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Instruction on the reporting of certain foreign exchange operations by the licensed banks, DCA of the NBM no.11 of January 22, 2009

Note: The translation is unofficial, for information purpose only

Published in the Official Monitor of the Republic of Moldova no.47-48 of March 03, 2009, Art.178

Registered
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no.654 of February 21, 2009

COUNCIL OF ADMINISTRATION OF THE NATIONAL BANK OF MOLDOVA

DECISION no.11
of January 22, 2009

on the approval of the Instruction on the reporting of certain foreign exchange operations by the licensed banks

Pursuant to Articles 11, 51 and 52 of the Law on the National Bank of Moldova no.548-XIII of 21 July 1995 (Official Monitor of the Republic of Moldova, 1995, no.56-57, Article 624), with further amendments and completions, Article 67 of the Law on foreign exchange regulation no.62-XVI of 21 March 2008 (Official Monitor of the Republic of Moldova, 2008, no.127-130, Article 496), the Council of Administration of the National Bank of Moldova

DECIDED:

1. To approve the Instruction on the reporting of certain foreign exchange operations by the licensed banks (see attached).
2. To abrogate:
 - a) on 21 March 2009 – the Instruction on the annual reports that reflect certain banks' operations in foreign currency, approved by the Decision of the Council of Administration of the National Bank of Moldova no.269 of 14 October 1999 (Official Monitor of the Republic of Moldova, 1999, no.116-117, Article 203), with further amendments and completions;
 - b) on 11 March 2009 – the Instruction on the compilation of the report on foreign currency purchase/sale operations, performed by the bank on the foreign exchange market, and the balances of the accounts in foreign currency of the banks' clients, approved by the Decision of the Council of Administration of the National Bank of Moldova no.157 of 25 December 1997 (Official Monitor of the Republic of Moldova, 1999, no.36-38, Article 122), with further amendments and completions.
3. The last reporting according to the provisions of the instructions referred to in item 2 of this Decision shall be made as follows:
 - a) in case of the reports regulated by the instruction referred to in item 2 letter a) of this Decision – the reports for 2008 shall be submitted until 1 February 2009;
 - b) in case of the report regulated by the instruction referred to in item 2 letter b) of this Decision – the report for February 2009 shall be submitted until 10 March 2009.
4. Banks shall additionally submit to the National Bank of Moldova, until 20 March 2009, the reports for January and February 2009 in accordance with the forms and their procedure of compiling, established by the instruction referred to in item 2 letter a) of this Decision (except for the Report on guarantees in foreign currency accepted and granted by the bank), the period of reporting being the respective reporting month.

5. The first reporting according to the provisions of the instruction referred to in item 1 of this Decision shall be made as follows:

- a) for the reports on a monthly basis – for the reporting period of March 2009;
- b) for the report on a quarterly basis – for the reporting period of Quarter I, 2009.

**Chairman
of the Council of Administration**

Leonid TALMACI

Annex to
the Decision of the Council of Administration
of the National Bank of Moldova no.11 of January 22, 2009

**Instruction
on the reporting of certain foreign exchange operations
by the licensed banks**

Amended by:

DCA of the NBM no.231 of 15.10.2009, Official Monitor of the Republic of Moldova no.180 of 08.12.2009, Art.817.

DCA of the NBM no.257 of 17.11.2011, Official Monitor of the Republic of Moldova no.227-232 of 23.12.2011, Art.2102

DCA of the NBM no.214 of 20.09.2012, Official Monitor of the Republic of Moldova no.222-227 of 26.10.2012, Art.1275.

DCA of the NBM no.19 of 31.01.2013, Official Monitor of the Republic of Moldova no.42-47 of 01.03.2013, Art.248.

DCA of the NBM no.168 of 19.08.2013, Official Monitor of the Republic of Moldova no.213-215 of 27.09.2013, Art.1464.

DCA of the NBM no.5 of 23.01.2014, Official Monitor of the Republic of Moldova no.60-65 of 14.03.2014, Art.349.

DCA of the NBM no.179 of 18.09.2014, Official Monitor of the Republic of Moldova no.319-324 of 24.10.2014 Art.1505.

DCA of the NBM no.260 of 04.12.2014, Official Monitor of the Republic of Moldova no.372-384 of 19.12.2014, Art.1894.

