

Republic of Moldova
PARLIAMENT
Law Nr. 599
of 06.11.1991
on the State National Bank of Moldova
(Moldovan Banca Națională)

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Repealed by LP548-XIII of 21.07.95, MO56-57/12.10.95 art.624

MODIFIED

LP 125-XIII from 05.27.94, MO3/02.09.94 art.26

LP 884-XII of 01.23.92, MO1/30.01.92 art.22

LP 1202-XII of 19.11.92, MO11/30.11.92

Chapter I

GENERAL PRINCIPLES

Article 1. State National Bank of Moldova -

Moldova's central bank

National Bank of Moldova State (hereinafter - the National Bank) is the central bank of the Republic of Moldova. Being the sole issuer of the state, it establishes and monitors the application of Moldova monetary policy, credit, foreign exchange, insurance prudential supervision and monitoring of the work of other banks. National Bank is responsible only to Parliament and its duties in accordance with this law, independently of the executive. National Bank presents the Moldovan government settlement balances in quarterly reports. (Article 1 - as amended by Law No. 125-XIII RM 5/27/94)

Article 2. NBM - legal one. National Bank is the legal entity and functions under this Act and its statutes, approved by the decision of the Parliament of Moldova. Ștampila include State Emblem of the Republic of Moldova and the name "National Bank". 2. The headquarters of the National Bank of Moldova is Chisinau - the capital city. National Bank may open branches, subsidiaries and representative offices in other cities in Moldova and abroad. 3. Moldovan Government is not liable for the obligations of the National Bank and the National Bank is not liable for the obligations of the Government. (Article 2 - as amended by Law No. 125-XIII 05/27/94 RM)

Article 3. Acts regulations of the National Bank of Moldova in January. National Bank, within its competence, issues regarding banking legislation (decisions, regulations, rules, instructions) mandatory for all banks and other credit institutions, businesses, operating in the Republic of Moldova and beyond authorized the National Bank to conduct banking operations. 2. Actele regulations of the National Bank shall enter into force on their

publication and in some cases - in the manner and within the time limits set by the bank. 3. Normative acts of the National Bank shall be published in official editions are broadcast on radio and television, is transmitted by telegraph, dispatched interested bodies. 4. Normative acts of the National Bank shall not be published and may be appealed to arbitration. 5. Normative acts adopted by the National Bank shall be included in the State Register of Legal Acts of the Republic of Moldova. (Article 3 - as amended by Law No. 125-XIII RM 5/27/94)

Article 4. main tasks of the Bank of Moldova National Tasks main National Bank are: ensuring stability and strengthening of the national currency, organization and implementation of monetary issuance, development and implementation of monetary, credit and currency in accordance with the laws of the republic, providing liquidity and credit control of commercial banks and the their work, lending the state and preserving its heritage.

Article 5. Funds National Bank 1. National Bank has an authorized capital, which serves to ensure its obligations. 2. Increase or decrease of authorized capital of the National Bank shall be approved by the Moldovan Parliament on the government's proposal NBM. 3. National Bank can to build up various funds (reserves and others). The constitution and the use of funds provided in its Statute.

Article 6. resources NBM 1. National Bank resources are made up of: a) own funds (authorized capital of rezervă, insurance, risk, undistributed income and other means), b) reserve funds of various commercial banks, which necessarily keeps the National Bank, c) other funds and funds. 2. Moldovan Parliament, the National Bank governor's proposal confirms the annual distribution of the bank in accordance with its Statute. Size NBM benefit to be received in the Republican budget is set annually by Parliament together with the Law on the State Budget. (Article 6 - as amended by Law No. 125-XIII 05/27/94 RM)

Article 7. Administration National Bank Financial 1. Exercițiul National Bank is year coincides with the calendar year. I have the same financial year and commercial banks in Moldova. National Bank of Moldova to the Parliament until April 1, reporting, profit and loss, as well as key indicators banking centralized banking system (to analyze the state of the economy, the banking system, financial markets, monetary cooperation other countries, as well as other data on the operations of the Bank). NBM reported monthly Budget and Finance Committee of the Parliament about its work. 2. Report of the National Bank shall be confirmed by an auditing committee appointed by the Parliament. 3. National Bank establishes unique rules on commercial banks' balance sheets, the management accounting and control their performance. 4. By exercising the functions entrusted to the National Bank participating in the economic policy of the Government of Moldova within the powers provided for in this Law. 5. National Bank supports the Government of Moldova economic measures if they do not contradict the exercise of its functions as an institution that guarantees stability and purchasing power of the currency. (Article 7 - as amended by Law No. 125-XIII RM 27/05/94)

Chapter II

MONETARY SYSTEM OF THE REPUBLIC OF MOLDOVA

Article 8. general provisions

include monetary system monetary unit of the Republic of Moldova official cash settlement currency issuance and account (deposit), regulating monetary circulation, credit, and foreign relations.

