

FEDERAL LAW
NO. 72-FZ OF MAY 31, 2001
ON AMENDING THE LAW OF THE RUSSIAN FEDERATION
ON CURRENCY REGULATION AND CURRENCY CONTROL

Adopted by the State Duma April 18, 2001
Approved by the Federation Council May 16, 2001

Article 1. The following amendments are hereby introduced in [Law](#) of the Russian Federation No. 3615-1 of October 9, 1992 on Currency Regulation and Currency Control (Vedomosti S' ezda Narodnykh Deputatov Rossiiskoi Federatsii i Verkhovnogo Soveta Rossiiskoi Federatsii, item 2542, No. 45, 1992; Sobranie Zakkonodatelstva Rossiskoy Federatsii, item 1, No. 1; item 3461, No. 28, 1999):

1. In [Article 1](#):

[Item 2](#) shall be set forth as follows:

"2. "Securities Denominated in Russian Currency" payment documents (cheques, bills of exchange and other payment documents), issue securities (in particular, shares and bonds), securities, issue securities derivatives (in particular notes of deposit), options bearing a right to purchase issue securities and other debentures denominated in Russian currency.";

[Subitem "b" Item 4](#) shall be set forth as follows:

"b) securities denominated in a [foreign currency](#), payment documents (cheques, bills of exchange and other payment documents), issue securities (in particular shares and bonds), issue securities derivatives (in particular notes of deposit), options bearing a right to purchase issue securities and other debentures denominated in a foreign currency;";

[Subitem "d" Item 9](#) shall be set forth as follows:

"d) non-trading transfers to the Russian Federation and out of the Russian Federation, in particular including the following:

the disbursements of wages/salaries, grants, pensions, alimony, state benefits, allowances and compensation and also the disbursements of damages for harm inflicted to an employee as the result of an accident or vocational disease;

payment towards expenses relating to an employee's business trip abroad;

payments connected with the acceptance of an inheritance;

payments relating to a burial;

the disbursement of monetary compensation to victims of political repression, the members of their families and heirs;

payment for the acquisition and construction of buildings outside Russia's territory for the needs of diplomatic missions, consular institutions and Russia's permanent missions with international interstate (inter-governmental) organisations;

funds allocated for maintaining diplomatic and other official missions of the state abroad;

payments relating to notarial and investigative actions, payments relating to court and arbitration costs, the payment of reimbursement of arbitration and administrative bodies' expenses and also the state duty paid in connection with such actions and court hearings;

the disbursement of monies under the judgements, decisions and rulings of courts, investigative and other law-enforcement bodies;

payment for participation in international congresses, symposia, conferences, sports and cultural events and also other international meetings, exhibitions and fairs, save investment expenses and other material costs;

payment for the education/training of citizens of one state in educational institutions of another state, the medical treatment of citizens of one state in the medical and preventive institutions of another state;

the disbursement of royalties;

contributions/dues to international public associations;

expenses relating to actors' performing tours;
the other currency transactions enumerated in the list established by the government of the Russian Federation.";

Items 12 and 13 of the following wording shall be added:

"12. "Freely convertible currency" is a foreign currency specified in Item 3 of the present article, which is exchanged, without restriction, for the currency of another foreign state as current currency transactions are being accomplished.

13. For the purposes of the present Law payment terms are counted, when goods export-related settlements are effected, beginning from the date when the exported goods cross the customs border of the Russian Federation."

2. The following paragraphs shall be added to Item 2 Article 5:

"Residents may have accounts denominated in a foreign currency, which is not a freely convertible currency, in banks outside the territory of the Russian Federation for the purpose of effecting settlements under international construction subcontracts concluded with subcontractors performing specific types of works (services), settlements relating to the purchase of goods required for performance under said subcontracts and settlements with specialists who are Russian nationals sent on a business trip effected under these subcontracts. The residents shall notify the tax bodies at the place of their registration of the opening of said accounts under said subcontracts and shall provide monthly reports to these tax bodies on the movement of cash on these accounts, with bank account statements being attached thereto.