DCA of the NBM no.87 of 05.11.2015, Official Monitor of the Republic of Moldova no.340-346 of 18.12.2015, Art.2638.

DEC of the NBM no.47 of 02.03.2016 (in force as of 30.06.2016), Official Monitor of the Republic of Moldova no.59-67 of 18.03.2016, Art.433.

Preamble is excluded by the Decision of the NBM no.257 of 17.11.2011

Chapter I. General provisions

1. The Instruction on the reporting of certain foreign exchange operations by the licensed banks (hereinafter referred to as the Instruction) shall use the notions defined in the Law on foreign exchange regulation no.62-XVI of 21 March 2008 (Official Monitor of the Republic of Moldova, 2008, no.127-130, Article 496) with further amendments and completions (hereinafter referred to as the Law no.62-XVI of 21.03.2008). For the purpose of this Instruction, the following notions shall also be used:

a) foreign exchange loans and credits – loans and credits in foreign currency between residents, loans and credits in foreign currency and in Moldovan Lei between non-residents and residents, as well as the loans and credits indexed to foreign currency exchange rate;

b) loans and credits indexed to foreign currency exchange rate – loans received /credits granted in Moldovan Lei, which balances, according to the terms established in the credit agreement, change depending on the evolution of exchange rate of the Moldovan Leu against the foreign currency to which it is indexed;

(Item 1 amended by the Decision of the NBM no.5 of 23.01.2014)

(Item 1 amended by the Decision of the NBM no.257 of 17.11.2011)

2. For the purpose of this Instruction, legal entities shall also mean the persons specified in Article 3 paragraph 9) items b), d) - g) and paragraph 10) items b), d) - i) of the Law on foreign exchange regulation no.62-XVI of 21 March 2008.

(Item 2 amended by the Decision of the NBM no.257 of 17.11.2011)

3. This Instruction regulates the procedure of compiling and submission to the National Bank of Moldova of the following reports, which reflect certain foreign exchange operations performed by the licensed bank, including those performed upon clients' order:

(Letter a) excluded by the Decision of the NBM no.257 of 17.11.2011)

b) report "Foreign currency purchase and sale operations performed by the licensed bank" (Annex no.2);

c) report "Foreign exchange loans and credits of the licensed bank" (Annex no.3);

(Letter d) excluded by the Decision of the NBM no.19 of 31.01.2013)

(Letter e) excluded by the Decision of the NBM no.5 of 23.01.2014)

f) report "Licensed bank's operations with cash in foreign currency and traveller's cheques in foreign currency" (Annex no.6);

g) report "Loans/credits related to direct investments in the Republic of Moldova received by the licensed bank" (Annex no.7);

h) report "Operations according to the loan/credit contracts related to direct investments in the Republic of Moldova received by the licensed bank" (Annex no.8);

i) report "Foreign securities of the licensed bank" (Annex no.9);

(Letter j) excluded by the Decision of the NBM no.47 of 02.03.2016)

k) report "Average bid rates and average ask rates of major foreign currencies of the foreign exchange bureaux of the licensed bank" (Annex no.11) ;

l) report „Cash imported/exported in/from the Republic of Moldova by banks" (Annex no.12).

(Item 3 amended by the Decision of the NBM no.47 of 02.03.2016)

(Item 3 amended by the Decision of the NBM no.87 of 05.11.2015)

(Item 3 amended by the Decision of the NBM no.179 of 18.09.2014)

(Item 3 amended by the Decision of the NBM no.168 of 19.08.2013)

(Item 3 amended by the Decision of the NBM no.214 of 20.09.2012)

(Item 3 supplemented by the Decision of the NBM no.231 of 15.10.2009)

4. The reports shall be compiled and submitted by the licensed banks to the National Bank of Moldova in order to perform analysis of the situation on the foreign exchange market of the Republic of Moldova, as well as of assessing the potential risks associated with capital flows. The reports shall also be used for the purpose of supervision of the licensed banks' exposure to the counterparty risk related to the funds invested by banks in securities.

(Item 4 amended by the Decision of the NBM no.47 of 02.03.2016)

(Item 4 supplemented by the Decision of the NBM no.214 of 20.09.2012)

5. The reports shall be compiled in accordance with the forms referred to in the annexes to this Instruction.

6. The reports shall be compiled on the basis of bookkeeping data of the licensed bank, unless otherwise is specified in the procedure of compiling the respective report.