Article 9. monetary unit of the Republic of Moldova in January. National currency is the leu Moldova (Moldovan). 1 leu = 100 bani. 2. National Bank determine the types of assets and payment documents, the securities, which may run in Moldova. 3. The use of foreign currency as legal tender in the Republic of Moldova

is allowed only hoărărea National Bank, which determines the exchange rate, and how their sphere of circulation. (paragraph 1 of

Article 9 - the wording of the Law of RM 23.01. 92 No 884-XII)

Article 10. signs show money one. National Bank has the exclusive right to circulate and remove all signs of circulation of money in Moldova. 2. Signs show money is made in the form of notes (banknotes) and coins. Banknotes and coins are guaranteed by the assets of the bank and mass merchandise on the territory of Moldova. 3. The nominal value of banknotes and coins issued by the National Bank, and their signs dinstinctiv dimensions (drawing) are determined by the National Bank. 4. Size limit reimbursable loans granted state budget is determined by Parliament. 5. Provisions of law relating to lost or stolen bearer securities are not applicable to notes issued by the National Bank. 6. Counterfeit banknotes and coins is punishable by law. (Article 10 - as amended by Law No. 125-XIII 05/27/94 RM)

Article 11. organization money circulation signs 1. National Bank, according to its statutes, held signs making money we establish value, nominal money how to replace old signs and destruction, sets the rules of transportation, storage and collection of monetary signs, training and use of the reserve cash. 2. National Bank provides commercial banking banknotes and coins on scontării and reescontării effects Omerta (drafts), promissory notes (checks), drafts, based on the provision of credit and purchase of foreign currency. 3. Nacionaal Bank of Moldova sets the main rules of the house operations, which comply with commercial banks.

Chapter III

REGULATION OF OPERATIONS

MONETARY AND CREDIT

Article 12. monetary circulation Leadership

National Bank, as the central bank of issue, regulate the volume and structure of the total money in circulation. By total money supply, under the Law data, understand signs in cash (banknotes and coins) in circulation and deposit money in accounts of legal entities and citizens, other monetary obligations of banks.

Article 13. Evidence debt one. State debt commitments represented Moldova in its own currency or Atrain. 2. Routing and internal and external debt servicing shall be performed by the Treasury together with the National Bank, which runs operations Location loans and borrowings of state and government securities, the payment of interest to them and depreciation.

Article 13 1 . Develop Balance of Payments Foreign State 1. National Bank develop the balance of payments of the state for a certain period (quarter, year) and to the Parliament, the Government and relevant bodies of state administration. Form of balance of payments approved by the state Department of Statistics jointly with the National Bank. 2. Ministry of Finance, Ministry of Economy, Department of Statistics, Department of Customs Control National Bank presents the information necessary for the execution, analysis and forecasting of the balance of payments of the country. Statistical forms of presenting information on the balance of payments is compiled by the state Department of Statistics jointly with the National Bank. 3. Statistical information necessary for the execution, analysis and forecasting external balances of the state, which is lacking in the banking system and the central bodies of state administration may be required from economic operators carrying out foreign economic activity. National Bank provides them with secret information presented. 4. For refusal to submit the requested information, submitting it on time, presenting erroneous or incomplete submission persons of responsible administrative or criminal liability as provided by law. 5. National

Bank publishes annual balance of payments to the State. (Article 13 1 . - as amended by Law No. 125-XIII RM 05/27/94)

Chapter IV

INTERNAL BUSINESS BANK

NATIONAL OF MOLDOVA

Article 14. operations with banks

National Bank has the right:

- a) to grant loans to refinance commercial banks under contract with them. Granting credits operators directly or through commercial banks is prohibited.
- b) to acquire, retain and sell securities issued by the Government, stocks and bonds issued by companies and other securities;
- c) portfolio rediscounted bills bills, promissory notes, drafts offered by commercial banks in terms established by the National Bank of Moldova,
- d) to acquire, maintain and sell foreign currency and foreign currency payment instruments proposed by Moldovan banks and foreign,
- e) open for credit institutions in the Republic of Moldova and foreign correspondent accounts and other accounts, to regulate the order of their record keeping if they do not set a different way of calculating mutual ,
- f) to regulate through accounts opened in his accounts clearing and settlement between banks and other credit institutions.
- g) to cash checks, bills and other settlement documents, securities and their coupons. (Article 14 - the amended by Law No. 125-XIII RM 5/27/94)

Article 15. operations with securities, foreign exchange and precious metals Foreign National Bank procures and sells in the market at market prices: - securities referred to in paragraph "b"

Article 14 of this Law; - Gold and other precious metals, foreign currencies. Moreover National Bank receives for holding securities, precious metals and other valuables.

Article 16. operations with state budget in January. The republican budget and local budgets are kept in accounts in the National Bank and commercial banks. 2. Taxes and revenues received from taxpayers accounts republican budget and extrabudgetary funds accounts in commercial banks at the end of the working day shall be transferred to the account of the State Treasury National Bank. For each day of delayed remittance banks pay 5% of the amount of funds paid late. 3. The state budget and extra-budgetary funds are kept in accounts in the National Bank and commercial banks, they can be used as credit resources. Commercial banks transferred to the budget for use with a reduced rate of 5% interest rate National Bank refinancing loans under contracts between the Ministry of Finance and Banking.

(Article 16 - as amended by Law No. 125-XIII RM 27/05/94)

Chapter V

ACTIVITY FOREIGN BANK

NATIONAL OF MOLDOVA

Article 17. External Functions

1. National Bank of Moldova show interests in relations with other central banks, international banks and other financial organizations and lending.

Moreover it may:

- a) receive Government loans to foreign banks and international and other lending financial organizations,
- b) provide loans and loans to foreign banks and inter-national lending organizations etc.,
- c) conclude with their contracts and other contract correspondence,
- d) perform other operations in accordance with the statute.

2 . National Bank participates in the regulation of the use of foreign loans granted to the state.

Article 18. course to national monetary unit of currency units of foreign states in January. National Bank sets the exchange rate of the currency unit issued by it against the currency of foreign states. 2. National Bank supports the market's monetary unit with procurement and purchasing operations convertible foreign currencies. 3. National Bank manages the official exchange reserves of the Republic of Moldova and currency control body.

Article 19. Issuance of permits for the Perform- ing foreign operations 1. Permits for commercial operations with foreign bank shall be issued by the National Bank of Moldova in accordance with the Law "On Banks and Banking Activity". 2. National Bank may introduce restrictions on commercial banks to attract foreign loans loan within national foreign policy.

Chapter VI

regulating BANKS

COMMERCIAL IN MOLDOVA

Article 20. principles of mutual relations of the Bank

of Moldova National banks commercial matters

1. National Bank activities contribute to the creation of the general conditions of operation of the network banks and the introduction of competition principles banking honest.

2. For the purposes of avoiding monopolies in banking sphere, the National Bank has the right to prohibit signing contracts, agreements and other actions aimed at creating dominant positions in the money market, financial or foreign exchange and unfair competition legal entities and natural persons in câștigării order of priority.

3. National Bank intervenes in operative commercial banks. Regulatory and control of the National Bank of Moldova are limited by this law and are directed towards supporting the stability of the monetary and credit, to protect the interests of creditors and depositors bank.

