements and (or) the nature and scale perpetrated by the credit institution (banking group) operations, and the level of risk taken by the combination of the Bank of Russia in accordance with its procedure shall send to the credit institution (parent credit institution banking group) requirement of reducing the risk management and capital, the internal control of a credit institution (banking group) in accordance with the requirements of the Bank of Russia, the nature and scale Committed credit institution (banking group) operations, the level and combination of risks taken and (or) for the establishment of a credit institution (banking group) individual limits mandatory standards. ";

6) add Article 57.3 as follows:

"Article 57.3. Bank of Russia in the manner prescribed by the Bank of Russia normative act shall be entitled to assess the system of remuneration of the credit institution, associated with the result of risk management as a whole, and in terms of remuneration of persons referred to in Article 60 of this Federal law, the head of risk management services, the head of internal audit, head of the internal control of a credit institution and other managers (employees) decision on the implementation of the credit institution and other transactions, the results of which may affect the implementation of mandatory standards for the credit institution or cause other situations threatening the interests of depositors and creditors, including the grounds for the implementation of measures to prevent insolvency (bankruptcy) of credit organizations. In the case of discrepancies remuneration system of the credit institution nature and scale of the Group's operations, the results of its operations, the level and combination of risks taken or if there is no policy of the credit institution in pay conditions for deferment and the subsequent adjustment of the size of the compensation and incentive payments to the persons specified in this article, based on the terms implementation of the results of their activities (but not less than three years), including the reduction or cancellation payments in case of a negative financial result for the whole of the credit institution or appropriate to the direction of its activities, the Bank of Russia in the order prescribed in the credit organization sends an order to eliminate the violations. ";

Zakonbase: Items 2 - 6 of Article 3 shall enter into force on 01.01.2014 (Part 2 of Article 6).

7) Article 60 shall read as follows:

"Article 60. Bank of Russia has the right to present the qualifications and requirements for the goodwill of the sole executive body, his deputies, members collegial executive body and chief accountant, deputy chief accountant of the credit organization, the head and chief accountant of the branch of a credit institution and candidates for these positions, as well as requirements for goodwill member Board of Directors (Supervisory Board) of the credit institution and candidates for these positions, individuals and legal persons acquiring more than 10 percent (holding more than 10 percent) of shares (stakes) in a credit institution or commit the transaction (s), direction (s) to establish control (supervising) in respect of shareholders (participants) of the credit institution, the person acting as sole executive body of the legal person acquiring more than 10 percent (which owns more than 10 percent) of shares (stakes) in a credit institution, the person performing the functions of the sole executive body of the legal entity executing the transaction (s), direction (s) to establish control (exercising control) in relation to shareholders (members) of a credit institution in accordance with the criteria established in Article 16 of the Federal Law "On Banks and Banking Activity".

The Bank of Russia has the right to established procedure to evaluate compliance with established Federal [Law](#) "On Banks and Banking Activity" qualification requirements and requirements for goodwill of the incumbents of the sole executive body and his deputies, members of the collegial executive body, chief accountant, deputy chief accountant of the credit institution, the head and chief accountant of the branch of a credit institution or a non- candidates for these positions, as well as the requirements for goodwill board members(Supervisory Board) of the creditorganizations and candidates for these positions, individuals and legal persons acquiring more than 10 percent (holding more than 10 percent) of shares (stakes) in a credit institution or commit the transaction (s), direction (s) to establish control (supervising) in respect of shareholders (members) of the credit institution, the person performing the functions of the sole executive body of the legal person acquiring more than 10 percent (which owns more than 10 percent) of shares (Stakes) in a credit organization, the person performing the functions of the sole executive body of the legal entity executing the transaction (s), direction (s) to establish control (exercising control) in respect of shareholders (participants) of the credit institution.