7. The amounts in Moldovan Lei and in foreign currency shall be indicated in the reports in integer numbers, unless otherwise is specified in the procedure of compiling the report.

(Item 7 supplemented by the Decision of the NBM no.168 of 19.08.2013)

(Item 7 amended by the Decision of the NBM no.231 of 15.10.2009)

7¹. In the event when the code of the national currency/foreign currencies shall be indicated in the report, their numeric codes in accordance with the ISO 4217 shall be indicated.

(Item 7¹ inserted by the Decision of the NBM no.214 of 20.09.2012)

8. The reports shall include the information on the foreign exchange operations performed by all the subdivisions of the licensed bank, except for the bank's branches opened abroad.

9. Unless otherwise specified in the procedure of compiling the respective report, the information related to legal entities reflected in the reports shall also include the respective information that refers to the persons mentioned in item 2 of this Instruction.

9¹. Unless otherwise is specified in the procedure of compiling the respective report, the amounts shall be reflected in reports according to the face value, namely without adjustments to the amortized cost and allowances for impairment losses, if any.

(Item 9¹ inserted by the Decision of the NBM no.214 of 20.09.2012)

Chapter II. Term and form of report submission

10. The reports referred to in items 3 letters b), c), f), i) and l) of this Instruction shall be compiled monthly and submitted to the National Bank of Moldova not later than the 10th of the month following the reporting period.

(Item 10 amended by the Decision of the NBM no.47 of 02.03.2016)

(Item 10 amended by the Decision of the NBM no.87 of 05.11.2015)

(Item 10 amended by the Decision of the NBM no.19 of 31.01.2013)

(Item 10 amended by the Decision of the NBM no.214 of 20.09.2012)

(Item 10 amended by the Decision of the NBM no.257 of 17.11.2011)

(Item 11 excluded by the Decision of the NBM no.5 of 23.01.2014)

11¹. The report referred to in item 3 letter g) of this Instruction shall be submitted to the National Bank of Moldova not later than the 10th of the month following the month in which the loan/credit agreement related to the direct investment in the Republic of Moldova or amendments thereto was signed.

(Item 11¹ inserted by the Decision of the NBM no.231 of 15.10.2009)

11². The report referred to in item 3 letter h) of this Instruction shall be submitted to the National Bank of Moldova not later than the 10th of the month following the month in which operations under the loan/credit agreement related to the direct investments in the Republic of Moldova were performed.

(Item 11² inserted by the Decision of the NBM no.231 of 15.10.2009)

12. In the event when the date of 10 is a non-working day, the reports shall be submitted on the next working day.

12¹. The report referred to in item 3 letter k) shall be submitted to the National Bank of Moldova daily (except for non-working days), not later than 10:00 AM of the reporting day.

(Item 12¹ inserted by the Decision of the NBM no.179 of 18.09.2014)

13. The reports shall be submitted in electronic form according to the Instruction on the procedure of submission to the National Bank of Moldova by banks of the reports in electronic form, approved by Decision of the Council of Administration of the National Bank of Moldova no.132 of 17 July 2008 (Official Monitor of the Republic of Moldova, 2008, no.157-159, Article 447).

14. Along with the report referred to in item 3 letter g) of this Instruction submitted to the National Bank of Moldova in electronic form, the licensed bank shall submit an accompanying letter to which the following documents shall be attached in paper form: the photocopies of the original loan/credit contracts related to the direct investments in the Republic of Moldova, received by the licensed bank, and, where appropriate, the photocopies of the original amendments thereto, the information on which was included in the respective report. In case when the agreement is modified by other contracts (e.g. contract on assignment of claims, debt assumption contract), the photocopies of the respective original contracts shall be submitted as well.

The photocopies of the loan/credit contracts related to the direct investments in the Republic of Moldova, including amendments thereto, and the photocopies of modifying contracts thereof shall be submitted to the National Bank of Moldova only once, along with the report in which these documents were reflected for the first time.

(Item 14 inserted by the Decision of the NBM no.231 of 15.10.2009)

(Annex no.1 excluded by the Decision of the NBM no.257 of 17.11.2011)

[Annexes](#) ^[1]

See also

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