

THE NATIONAL BANK OF THE REPUBLIC OF BELARUS
THE RESOLUTION OF THE BOARD

December 22, 2015, No. 761

Minsk

On establishing the forms of an application for, and a certificate of, entering into the register of forex companies, and on approval of the Instruction on the procedure of formation and keeping of the register of forex companies

(as amended by Resolutions of the Board of the National Bank of the Republic of Belarus No.219 dated April 27, 2016, No. 142 dated March 23, 2018)

By virtue of paragraph two of Part one and Part four of Clause 4, paragraphs two and three of Clause 17 in Edict of the President of the Republic of Belarus No. № 231 dated June 4, 2015 “On Carrying out Activities in the Over-the Counter Forex Market”, the Board of the National Bank of the Republic of Belarus RESOLVES:

1. The following forms shall be established:
 - 1.1.an application for entering into the register of forex companies according to Annex 1 to this Resolution;
 - 1.2.a certificate of entering into the register of forex companies according to Annex 2 to this Resolution;
2. The enclosed Instruction on the procedure of formation and keeping the register of forex companies shall be approved.
3. This Resolution shall come into effect from March 7, 2016.

Chairman of the Board

P.V. Kallaur

Annex 1
to Resolution of the Board
of the National Bank
of the Republic of Belarus
December 22, 2015 No. 761
(as amended by the
Resolution of the Board of the
National Bank of the Republic
of Belarus dated March 23,
2018, No.142)

Form

APPLICATION
for entering into the register of forex companies

Full name of a legal entity				
Abbreviated name of a legal entity				
Payer's Identification Number (hereinafter "UNP")				
Daye of the state registration				
Name of the registration authority				
Location		Mailing address		
index		index		
region		region		
district		district		
population center		population center		
street		street		
building, block, office, room		building, block, office, room		
Contact telephone				
Fax number				
e-mail address				
Official web-site				
Amount of the generated authorized capital, thousand Belarusian roubles				
Amount of monetary contribution to the generated authorized capital, thousand Belarusian roubles				
in particular, contributed by:				
residents*				
nonresidents*				
Amount of non-monetary contribution to the generated authorized capital, thousand Belarusian roubles				
Data on the head of a legal entity				
Position name				
Surname		Contact telephone		
First name, patronymic (if any)		Place of residence		
Data on an identity document (document type, number and date of issue, identification number, name of the issuing authority)				
Education (name of the educational establishment, number and date of issue of degree certificates, specialty, qualification)				
Data on a chief accountant (accountant) or other person engaged in legal entity's accounting				
Surname		Contact telephone		
First name, patronymic (if any)		Place of residence		
Data on an identity document (document type, number and date of issue, identification number, name of the issuing authority)				
Data on the head of a legal entity's organization unit engaged in internal control				
Position name				
Surname		Contact telephone		
First name, patronymic (if any)		Place of residence		
Data on an identity document (document type, number and date of issue, identification number,				

name of the issuing authority)	
Education (name of the educational establishment, number and date of issue of degree certificates, specialty, qualification)	
Data on employees of a legal entity's organization unit engaged in internal control	
Surname, first name, patronymic (if any)	Place of residence, data of an identity document, name of the educational establishment, number and date of issue of degree certificates, specialty, qualification
Data on founders (members) of a legal entity*	
Surname, first name, patronymic (if any) of a natural person; name (full, abbreviated) of a legal entity	For natural persons: resident (nonresident) of the Republic of Belarus, place of residence, data of an identity document, contact telephone; For legal entities: resident (nonresident) of the Republic of Belarus, UNP (for residents), Legal Entity Identifier, LEI (if any, for nonresidents), registration authority, date of the state registration, location, mailing address, e-mail address, web-site, contact telephone
Information on additional types of activities of a legal entity	
Consultancy services related to activities in the over-the-counter forex market (indicate the types)	
Implementation of educational programs in the field of conducting transactions in non-deliverable over-the-counter financial instruments (training courses, public lectures, workshops, practical courses, trainings, other types)	

* The terms "resident" and "nonresident" shall have the meanings defined in Clauses 7 and 8 of Article 1 in the Law of the Republic of Belarus dated July 22, 2003 "On Currency Regulations and Currency Control" (National Register of Legal Acts of the Republic of Belarus, 2001, No. 85, 2/978).

** Should a founder (member) of a legal entity applying for entering into the register of forex companies be a founder, member, manager or other official of any other legal entity, foreign one including, engaged in activities in the over-the-counter forex market or banking or microfinance or any other financing activities, additional information on founders (members) shall be indicated per each founder (member) as per Annex to the application.