The Bank of Russia has the right to request and receive free of charge from the federal executive authorities, their territorial bodies, legal persons information to assess compliance to the goodwill of persons acting as the sole executive body, his deputies, members of the collegial executive body, chief accountant, deputy chief accountant of the credit institution, the head and chief accountant of the branch of a credit institution or candidates for these positions, as well as the requirements for goodwill member Board of Directors (Supervisory Board) of the credit institution and candidates for these positions, individuals and legal persons acquiring more than 10 percent (holding more than 10 percent) of shares (stakes) in a credit organization or commit the transaction (s), direction (s) to establish control (supervising) in respect of shareholders (participants) of the credit institution, the person performing the functions of the sole executive body of the legal person acquiring more than 10 percent (which owns more than 10 percent) of shares (shares) of the credit institution, the person performing the functions of the sole executive body of legal person committing the transaction (deal), direction (s) to establish a control (Exercising control) in respect of shareholders (participants) of the credit institution, the criteria established [in Article 16 of](#) the Federal Law "On Banks and Banking Activity".

The Bank of Russia has the right to demand the replacement of the incumbents listed in the fourth and sixth parts of [Article 11.1 of](#) the Federal Law "On Banks and Banking Activity", if not in compliance with the qualification requirements and requirements for goodwill established by [Article 16 of](#) the Federal Law "On Banks and Banking Activity". ";

8) in [Article 61](#) :

a) In the first part of the number "20" to replace the figures "10";

b) to add a new part of the following content:

"Getting the prior consent of the Bank of Russia in the manner prescribed by this article, is also required in the case of acquisition:

1) more than 10 percent of the shares of a credit institution, but no more than 25 percent of the shares;

2) more than 10 percent of the shares of a credit institution, but no more than one third of the share;

3) More than 25 percent of the credit organization, but not more than 50 percent of the shares;

- 4) more than one-third share of the credit institution, but no more than 50 percent of the shares;
- 5) More than 50 percent of the credit organization, but not more than 75 percent of the shares;
- 6) More than 50 percent of the shares of a credit institution, but no more than two-thirds of shares;

7) more than 75 percent of the credit organization;

8) more than two-thirds share of the credit institution. ";

c) consider the second part of the third part of it, and the number "20" to replace the figures "10";

g) the third part of the fourth part and consider it the number "20" to replace the figures "10";

d) the fourth part be considered part of the fifth and it figures "20" to replace the figures "10";

e) The fifth part considered part of the sixth;

g) The sixth part considered part of the seventh and it figures "20" to replace the figures "10";

h) part of the seventh and eighth considered part of it figures "20" to replace the figures "10";

and) part of the eighth and ninth considered part worded as follows:

"Bank of Russia in the framework of its supervisory functions in accordance with established procedure may:

1) request and receive information about the financial position and business reputation of businesses and individuals who purchase more than 10 percent of shares (stakes) in a credit organization, and the perpetrators of the transaction (s), direction (s) to establish control in relation to the shareholders (members) of a credit institution, about the business reputation of the person performing the functions of the sole executive body of the legal person acquiring more than 10 percent of shares (stakes) in a credit institution, the person performing the functions of the sole executive body of the legal entity executing the transaction (s) direction (s) to establish control in respect of shareholders (participants) of the credit institution, to establish requirements for the financial position and order of evaluation of goodwill of the said persons, and also has the right to refuse to consent to commit the transaction (s), direction (s) for the purchase of more than 10 percent of shares (stakes) in a credit institution and (or) to establish control in respect of shareholders (participants) of the credit institution, in case of poor financial situation facts and unsatisfactory business reputation and individual purchasers of establishing control over the shareholders (participants) of the credit institution, the facts unsatisfactory business reputation of the person performing the functions of the sole executive body of the legal person acquiring more than 10 percent of shares (stakes) in a credit institution, the person performing the functions of the sole executive body of the legal entity executing the transaction (s), direction (s) to establish control in respect of shareholders (participants) a credit institution, and other established federal laws and in According to them, Bank of Russia regulations cases;

2) to request and receive information about the financial position and reputation legal persons owning more than 10 percent of shares (stakes) in a credit institution, and (or) legal persons carrying out the controls for shareholders (participants) of the credit institution, the business reputation of the person performing the functions of the sole executive body of the shareholder (member) of the credit institution, and (or) the person performing the functions of the sole

executive body of the person in control in respect of shareholders (participants) of the credit organizations to establish requirements for financial position and order estimation of goodwill of the said persons, as well as to request and receive information on the goodwill of individuals holding more than 10 percent of shares (stakes) in a credit institution or exercising control over the shareholders (participants) of the credit institution, and set the order of evaluation of goodwill to these individuals. " ;

a) add a new part of the tenth as follows:

"In the thirty-day period following the detection of unsatisfactory financial position and (or) the facts unsatisfactory goodwill legal persons owning more than 10 percent of shares (stakes) in a credit institution or exercising control over the shareholders (participants) of the credit institution, the facts unsatisfactory business reputation of individuals holding more than 10 percent of shares (stakes) in a credit institution or exercising control over shareholders (members) of a credit institution, facts unsatisfactory business reputation of the person acting as the sole executive body legal entity - shareholder (member) of the credit institution, which holds more than 10 percent of shares (stakes) in a credit institution, the person performing the functions of the sole executive body of the legal person in control against shareholders (participants) of the credit institution, the Bank of Russia sends these persons with prescription requirement Corrective specified in this subsection disorders or decreased participation of such shareholders (Participants) in the authorized capital of up to the amount not exceeding 10 percent of shares (stakes) in a credit institution, or to commit the transaction (s), direction (s) to end controls on shareholders (participants) of a credit institution (hereinafter in this article - prescription). ";

l) to add part of the eleventh - seventeenth follows:

"Copies of the provisions of the tenth part of this Article shall be sent to the credit organization and shareholders (participants) of the credit institution in respect of which control is exercised.

Specified in paragraph ten of this Article shall be obliged to comply with the precept in a period not exceeding 90 days from the date of its receipt.

The date of receipt indicated in the tenth part of this article persons prescription and before the date of execution or cancellation specified in paragraph ten of this article shareholders (participants) have the right to vote only on the shares (stakes) in a credit organization, which shall not exceed 10 percent of shares (stakes) in a credit organization. The remaining shares (shares) held by shareholders (Participants) who violated and get a prescription, as well as belonging to shareholders (participants) for which control is exercised by persons who violate and get a prescription, are not voting and are not counted in the quorum of the general meeting of shareholders (participants) of the credit institution.

Requirement is subject to cancellation by the Bank of Russia in the case of performance requirements specified therein. Act of the Bank of Russia on the abolition of regulations to the persons specified in the tenth and eleventh parts of this article, in the prescribed manner the Bank of Russia.

Prescription form a normative act of the Bank of Russia.

The Bank of Russia has the right to seek judicial review of the decision of the general meeting of shareholders (participants) of the credit institution, taken in violation of the requirements established by the thirteenth part of this article, and the transactions made in pursuance of the decisions, if participation in the voting stocks (shares) specified in the part of the thirteenth this article,

influenced the decisions taken by the general meeting of shareholders (participants) of the credit institution.

In case of non-prescription Bank of Russia has the right to judicially demand a reduction in the authorized capital of the shareholders (participants) specified in Paragraph ten of this article, to a size not exceeding 10 percent of shares (stakes) in a credit institution, or termination of control in relation to shareholders (participants) of the credit institution. ";

m) part of the ninth considered part of the eighteenth and recognize it null and void;

n) considered as part of the tenth part of the nineteenth;

9) to add Article 61.1 as follows:

"Article 61.1. Bank of Russia to implement the control and supervisory functions in the order established by it performs actions on the processing of personal data provided by the Federal [Law](#) "On Personal Data" and inspects personal data:

1) members of the Board of Directors (Supervisory Board), the sole executive body, his deputies, members of the collegial executive body, chief accountant, deputy chief accountant of the credit institution, head, chief accountant of the branch of a credit institution;

2) Candidates for membership of the Board of Directors (Supervisory Board), the sole executive body, his deputies, members of the collegial executive body and chief accountant, deputy chief accountant of the credit institution, the head and chief accountant of the branch of a credit institution;

3) The person performing the functions of the sole executive body of the legal person acquiring more than 10 percent (which owns more than 10 percent) of shares (stakes) in a credit organization, the person performing the functions of the sole executive body of legal person committing the transaction (deal), direction (s) to establish control (exercising control) in respect of shareholders (participants) of the credit institution;

4) other employees of the credit organizations and individuals - the founders (participants) of credit organizations and individuals - the purchasers of shares (stakes) in credit organizations and individuals who commit the transaction (s), direction (s) to establish control (supervising) in respect of shareholders (participants) credit organizations and individuals - affiliated persons of credit institutions and other individuals in respect of which the Bank of Russia obtains personal data in the framework of the functions assigned to it.

