

NATIONAL BANK OF THE REPUBLIC OF BELARUS

RESOLUTION OF THE BOARD

22 June 2015 № 376

Minsk

On some issues of effecting money transfers
(as amended by the Resolution of the Board of the National Bank dated 16 February, 2018, No.63)

On the basis of the provisions of paragraphs twenty, twenty six of Article 26 and part one of Article 39 of the Banking Code of the Republic of Belarus the Board of the National Bank of the Republic of Belarus hereby RESOLVES to:

1. Approve the Instructions on money transfers.
2. The following documents are declared to be null and void:

Resolution of the Board of the National Bank of the Republic of Belarus of 2 June 2004 № 87 "On approving the Instructions on the procedure of effecting money transfers via private payment systems" (National Register of legal acts of the Republic of Belarus, 2004 , № 104, 8/11130);

Resolution of the Board of the National Bank of the Republic of Belarus of 20 September 2010 № 395 "On introducing amendments and supplements in/to the Instructions on the procedure of effecting money transfers via private payment systems" (National Register of legal acts of the Republic of Belarus, 2010 , № 265, 8/22901);

Resolution of the Board of the National Bank of the Republic of Belarus of 20 December 2014 № 794 "On introducing amendments and supplements in/to the Instructions on the procedure of effecting money transfers via private payment systems" (National Register of legal acts of the Republic of Belarus, 01.01.2015, 8/29447).

3. This Resolution shall be effective from 7 September 2015.

P.V.Kallaur

Chairman of the Board

APPROVED
Prime Minister of the
Republic of Belarus

A.V.Kobyakov
22.06.2015

APPROVED
Chairman of the State Control
Committee of the Republic of
Belarus

L.V.Anfimov
22.06.2015

APPROVED BY

Resolution of the
Board
of the National Bank
of the Republic of Belarus

22.06.2015 № 376

INSTRUCTIONS on money transfers

CHAPTER 1 GENERAL PROVISIONS

1. These Instructions determine the procedure of effecting by banks, non-bank credit and financial institutions of the Republic of Belarus, by their standalone and structural subdivisions (hereinafter referred to as “the banks”) money transfers in Belarusian roubles and in foreign currencies via money transfer systems.

2. For the purposes of these Instructions the below terms are used in the following meanings:

Interbank Money Transfer means a money transfer effected within one bank;

Domestic Money Transfer means a money transfer effected within the territory of the Republic of Belarus ;

Money transfer system owner means a bank or legal entity– nonresident determining terms and conditions and regulations of a money transfer system operation and exercising other functions on ensuring the money transfer system operation;

Money Transfer means electronic transfer of money not related to entrepreneurial business under which one of the parties or both are individuals;

Processing Centre’s Informative Message means an electronic message generated in a money transfer system and containing the required money transfer data;

International Money Transfer means a money transfer effected from the Republic of Belarus abroad or to the Republic of Belarus from abroad;

Remitter means an individual or a legal entity for the account of whom/which a money transfer is effected;

Remittee means an individual or a legal entity to the advantage of whom/which a money transfer is effected;

Remitter's (Remittee's) Representative means an individual authorized by a Remitter (Remittee) to send (receive) a money transfer against a document certifying his/her authority;

Processing Centre means a bank or a legal entity-nonresident, authorized by a money transfer system owner to procure operation thereof in accordance with the established regulations or which is a money transfer system owner;

Money Transfer System means an aggregate of regulations, procedures, software programs and hardware facilities and telecommunication systems employed by an owner and participants to a money transfer system while effecting money transfers;

Money Transfer Parties mean a Remitter and a Remittee;

Money Transfer System Participants mean a Processing Centre, banks, legal entities-nonresidents entitled by the laws of states of their residence to effect money transfers and which have signed agreements on participating in a money transfer system.

For the purposes of these Instructions the norms applied to a legal entity shall also cover a bank, an individual entrepreneur, a lawyer, practicing advocacy individually, a notary.

The terms "resident" and "nonresident" are used in the meanings set out in Article 1 of Law of the Republic of Belarus of 22 July 2003 "On Currency Regulation and Currency Control" (National Register of legal acts of the Republic of Belarus, 2003, № 85, 2/978).

The terms "electronic document", "electronic document authenticity", "electronic document integrity" and "Digital Signature" are used in the meanings set out in Article 1 of the Law of the Republic of Belarus of 28 December 2009 "On Electronic Document and Digital Signature" (National Register of legal acts of the Republic of Belarus, 2010, № 15, 2/1665).