We apply for entering into the register of forex companies.

We hereby confirm that:

the submitted Articles of Association meet the requirements established by the legislation of the Republic of Belarus for legal entities of this organizational and legal form;

information contained in documents submitted for entering into the register of forex companies, application including, is reliable;

no proceeds of crime were used for generation of the authorized capital of _____

(full name of a legal entity)

Enclosure:

(position)

(signature)
Seal***

(initials, surname)

_____ 20__

*** If the application is submitted on paper, the legal entity may affix a seal.

Annex
to an application for entering
into the forex company register

Additional information on founders (members)

(surname, first name, patronymic (if any) of a founder (member) or a full name of a legal entity

Name of a legal entity where the founder (member) of a legal entity applying for entering into the register of forex companies is (was) all at the same time a founder (member), manager, other official (hereinafter "another legal entity")		
Capacity of the founder(member) in another legal entity:		
founder (member)		
manager		
other official		
Period of a founder (member) being in the capacity of a founder (member), manager, other official of another legal		
Residency indicator (resident, nonresident) of another legal entity		
Code of the country of establishing (incorporation) of another legal entity according to the National Classifier of the Republic of Belarus OKRB 017-99 "Countries of the World" approved by Resolution of the State Committee of the Republic of Belarus for Standardization, Metrology and Certification No. 8 dated June 16, 1999 "On Approval, Enactment, Amendment and Cancellation of State Standards, Classifiers, and Guideline Documents"		
Location of another legal entity		
UNP of another legal entity		
Legal Entity Identifier (LEI) of another legal entity		
Data of the state registration of another legal entity		
Types of activities of another legal entity		Number and date of a special permit (license), other authorization document
activities in the over-the-counter forex market		
banking		
microfinance		
other financing activities (investment activity including)		

CERTIFICATE No. _____
of entering into the register of forex companies

(date of issue)

This is to certify that _____
(full name of a legal entity)

has been entered into the register of forex companies.
Identification code _____ has been assigned.

Vice Chairman of the Board
of the National Bank
of the Republic of Belarus

(signature)
Seal

(surname, initials)

APPROVED

Resolution of the Board
of the National Bank
of the Republic of Belarus
December 22, 2015. No. 761
(as amended by the Resolution
of the Board of the National
Bank of the Republic of
Belarus dated March 23, 2018,
No.142)

INSTRUCTION**on procedure of formation and keeping of the register of forex companies**

**ARTICLE 1
GENERAL PROVISIONS**

1. This Instruction establishes the procedure of formation and keeping of the register of forex companies (hereinafter “the Register”).
2. For the purposes of this Instruction, forex companies shall be deemed legal entities mentioned in paragraph two Part one of Clause 1 in Edict of the President of the Republic of Belarus No. 231 dated June 4, 2015 “On Carrying out Activities in the Over-the-counter Forex Market” (National Legal Internet Portal of the Republic of Belarus, June 06, 2015, 1/15836).
3. The Register shall be kept by the National Bank of the Republic of Belarus (hereinafter “the National Bank”) on electronic media.
4. The following shall be indicated in the Register:
 - 4.1.number and date of the certificate of entering into the Register of forex companies (hereinafter “the certificate”);
 - 4.2.identification code assigned to a forex company;
 - 4.3.number and date of a decision on removing a forex company from the Register;
 - 4.4.information on a forex company:
 - name (full and abbreviated);
 - payer’s identification number;
 - date of the state registration of a legal entity;
 - name of the authority which has registered a legal entity;
 - location;
 - mailing address, contact telephone number, fax, e-mail address, official web-site;
 - legal entity’s statutory fund amount;
 - data on the head, chief accountant (accountant);
 - data on the head and employees of an organization unit engaged in internal control;
 - data on the founders (members) of a legal entity;
 - information on cessation, suspension, renewal of activities in the over-the-counter forex market;
 - information on loss of a certificate and issue of a duplicate;
 - information on decisions (requests, directives) within control over activities in the over-the-counter forex market.
5. The Register shall be published on the official web-site of the National Bank for free access, with due regard to applicable requirements of the laws on information, IT-based management and data protection.

**ARTICLE 2
INFORMATION ENTERING INTO THE REGISTER**

6. To be entered into the Register, documents provided for by Clause 2.12⁷ of the Unified List of administrative procedures implemented by the state bodies and other organizations in

respect of legal entities and individual entrepreneurs, approved by Resolution of the Council of Ministers of the Republic of Belarus No. 156 dated February 17, 2012 (National Register of Legal Acts of the Republic of Belarus, 2012, No. 35, 5/35330), shall be submitted by a legal entity to the National Bank.