For the processing of personal data referred to in the first part of this article to use the information received by the Bank of Russia in the implementation of their control and supervisory functions (including identified during inspections of credit institutions (or their subdivisions), audit organizations during inspections of credit institutions (their units), information provisional administration of credit institutions (liquidator) and their authorized representatives, other documented information.

For the processing of personal data referred to in the first part of this article to the Bank of Russia has the right to request and receive free of charge from the federal executive authorities, their territorial bodies, legal entities, the information necessary for the evaluation of goodwill indicated in this Article, in accordance with the criteria established by [Article 16 of](#) the Federal Law "On Banks and Banking Activity".

The Bank of Russia has the right to include in the published consolidated statistical and analytical information on the Russian banking system name, surname, patronymic, job titles, dates of birth, information on education, work experience over the past five years the sole executive body, his

deputies, members of the collegial executive body, chief accountant, deputy chief accountant of the credit institution, the head and chief accountant of the branch of a credit institution. ";

10) the first part of [Article 62](#), add paragraph 11 to read:

"11) the maximum risk associated with the credit institution a person (or group of related persons credit institution).";

Zakonbase: Paragraph [10](#) of Article 3 shall enter into force on 01.01.2015 ([part 3](#) of Article 6).

11) in the seventh part [of Article 62.1](#) the words "of the persons exercising significant (direct or indirect) influence on the decisions taken by their management" with the words "On persons under the control or significant influence of which they are";

Zakonbase: Paragraph [11](#) of Article 3 shall enter into force on 01.01.2014 ([part 2](#) Article 6).

12) [Article 64](#) shall read as follows:

"Article 64. Maximum exposure to a single borrower or group of related borrowers set: the credit organization - as a percentage of equity (capital) and can not exceed 25 percent of their own funds (capital); for the banking group - as a percentage of equity (capital) of the banking group and can not exceed 25 percent of own funds (capital) of the banking group.

In determining the maximum risk per borrower or group of related borrowers Liabilities are recorded person (s, belonging to a group of related borrowers) to the lending institution (banking group) and third party liability due to which the credit institution having requirements specified person (within the group of related borrowers).

A group of related borrowers for the purposes of this Federal Law recognized borrowers (legal and (or) individuals) if one of the borrowers controls or significantly influences another borrower (Other borrowers), or if the borrowers under the control or significant influence of a third party (third parties) is not (are not) the borrower (borrowers). Control and significant influence are determined in accordance with International Financial Reporting Standards, recognized in the Russian Federation.

For the purposes of this Federal Law to a group of related borrowers credit institution (banking group) are also borrowers (legal and (or) physical persons) connected so that the deterioration economic situation of one person can cause failure (inadequate performance) another person (other persons) obligations to the credit institution (banking group), particularly in view of the fact that the legal and (or) individuals provided directly or indirectly through funds received from the credit institution (banking group) under a loan agreement (loan, deposit) to another person or group of persons under the loan agreement (loan, deposit); fulfillment of the obligations of legal and (or) individuals under the Loan Agreement (Credit, deposit) before the credit organization carried out by the same third party, not the person obligated to the lending institution (banking group) under a loan agreement (loan, deposit). ";

13) to add Article 64.1 as follows:

"Article 64.1. Maximum risk associated with the credit institution a person (or group of related persons credit institution) is set as a percentage of equity (capital) and may not exceed 20 percent of the size of their own funds (capital).

Under the related credit institution legal person for the purposes of this Federal Law is a legal entity that controls a credit institution or exercise significant influence or legal person whose activities are controlled or which has a significant impact credit institution.