The terms "remote banking system", "electronic message" are used in the meanings set out in the Instructions on bank transfers approved by Resolution of the Board of the National Bank of the Republic of Belarus of 29 March 2001 № 66 (National Register of legal acts of the Republic of Belarus, 2001, № 49, 8/5770; the National legal Internet portal of the Republic of Belarus, 20.01.2013, 8/26794).

3. The Banks which are owners and/or participants to money transfer systems shall carry out their activities and bear responsibility in accordance with the agreements signed thereby and pursuant to the requirements set forth by the legislation of the states-participants of money transfer systems.

4. The banks which are owners of money transfer systems shall within at least 15 calendar days prior to effecting money transfers submit to the National Bank of the Republic of Belarus (hereinafter referred to as "the National Bank") the following documents:

copies of the documents certifying a bank's authority as a money transfer system owner;

copies of the documents of a money transfer system owner governing the money transfer system operation (hereinafter referred to as “the Money transfer system regulations”);

data on a money transfer system structure with the specification of a description, a Processing Centre place of business, informative message communication schemes and movement of funds.

5. The banks which are the members of money transfer systems shall within at least 15 calendar days following signature of an agreement on participating to a money transfer system submit to the National Bank the following documents:

a copy of an agreement on participating in the money transfer system;

data on the money transfer system structure with the specification of a description, a Processing Centre place of business, informative message communication schemes and movement of funds.

The National Bank shall be entitled to additionally request from banks-members of money transfer systems regulations on such money transfer systems.

The documents set out herein shall be submitted in one of the state languages of the Republic of Belarus or in a language of an original document translated into one of the state languages of the Republic of Belarus.

6. The Banks shall:

in the event that any amendments and/or supplements are introduced to the documents specified in Clause 4 and 5 above submit copies of relevant documents to the National Bank within at least 15 calendar days following a day when such any amendments and/or supplements become effective. When introducing any amendments and/or supplements to the money transfer system regulations, copies of relevant documents shall be submitted by a bank-member of a money transfer system at the request of the National Bank to submit money transfer system regulations;

within at least 15 calendar days following termination, suspension, renewal of effecting money transfers advise the National Bank of it in writing.

7. The data on the banks effecting money transfers, as well as on the money transfer system operating in the Republic of Belarus shall be placed on the official site of the National Bank on the Internet.

8. The banks with due account of statutory requirements to the data, informatization and data protection shall place data on money transfer systems and terms and conditions of effecting money transfers as per the Annex hereto at customer service points, on official sites of banks, on the Internet and/or in the mass media (electronic data inclusive) in one of the state languages of the Republic of Belarus, and, if applicable, in the languages of the countries demonstrating most popular directions for effecting money transfers.

9. The banks shall quarterly at least on a 13th day of a month following the reporting one submit to the National Bank the data on communicated and settled money transfers, terms and ways of effecting thereof as per the information technology developed by the National Bank.

CHAPTER 2 PECULARITIES OF EFFECTING MONEY TRANSFERS BY REMITTERS (REMITTEES)

10. Money transfers shall be effected on account of Remitter's monetary funds:

cash paid by a Remitter - an individual to bank's cash desk unless it contradicts to money transfer system regulations, or by Remitter's representative;

debited by a Remitter - an individual from his/her account opened with a bank, who is the owner and/or a member of a money transfer system;

transferred by a Remitter-a legal entity from its account opened with a bank, which is the owner and/or a member of a money transfer system.

Upon receipt of a money transfer monetary funds may be:

dispensed in cash to a Remittee - an individual or to Remittee's representative unless it contradicts to a money transfer system regulations;

credited to a bank account of a Remittee - an individual who is the owner and/or a member of a money transfer system;

credited to a current (settlement) bank account opened with a bank, which is the owner and/or a member of a money transfer system.

Monetary funds shall be received and paid by banks in accordance with the Instructions on arranging cash operations by banks and non-bank credit and financial institutions of the Republic of Belarus approved by Resolution of the Board of the National Bank of the Republic of Belarus of 21 December 2006 № 211 (National Register of legal acts of the Republic of Belarus, 2007, № 55, 8/15627).

Monetary funds shall be debited from remitters' accounts and/or credited to remitees' accounts with due account of the provisions contained herein, money transfer system regulations and the Instructions on bank transfers.