Article 21. Issue of licenses for carrying out banking operations in January. National Bank issues licenses for banking operations in accordance with the Law of the Republic of Moldova "On Banks and Banking Activity". Licenses for banking operations issued three înmărire paid minimum wage. 2. National Bank keeps track of permits issued in the register (list) Registration of Banks in Moldova. (Article 21 - as amended by Law No. 125-XIII RM 05/27/94)

Chapter VII

ORGANIZATIONAL STRUCTURE

Article 22. governing body of the Bank

of Moldova National

1. The governing body of the National Bank's Board of Directors.
2. The Board consists of nine people who have a deliberative vote. Chairman of the Board is the Governor of the Bank. (paragraph 2 of

Article 22, as amended by Law RM 1202-XII of 19.11.92) 3. National Bank Governor is appointed by the Parliament for a term of seven years, at the proposal of the President of the Republic of Moldova, of the citizens of the Republic of Moldova, is subordinated only Moldovan Parliament participates in the Governmental Advisory vote. 4 . Governor directs all activities of the National Bank of Moldova, the Moldovan Parliament accountable to the way in which tasks are performed incumbent National Bank in accordance with this Law and its status, is the National Bank of the Republic and abroad. May. Composition of the Board of Directors, the way it works, appointment and removal of its members are established by National Bank of Moldova. 6. Appointments, withdrawals and revocations of appointments shall be published in the official organ of the Parliament of Moldova "Country's" Official Gazette of the Parliament and periodic bulletin of the National Bank of Moldova.

Chapter VIII

OFFICERS NATIONAL BANK OF MOLDOVA

Article 23. Rights and obligations of officials

of the National Bank of Moldova

in January. Conditions of employment and civil issue, remuneration, obligations, disciplinary officials of the National Bank are determined by the Board of Directors in accordance with the Statute of the National Bank.

2. National Bank officials are not entitled to cumulate features work by agreement, receive amounts of money from organizations and individuals (excluding fees for publications and teaching in educational institutions), to enter into business relationships with banks and private businesses. Failure to comply with this paragraph shall entail termination of the individual employment contract.

3. National Bank officials receive banking services to the bank within the limit set by the Board. (Article 23 - as amended by Law No. 125-XIII RM 27/05/94)

Chapter IX

banking secrecy

Article 24. Confidentiality in Banking

1. National Bank officials have no right to disclose secrets relating to banking and other information disservice.

2. Bank officials guilty of trade secret disclosure or transmission of state secrets or other material liable in the amount of loss to the bank and state and administrative responsibility by imposing a fine of 1 to 3 months' salary if the laws do not provide for other measures.

three. Information about the operations and accounts of legal persons or other organizations may be given to organizations, courts, investigative bodies, arbitration bodies, auditing committee, finance bodies only with the approval of the Board.

CHAPTER X

THE BANKING SUPERVISION

Article 25. supervisory functions of the Bank

of Moldova National

1. National Bank is the state of supervising commercial banks and other credit institutions, the compliance of these banking legislation and the requirements of normative acts of the National Bank of Moldovei.Ea is the only state agency authorized to oversee currency transactions concluded by banks and other credit institutions established for this purpose binding mode of presentation of reports on them.

2. Commercial banks and other credit institutions are required to submit National Bank records and information on banking, economic, financial and enforcement regulations of the National Bank for forms and deadlines established by it.

3. Control of banking and financial-economic commercial banks and other credit institutions are carried by that service of the National Bank or the National Bank commissioned by another organization censors.

4. Commercial banks and other credit institutions are required to submit, at the request of the inspection organization, balance, plans, reports and other documents required for control.

5. Resolution adopted by the National Bank under the control results can be appealed to the courts or to arbitration.

6. Supravagherea Moldovan banks operating abroad is performed by the National Bank in cooperation with the banking supervisory authorities of the countries concerned.

7. Information on the foreign banks operating in the Republic of Moldova can be provided banking supervisory authorities of those countries only in terms of reciprocity. (Article 25 - as amended by Law No. 125-XIII RM 5/27/94)

Article 26. norms mandatory economic one. In order to ensure financial situation - stable money banks and protect the interests of creditors and depositors, banks in Moldova are obliged to comply with the following economic regulations established by the National Bank of Moldova: a) the correlation of own funds and assets and liabilities of the bank; b) correlation between the insurance company's own funds and the total amount of credit offered and provided, c) the maximum size of loans a borrower, d) the liquidity of the bank balance, e) reserve requirements. 2. National Bank may establish minimum standards for banks' own resources (capital plus reserves deposited) on: a) loans offered, investments and other assets, b) passive c) other balance sheet