Under the related credit institution by an individual for the purpose of this Federal law is a natural person (His close relatives: spouse (husband), parents, children, adoptive parents, adopted children, brothers and sisters, grandfather, grandmother, grandchildren), which:

1) controls a credit institution or exercise significant influence;

2) is a member of the Board of Directors (Supervisory Board), the sole executive body, his deputy chief accountant of the credit institution, a member of the collegial executive body and the head of another (the worker), decision-makers (including collectively) on the implementation of the credit institution operations (transactions) , which may affect the results to comply with mandatory standards by the credit institution or the grounds for the implementation of measures to prevent insolvency (bankruptcy) of credit organizations.

Legal and (or) individuals associated with the credit institution in accordance with this Federal Law constitute a group of related persons credit institution, except for legal entities whose activities are controlled or which have significant impact credit institution or close relatives associated with the credit organization faces.

In determining the maximum amount of risk associated with the credit institution a person (a group of related entities with a credit institution) are considered obligations of the person (within the group of persons) to the lending institution and obligations to third parties due to which the credit institution having claims against such a person (persons belonging to the group of persons). The notion of a group of persons in determining the maximum amount of risk associated with the credit organization person (group associated with individual credit institution) is used to mean, by the Federal Law [of 26 July 2006 N 135-FZ](#) "On Protection of Competition". Normative act of the Bank of Russia determined signs of possible relatedness of person (s) with the credit organization and procedure of the Bank of Russia control over compliance by credit institutions calculating the maximum amount of risk associated with the credit institution a person (a group of related entities with a credit institution).

In order to determine the maximum amount of risk associated with the credit organization face (A group of related credit organization of persons) Banking Supervision Committee may decide to recognize the person the person connected with the credit institution (within the group associated with the individual credit institution) based on professional judgment. Banking Supervision Committee decision must contain the reasons for the recognition of the person (s) a person associated with the credit institution (within the group associated with the individual credit institution), including information about the characteristics on which the decision was made, the timing bring credit institution requirements to face (Parties), recognized the person connected with the credit institution (within the group associated with the individual credit institution), in line with the value set by the Bank of Russia on the basis hereof. For the Committee's consideration of banking supervision issue of recognition of the person (s) a person associated with the credit institution (within the group associated with the individual credit institution), Chairman of the Banking Supervision Committee shall be entitled to a binding credit institution required to provide credit institution more information.

On osnovanii solutions bankovskogo Committee oversight Bank Rossii napravlyaet kreditnoy organizations trebovanie o priznanii persons (Pers.lodging sum.Dec) litsom, svyazannym with kreditnoy organizatsiey (vhodyashtim in gruppuy svyazannyyh with kreditnoy organizatsiey Pers.lodging sum.Dec).

Credit institution within 15 working days after receipt of such request may appeal it to the President of the Bank of Russia. The statement of appeal against a credit institution must justify the absence connectedness of the person (s), in for which (are) directed requirement, with a credit

institution. Chairman of the Bank of Russia considers this application within 15 working days of its receipt by the Bank of Russia. Upon review of the application for appeal Bank of Russia Chairman of the credit institution fails or cancels the requirement.

According to the results presented by the credit organization maximum exposure to a person recognized by a person related to credit institution (within the group associated with the credit organization of persons), in line with the value set by the Bank of Russia on the basis of the present Federal Law, the credit institution shall inform the Bank of Russia. In the case of execution (partial execution) obligations to the credit institution by the person (group of persons), in respect of which was forwarded to the requirement, the credit institution shall send to the Banking Supervision Committee information on the circumstances, including a statement confirming that the performance of (partial performance) the obligation was not associated with assuming the credit institution directly or indirectly (through third parties) Risk of loss. Banking Supervision Committee shall review the information provided by the credit institution, and decides on the recognition of the credit institution to bring the maximum amount of risk a person recognized as a person connected with the credit institution (within the group associated with the individual credit institution), in line with the value set by the Bank Russia on the basis of this Federal law, or to refuse to recognize this fact. For the Committee's consideration of the issue of banking supervision Chairman of the Committee of Banking Supervisors (his deputy) shall be entitled to a binding credit institution required to provide additional information by the credit institution.

Bank of Russia regulations determined by the order of the Committee's supervisory decision on referring to a person associated with the credit organization persons (within the a group of related entities with a credit institution) based on professional judgment, order Destinations requirements of the credit institution and of consideration of the credit institution in accordance with this article. Solutions Banking Supervision Committee and the requirements specified in this Article may be appealed to the Court of Arbitration in the manner prescribed by federal law. ";

Zakonbase: Paragraphs 12 and 13 of Article 3vstupayut into force on 01.01.2015 (part 3 of Article 6).