7. The documents submitted to the National Bank on paper and consisting of more than one sheet shall be tied, numbered and signed by an authorized person. A note indicating the quantity of numbered and tied sheets in the document, certified by the signature of a head or authorized person, shall be placed on the reverse side of the last sheet of the document consisting of more than one sheet.
8. An application for entering into the Register of forex companies (hereinafter referred to as “the application”), submitted to the National Bank on paper, shall be made in duplicate and delivered to the National Bank by an authorized person by hand or sent by registered mail. The first copy of the application with enclosed documents shall be submitted to the National Bank, the second copy bearing the National Bank’s note of receipt shall be kept by the legal entity (when delivered by hand) or shall be sent to the legal entity by registered mail (when delivered by registered mail).
An application in an electronic form shall be submitted through the Unified Portal of E-Services in accordance with Clause 6 of Article 14 of the Law of the Republic of Belarus dated October 28, 2008 “On Principles of Administrative Procedures” (National Register of Legal Acts of the Republic of Belarus, 2008, No. 264, 2/1530).
9. The National Bank considering applications shall make one of the following decisions in accordance with Article 24 of the Law of the Republic of Belarus “On Principles of Administrative Procedures”:
 - on denial of an application receipt;
 - on entering a legal entity into the Register and issue of a certificate;
 - on denial of entering a legal entity into the Register.
10. A decision on denial of an application receipt shall be made by the National Bank in cases provided for by Part two of Clause 4 in Edict of the President of the Republic of Belarus No. 231 dated June 4, 2015.
11. The National Bank shall make a decision on denial of entering the legal entity into the Register in cases provided for by Part six of Clause 4 in Edict of the President of the Republic of Belarus No. 231 dated June 4, 2015.
12. After making a decision on entering the legal entity into the Register, the National Bank shall assign, to such legal entity, an identification code which is a unique five-character code enabling to identify the forex company when it submits accounting or other information to the National Bank, and shall issue a certificate within three business days from making a decision on entering such legal entity into the Register.

The certificate may be served to the forex company as an electronic document by sending through the Unified Portal of E-Services (if an application is submitted in an electronic form) or as a paper document by sending it as a registered letter by mail or handing it over to an authorized person. If the certificate is sent in an electronic form, the official seal impression is not required.
13. Should an administrative decision on denial of an application receipt or on denial of entering a legal entity into the Register be made, such legal entity shall be notified in compliance with Article 27 of the Law of the Republic of Belarus dated October 28, 2008 “On Principles of Administrative Procedures”.

ARTICLE 3
AMENDING THE REGISTER, REMOVAL FROM THE REGISTER

14. The National Bank shall amend the Register in case of change of information indicated by a legal entity in its application.
15. Should any information indicated in the application change (except for information on appointment and dismissal of a forex company head, employees of an organization unit engaged in internal control, including the head of such unit), an application for amending the Register with enclosed copies of documents (when necessary) confirming such changes shall be sent by the forex company to the National Bank within ten business days.
16. Should any information on appointment and dismissal of a forex company head, as well as employees of an organization unit engaged in internal control, including the head of such unit, change, a notification of amending the Register with enclosed copies of documents provided for by paragraph five Part one of Clause 4 in Edict of the President of the Republic of Belarus No. 231 dated June 4, 2015 shall be sent by such forex company to the National Bank within five days from appointment or dismissal of such mentioned persons.
17. Should any data indicated in the certificate change, a new certificate shall be issued by the National Bank within three business days from amending the Register. The certificate previously issued shall be returned to the National Bank by hand by the authorized person of a forex company or sent by registered mail within thirty calendar days from applying for amending the Register.
18. Should a certificate be lost, a forex company shall, within ten business days from loss of such certificate, apply to the National Bank for issue of a duplicate certificate stating the reason of loss. The National Bank shall issue a duplicate certificate within five business days from applying for a duplicate certificate. Information on loss of a certificate and issue of a duplicate shall be entered into the Register.
19. The National Bank shall remove a forex company from the Register on the grounds provided for by Part eight of Clause 4 in Edict of the President of the Republic of Belarus No. 231 dated June 4, 2015, and shall notify the forex company thereof in writing, stating the grounds for removal, within three business days from making such decision.
20. Should a decision on removal of a forex company from the Register be made by the National Bank, the certificate shall be subject to return to the National Bank by the forex company's authorized person by hand or by registered mail within three business days from receipt of the notification of removal of such forex company from the Register.