items. 3. National Bank publishes key indicators listed in the balance sheet. 4. Banks are not allowed without the consent of the National Bank: a) to reduce the size of their means, using the statutory capital and reserves distributed among shareholders, b) to purchase packs checkers control actions (50% plus one share) of joint stock companies; c) to unite with non-banking organizations, d) to deal with operations and investments in real mediation. 5. National Bank, responding to appeals by registered banks in writing, authorize or prohibit for 45 days carrying out the actions mentioned above. 6. Refusing to be motivated by the interests of the banking or real bank customer. 7. National Bank in cooperation with the Ministry of Finance of Moldova causes the formation of reserve funds income insurance and banks to cover potential losses. 8. National Bank has the right to issue rules prohibiting or restricting certain operations tipuri, provide size limits and other conditions for their realization that such measures are aimed at supporting the stability of the monetary and credit, to protect the interests of investors, creditors and bank owners . (Article 26 - as amended by Law No. 125-XIII RM 05/27/94)

Chapter XI

FINAL

Article 27. Penalties

1. In case of violation of banking regulations or of this Act, the National Bank shall prescribe the period and other conditions for removing infringements.

2. In the event of systematic breach of the Regulations, the provisions of this Act or the National Bank in the event of deployment actions that threaten the interests of creditors and depositors of the bank, the National Bank has the right:

a) to put those issues to shareholders or founders of the adoption of measures to improve and restructure the bank,

b) to require changing bank manager or appoint a temporary administration,

c) withdraw the activity,

d) take other measures provided by law:

- for non groundless by the exchange in the course of economic norms set by the National Bank - of up to 0.5% of the size of capital;

- order banks opening branches and representative offices in the Republic of Moldova without informing preventive National Bank Moldova - of up to 0.1% of the amount of statutory capital and for their openness outside the Republic of Moldova without the consent of the National Bank - of up to 0.5% of the size of capital;

e) amend norms of payments adjustment fund and other funds of credit resources of banks,

f) for exceeding credit investments relative to the bank's lending resources to collect the entire Republican budget income earned from granting loans without credit resources necessary and a fine of 100% of income,

g) for breach of paragraph 4 of

Article 26 of this Law, to collect from the bank's correspondent account in the budget of income from such activities, and fine 100% of income,

h) for switching losses unilaterally by the bank through a memorial order means that were on the account of the client, if these losses are not provided for in the contract between the parties, to collect customer for a penalty of 1% per day means missing out on the customer's account written off;

3. Fines referred to in paragraph 2 may be collected by arbitration or judicial. (Article 27 - as amended by Law No. 125-XIII 05/27/94 RM)

Article 28. Operations National Bank are subject to commercial law to the extent that it does not contrary to the Law "On Banks and Banking Activity" and this Act.

Article 29. acts loan entered into by the National Bank is enforceable. In case of finding irregularities entire remaining debt payment without observing other formalities, financial or judicial organs of the state are required to execute the National Bank claim only on the basis of a notification from the National Bank.

Article 30. If the borrower fails to honor its commitments, the National Bank has the right to conduct partial or total sale of securities and that they were given in guarantee, within three days after a mere notice by extrajudicial act . Bank recovers its capital advances, interest and expenses net product from sale. Any excess is returned to the loan.

Article 31. NBM can perform some operations for third parties only if they will submit the documents they deem necessary. If necessary it may require collateral.

Article 32. NBM capital reserve fund, precious metal ingots and coins, precious and semiprecious stones and technological facilities owned or imported raw materials Mint State and Printing NBM are not taxable (in manufacturing coins). NBM is exempt from stamp duty and any other charges for transactions you make.

Article 33. payments for any errors in accounts or records holders National Bank of Moldova liable only up to the amount wrongly paid or credited, as well as the penalties that shall be paid to the state budget holder for the cases provided by law, unless it is shown that these errors fault occurred holders. Liability National Bank ceases, unless notified by a complaint in writing before the deadline established and communicated to the Account Holder. Claims against the National Bank are subject to the limitation provided by law.

Article 34. National Bank has the right to participate directly or indirectly owned in any company or autonomous except his own ticket printing businesses bank and mint coins.

Article 35. NBM can not buy other realty than that which is necessary for its operation and personnel needs.

Article 36. NBM publishes a regular bulletin concerning money and credit. Balance sheet and income statement shall be published as soon as they are confirmed by an auditing committee and adopted by the Board of Directors of the Bank. PRESIDENT OF THE REPUBLIC OF MOLDOVA Mircea Snegur Chisinau, 11 June 1991. Nr. 599 - XII.