11. The grounds for effecting a money transfer shall be a transfer request (a transfer receipt request), executed in one of the state languages of the Republic of Belarus on a paper carrier or executed in the form of an electronic document (an electronic message) by a Remitter (a Remittee) or a representative thereof, provided such procedure is specified herein and in the money transfer regulations. The specification of data in such transfer request (a transfer receipt request) shall be allowed in Latin transcription.

Such transfer requests (a transfer receipt requests) shall be generated and transmitted by means of the remote banking system according to a relevant agreement signed between a bank and a Remitter (a Remittee).

Such transfer requests (a transfer receipt requests) on a paper carrier may be executed by a bank provided a Remitter (a Remittee) or a representative thereof submits the data set out in Clauses 12 – 15 below followed by verification of their specification in such request.

When effecting the international (interbank) money transfers as a transfer request (a transfer receipt request) there may be examined the documents certifying cash acceptance (dispense) and containing the details specified in Clauses 12 – 15 below, in the cases set out by the money transfer system regulations.

12. A type and form of a transfer request (a transfer receipt request) shall be executed in accordance with the money transfer system regulations with due account of the requirements set out herein. A number of copies of a transfer request (a transfer receipt request) shall be fixed by a bank except as otherwise expressly provided in the money transfer system regulations.

A transfer request (a transfer receipt request) should contain the following binding details:

- a corporate name of a bank for which such transfer request (transfer receipt request) is intended;

- a country to which an international money transfer is transmitted (a receiving country);

- details of a Remitter (Remittee), set out in Clauses 13 and 14 below;

- details of a representative of a Remitter (Remittee) when preparing a transfer request (a transfer receipt request) is executed by such representative of a Remitter (Remittee): a family name, given name, patronymic (if any), place of residence and/or place of temporary residence, details of a document certifying identity;

- a money transfer amount;

- a money transfer currency;

- confidential data communicated by a Remitter to a Remittee as per Clause 22 below, when executing a transfer receipt request;

- a money transfer purpose.

13. In a money transfer request the following data should be specified in the details of an individual-Remitter, in a transfer receipt request in the details of an individual-Remittee:

- a family name, given name, patronymic (if any) of an individual;

- his/her place of residence and/or a place of temporary residence;

- details of a document certifying identity in accordance with the Law of the Republic of Belarus of 30 June 2014 "On actions to be taken to prevent legitimization of the proceeds of crime and the financing of terrorism and

financing the weapons of mass destruction proliferation“ (the National legal Internet portal of the Republic of Belarus, 03.07.2014, 2/2163) or, where money is debited from or credited to an individual’s account, an account number with a bank which is the owner and/or a member of a money transfer system. In the event that when effecting money transfer a bank payment card is used a transfer request (a transfer receipt request) should contain a number of such bank payment card in place of such account number.

The following details should be specified in a money transfer request in the details of an individual-Remittee, in a transfer receipt request in the details of an individual-Remitter: a family name, given name, patronymic (if any) of an individual.

A transfer request (a transfer receipt request) may contain: a family name, given name, patronymic (if any) of an individual who is a Remitter (Remittee), as well as a money transfer purpose in Latin transliteration provided it is provided for in the money transfer system regulations.

Where a Processing Centre’s informative message in the data on a Remittee contains not detail “Patronymic” such detail may not be specified in a transfer receipt request of an individual who is a Remitter (a Remittee).

14. The following details should be specified in a money transfer request in the details of a legal entity-resident which is a Remitter, in a transfer receipt request in the details of a legal entity-resident which is a Remittee:

full corporate name of such legal entity;

a number of a current (settlement) bank account of such legal entity-resident to be debited (credited) under a money transfer;

a corporate name and BIC of a bank with which a current (settlement) bank account of such legal entity is opened.

A money transfer request in the details of a legal entity- non-resident which is a Remittee, in a transfer receipt request in the details of a legal entity-non-resident which is a Remitter should contain a corporate name of such legal entity- non-resident.

15. In the cases set out in part fourteen of Clause 8 the Law of the Republic of Belarus ”On actions to be taken to prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation“ in a money transfer request (a transfer receipt request) other data are specified.

A money transfer request (a transfer receipt request) may contain other data provided for in the money transfer system regulations.

16. In the event that the money transfer system regulations do not allow to specify separate details in a money transfer request (a transfer receipt request) provided for in Clauses 12 – 15 above such details shall be specified in another document determined by a bank.

17. A money transfer request (a transfer receipt request) shall be signed in the procedure set out in the Instructions for bank transfer services for payment instructions. If a legal entity executes a request on paper, it may certify it by the seal.