14) The first paragraph of Article 66 after the words "credit institution", the words "banking group";

15) in Article 72 :

a) The first part shall read as follows:

"Article 72. Bank of Russia establishes methods for determining own funds (capital) and compulsory regulations of the credit institution (banking group) based on international experience, consultation with credit institutions, banking associations and unions. ";

b) the fourth part in the following wording:

"In order to determine the amount of own funds (capital) and the Bank of Russia Banking Group assesses their assets and liabilities on the basis of valuation techniques established by Bank of Russia regulations. Credit Institutions and Banking Group reflect its financial (accounting) and other reports the amount of own funds (capital), established by the Bank of Russia. ";

16) to add Article 72.1 as follows:

"Article 72.1. Bank of Russia establishes requirements for bank risk management techniques and models for quantitative risk assessment, including the quality of the models used in the data used by credit institutions in the banking groups for the purposes of valuation of assets calculation of the capital adequacy of own funds (capital) and other mandatory standards.

Credit organization, whose head offices of the banking group can take the responsibility for the application of risk management techniques banking models and quantitative risk assessment for

purposes of calculating the required standards. Banking risk management techniques and models for quantitative risk assessment apply only on the basis of authorization issued by the Bank of Russia at the request of the credit institution, the parent credit institution banking group. Order obtain a permit for the use of bank risk management techniques and models for quantitative risk assessment established by the Bank of Russia.

Quality evaluation of bank risk management techniques and models for quantitative risk assessment established regulations of the Bank of Russia.

The Bank of Russia will deny a permit if the results of the Bank of Russia estimates of banks' risk management practices and models for quantitative risk assessment they will be found not to comply with the requirements set by the Bank of Russia.

Credit institutions, the parent credit institution must comply with banking groups bank risk management techniques and models for quantitative risk assessment, the use of which have been granted permission Bank of Russia.

Significant change applied on the basis of the Bank of Russia issued permit banking risk management techniques and models for quantitative risk assessment is permitted only with the authorization of the Bank of Russia, resulting in the order established by this article. Materiality criteria changes by the Bank of Russia.

In case of non-banking risk management techniques and models for quantitative risk assessment, the application of which the Bank of Russia issued a permit, the Bank of Russia has the right to the procedure established by banking require compliance with these methods and models, and (or) to set higher values of risk parameters used to calculate the adequacy capital and (or) apply the measures provided for the first part, the third subparagraph of [paragraph 2](#) , [paragraph 6](#) of the second paragraph of Article 74 of this Federal Law.

In the event of termination of bank compliance procedures and risk management models quantitative risk assessment requirements of the Bank of Russia Bank of Russia has the right to require the procedure established by bringing these banking methods and models in accordance with the requirements of the Bank of Russia, and (or) to set higher values of risk parameters used in the calculation of capital adequacy, and (or) to apply the measures provided the first part, the third subparagraph [of paragraph 2](#) , [paragraph 6](#) of the second paragraph of Article 74 of this Federal Law.

In case of the removal or change the grounds for establishing elevated risk values the Bank of Russia decides to terminate them, and shall notify the credit institution, the parent credit institution banking group in the manner prescribed by the Bank of Russia.

At default of the credit institution, the parent credit institution banking group directed by the Bank of Russia in accordance with the requirements of this Article shall be entitled to revoke the Bank of Russia in the order prescribed allowing the use of bank risk management techniques and models for quantitative risk assessment for the purposes of calculation of capital adequacy. ";

17) [Article 73 is](#) supplemented by the seventh part as follows:

"The Bank of Russia has the right to inspect the activities located in foreign countries credit institutions that are part of banking groups and bank holding companies. Central Bank and (or) other supervisory authority of the foreign state, whose function is to bank supervision, can get access to the premises located in the territory Russian Federation credit institutions - members of banking groups, parent organizations which are foreign banks, and to information about their activities subject to the written approval of these credit institutions - members of banking groups. The results of such visits said authorities shall inform the Bank of Russia. ";

Zakonbase: Items 14 - 17 of Article 3 shall enter into force on 01.01.2014 (Part 2 of Article 6).