18. A Remitter shall exercise control over receipt of money by a Remittee except as otherwise expressly provided in the money transfer system regulations or in a relevant agreement between a bank and a Remitter.

In the event of fail to receive funds by a Remittee a Remitter shall be entitled to the following provided it is set out in the money transfer system regulations:

- revoke a money transfer from the money transfer system;
- amend details of a money transfer.

CHAPTER 3 PROCEDURE OF EXECUTION OF MONEY TRANSFER REQUESTS (TRANSFER RECEIPT REQUESTS) BY BANKS

19. When accepting a money transfer request (a transfer receipt request) for execution a bank in the cases set forth by the legislation of the Republic of Belarus may require to submit supplementary documents (data) required for performing the functions of a currency control agent, as well as for complying with the requirements of Law of the Republic of Belarus "On actions to be taken to prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation", in other cases set out in the money transfer system regulations.

A procedure of keeping such documents shall be determined by a bank with due account of the requirements set forth by the legislation of the Republic of Belarus and the money transfer system regulations.

20. A money transfer request (a transfer receipt request) shall be accepted by a bank for execution provided:

- a money transfer request (a transfer receipt request) is executed in accordance with the requirements set out herein;

- a representative of a Remitter (a Remittee) has submitted a document certifying his/her authority provided such money transfer has been transmitted (received) by him/her as required by the money transfer system regulations;

- the details of a money transfer request (a transfer receipt request) of an individual executed on a paper carrier match those specified in an identity document of an individual who has signed such;

- signature of officials of a legal entity – resident appearing in a money transfer request (a transfer receipt request), executed on a paper carrier match the declared specimen signatures;

there are confirmed the integrity and genuineness of a money transfer request (a transfer receipt request) executed in the form of an electronic document, or a person who signed an electronic notification has been identified;

the data specified in a Processing Centre's notification are identical with those specified in a transfer receipt request;

a money transfer request (a transfer receipt request) is attached the documents set out in Clause 19 above.

A money transfer request (a transfer receipt request) accepted for execution is tagged in the procedure set out in the Instructions on bank transfers for payment instructions.

21. A money transfer request (a transfer receipt request) in the form of an electronic document (an electronic message) not accepted for execution shall be cancelled. A Remitter (a Remittee) shall be communicated an electronic message with specification of a reason of nonacceptance thereof for execution.

22. When transmitting a money transfer a bank shall communicate to a Remitter (a representative thereof) confidential data required for such Remitter (a representative thereof) to be paid money, provided such requirement is set out in the money transfer system regulations.

Such confidential data shall be:

communicated by a Remitter (a representative thereof) to a Remittee (a representative thereof) independently;

submitted by a Remittee (a representative thereof) to a bank to be paid money under a money transfer;

should not be disclosed to any third parties.

23. A money transfer request (a transfer receipt request) tagged by a bank shall be a document certifying the fact that a money transfer has been transferred (received).

A supporting document shall be issued (communicated) by a bank to a person who has signed a money transfer request (a transfer receipt request).

In an agreement signed between a bank and a Remitter (Remittee), the bank may set another document or a way of certifying the fact that a money transfer has been transferred (received).

24. A bank shall deny a person who has signed a money transfer request (a transfer receipt request) to execute a money transfer in the event of a failure to submit the data and documents required for identifying such person in the cases and procedure set forth in the Law of the Republic of Belarus "On actions to be taken to prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation".

Annex
to the Instructions on Money Transfers

List of Data
on money transfer systems and terms and conditions for effecting money
transfers

1. Description of the money transfer systems by means of which a bank effects money transfers.
2. The countries to which/from which money transfers are effected.
3. A minimum and maximum sum of a money transfer, provided such sum is fixed in the money transfer system regulations and/or set forth by the legislation of the countries in the territory of which a money transfer is effected.
4. The ways of providing monetary funds for transmitting a money transfer (by way of paying cash or debiting a relevant account, remote banking inclusive).
5. The ways of receiving money under a money transfer (dispensing cash from a bank's cash office or crediting a Remittee's account).
6. A currency in which a money transfer may be effected.
7. A size of remuneration for effecting a money transfer collected from a Remitter (a Remittee).
8. Dates fixed for effecting money transfers.
9. The documents (data) to be submitted by a Remitter (Remittee) of a money transfer.
10. The data on a money transfer which a Remitter is to secretly advise to a Remittee.
11. The terms of refunding money to a Remitter not called by a Remittee or erroneously credited (paid) by a bank.
12. Complementary services rendered by a bank under a bank transfer.
13. Other data on a bank transfer.