18) Article 74 shall read as follows:

"Article 74. In cases of violation of federal laws by the credit institution, issued in accordance with their regulations and instructions of the Bank of Russia, failure to submit information or submission of incomplete false information, failure to conduct the statutory audit, failure to disclose information about its activities and the audit report on her Bank of Russia has the right to require a credit institution to eliminate violations, to impose fines of up to 0.1 per cent of the minimum capital limit or a credit institution holding separate operations, including with the parent credit institution banking group, an umbrella organization bank holding company, members of the banking group participating bank holding company with its associated person (affiliated persons), for up to six months.

In case of failure within a period of the Bank of Russia Bank of Russia regulations to eliminate the violations identified in the credit institution, as well as if these violations committed by a credit institution or banking transactions or transactions created a real threat to the interests of its creditors (depositors), the Bank of Russia may :

- 1) to recover from the credit institution a fine of up to 1 percent of the paid- authorized capital, but not more than 1 percent minimum capital requirement;
- 2) require the credit institution:

implementation of financial rehabilitation of credit organizations, including changes in the structure of its assets;

replace those, the list of positions that are listed in Article 60 of this Federal Law, or limit the size of compensation and (or) incentive payments to these persons for a period of up to three years; the reorganization of the credit institution;

3) to introduce a ban on the credit institution of certain banking operations, provided it issued a license to conduct banking operations, including the parent credit institution banking group, an umbrella organization bank holding company, a banking group participants, participants bank holding company, with an associated person (affiliated persons), for up to one year, as well as the opening of its branches - up to one year;

4) appoint a temporary administration by a credit institution for up to six months. Appointment and the interim administration established by federal laws and regulations issued pursuant thereto Bank of Russia regulations;

5) a ban on the reorganization of the credit institution, if as a result it may create grounds for the application of measures to prevent the bankruptcy of a credit institution under the Federal Law "On Insolvency (Bankruptcy)";

6) suggest the founders (participants) of the credit institution, which alone or in force exists between them agreement or the equity of each other, or other means of direct or indirect interactions have the opportunity to influence the decisions taken by the management of the credit institution to take actions to increase its own funds (capital) to a size that ensures its compliance with mandatory standards , including by limiting the distribution of profits of the credit institution in terms of payments, entailing a reduction of their own funds (capital);

7) to introduce a limit on the interest rate that a credit institution determines the bank deposit contract concluded (delayed release) in the period of limitation, in the form of the maximum interest rate, but not less than two-thirds of the Bank of Russia refinancing rate on bank deposits in rubles and below LIBOR rates on bank deposits in foreign currency at the date of the introduction of

restrictions for up to one year. For the purposes of this provision in the interest rate calculation along with interest includes any non-interest charges, credit institution which pays investors - individuals, as well as income in kind, which the credit institution transfers to investors - individuals.

If the head offices of the banking group is penalized in connection with participation in the banking group requirements of federal laws, including not submit the information is incomplete or inaccurate information, does not carry a mandatory audit did not disclose either the consolidated financial statements and the auditor's opinion on it, the Bank of Russia may applied to the parent credit institution banking group measures provided the first part of this article. If you violate the Bank of Russia in accordance with this Federal Law mandatory standards for banking groups, the Bank of Russia has the right to apply to the parent credit institution banking group measures provided for the first part of this article.

If the head offices of the banking group does not fulfill requirements of the Bank of Russia to eliminate violations associated with participation in the banking group, or if the specified violations threaten the legitimate interests of creditors (depositors) of the credit institution, credit organizations - members of the banking group, Bank of Russia has the right to:

1) collect from the parent credit institution banking group fine of up to 1 percent of paid up capital, but not more than 1 per cent of the minimum capital;

2) ban pursuant to paragraph 3 of this Section.

To fulfill the requirements of the Bank of Russia to comply with the mandatory standards of the banking group of the parent credit business banking group takes decisions independently associated with the activities and assets of the banking group.

If the shareholder (member) of the credit institution has violated the procedure for disclosing information about persons under the control or significant influence of which is a credit institution in accordance with the Federal Law [of 23 December 2003 N 177-FZ](#) "On Insurance of Household Deposits in Russian Banks Federation ", and (or) is not fulfilled in the event grounds for implementation of measures to prevent the bankruptcy of a credit institution duties assigned to him by normative legal acts, and (or) made the transaction (deal) with the credit organization, which (who) led (led) violation by a credit institution mandatory standards, the Bank of Russia not later than 30 calendar days from the date of discovery of violation directs such shareholder (party) ordered to rectify the violation and (or) a requirement that the implementation of measures to eliminate the violation credit mandatory standards organization associated with the commission of such a (specified) transaction (s) (hereinafter - injunction on the implementation of measures), if after the violation was not more than one year. Copies of these regulations are sent to the credit institution.

Prescription Bank of Russia to eliminate the violation and (or) an order to implement the measures shall be executed by the shareholder (member) of a credit institution in a period not exceeding 45 calendar days of receipt of such an act. In case of non-shareholder (participant) of a credit institution the Bank of Russia regulations to eliminate the violation and (or) an order to implementing measures voting shareholder (member) of the credit institution at the general meeting of shareholders (participants) of a credit institution shall be suspended from the day following the specified sorokapyatidnevny period, until the day of execution or cancellation of the relevant regulations. Under the suspension of voting rights of a shareholder (participant) of the credit institution at the general meeting of shareholders (participants) of the credit institution is understood that the shares (shares) of the shareholder (member) of a credit institution voting rights are not and are not included indetermining a quorum of the general meeting of shareholders (participants) of the credit institution.

The Bank of Russia has the right to seek judicial review of the decision of the general meeting of shareholders (participants) of the credit institution and the transactions made in pursuance of the decisions in the case of voting shareholder (member) of the credit institution during the term of prescription of the seventh part of this article, if such participation influenced the decisions taken general meeting of shareholders (participants) of the credit institution.

Prescription Bank of Russia to eliminate the violation and (or) an order to implement the measures are subject to cancellation by the Bank of Russia in the case of elimination of shareholders (participants) of the credit institution identified violations of the Bank of Russia. Act of the Bank of Russia on the abolition of the Bank of Russia regulations to eliminate the violation and (or) regulations on the implementation of measures directed to the shareholder (participant) of the credit institution and the credit institution in the manner prescribed by the Bank of Russia normative act. Order of application of the measures provided for in this Article is established regulations of the Bank of Russia.

The Bank of Russia has the right to withdraw from a credit institution licensed to conduct banking transactions on the grounds stipulated by the Federal [Law](#) "On Banks and Banking Activity". Procedure for revocation of a license to conduct banking operations established regulations of the Bank of Russia.

To the credit institution can not be applied by the Bank of Russia the measures envisaged in the first - fourth paragraph of this article, if the date of the violation expired five years. The measures provided for in this Article may not be used by the Bank of Russia in connection with failure of a credit institution (its branch) provisions of documents (acts) of the Bank of Russia, are not regulations or requirements of the Bank of Russia.

The Bank of Russia may apply to the court to recover from the credit institution fines or other sanctions imposed by federal law, not later than six months from the date of preparation of the report on the detection of a violation of the number specified in part one - fourth of this Article. ";

19) in [Article 75](#) :

a) The first part shall read as follows:

"Article 75. Bank of Russia performs analysis of credit institutions (banking groups and bank holding companies) in order to identify situations that threaten the legitimate interests of depositors and creditors of credit institutions and the stability of the Russian banking system.";

Zakonbase: Subparagraph "a" of paragraph 19 of Article 3 shall enter into force on 01.01.2014 ([Part 2](#) of Article 6).

b) add the third part as follows:

"To prevent these situations in this article Bank of Russia maintains a database on persons holding positions referred to in Article 60 of this Federal Law (candidates for these positions), other employees of the credit organizations and of other persons whose activities contributed to damage the financial position of the credit institution or violations of laws of the Russian Federation and the Bank of Russia regulations. Conduct of business specified database established by the Bank of Russia. In order to maintain a database of the Bank of Russia has the right to request information from the federal executive authorities, their territorial bodies, legal entities. ".