For the purposes of the Law a "foreign currency not being a freely convertible currency" means a foreign currency specified in Item 3 Article 1 of the present Law which cannot be exchanged, without restrictions, for the currency of another foreign state when current currency transactions are being accomplished.

A foreign currency shall be classified as a currency not being a freely convertible currency, and also the procedure for opening the accounts specified in Paragraph 2 of the present item and for the provision of information on these accounts shall be, as specified by the Central Bank of the Russian Federation."

3. In Item 2 Article 6:

a new Paragraph 2 of the following wording shall be added: "In such a case the following currency transactions shall be accomplished without restrictions:";

Paragraphs 3 - 6 of the following wording shall be added after the new Paragraph 2:

"settlements for the export of the goods specified in Sections XVI, XVII, XIX of the Commodity Classification of Foreign Economic Activities of the Russian Federation, on condition that the foreign currency proceeds repatriation term for these exported goods does not exceed three years after the date when these goods actually cross the customs border of the Russian Federation;

settlements for construction and subcontractual works performed by residents outside the Russian Federation where payment terms under the contracts concluded exceed 90 days, on condition that the foreign currency proceeds repatriation term for the completed construction and subcontractual works does not exceed five years after the date of the contract;

settlements relating to insurance and re-insurance premiums and indemnities payable within the effective term of a relevant policy, on condition that the effective term of the policy does not exceed five years after the date when it is concluded;

the transfer of foreign currency to the Russian Federation and out of the Russian Federation by a resident natural person in an amount not exceeding 75,000 US dollars, effected within the calendar year for the purposes of "a resident natural person's acquiring rights to foreign currency denominated securities or for the purposes of the resident natural person's exercising his/her rights relating to the said securities. The said transfer shall be carried out by a resident natural person through an account in an authorised bank, with the procedure for opening and keeping such an account being set forth by Russian law. Where a resident natural person effects a transfer of foreign currency to acquire a right to foreign currency-denominated securities this person and the authorised bank through which the transfer is effected shall within ten business days after the date of the transfer notify accordingly the tax body at the place of registration of the resident natural

person that has accomplished this transfer, with bank account statements being attached to the notice.";

Paragraph 2 shall be deemed [Paragraph 7](#) and the words "except the foreign currency transactions specified in Paragraphs 3, 4 and 5 of the present item" shall be added after the words "(works, services, the results of intellectual activity)".

4. [Article 61](#) of the following wording shall be added:

"**Article 61.** The Issuance of Permit to a Resident

1. The foreign currency control bodies, acting within their competence, shall be responsible for considering the question of issuance of a permit to a [resident](#) as required by the currency legislation, within two months after the date when the permit application is filed.

2. If the resident fails to provide a complete set of the documents required under the established procedure the currency control body shall within one month after the filing of the permit application by the resident ask the resident to file the documents that were lacking within ten days after the date of the request.

3. The currency control body shall issue a relevant permit or a substantiated refusal to issue such a permit to the resident within two months after the date when the resident filed his permit application."

5. [Article 11](#) shall be set forth as follows:

"**Article 11.** The Currency Control Bodies and Currency Control Agents

1. Currency control in the Russian Federation shall be carried out by the Government of the Russian Federation, currency control bodies and currency control agents under Russian law.

2. The currency control bodies in the Russian Federation are the Central Bank of the Russian Federation, the federal executive bodies within the competence established by federal laws and also the federal executive body authorised by the Government of the Russian Federation.

3. The currency control agents are the authorised banks reporting to the Central Bank and also the organisations reporting to the federal executive bodies under Russian law.

4. The Central Bank of the Russian Federation shall be responsible for exercising control over the accomplishment of foreign currency transactions by lending institutions and currency markets.

5. The federal executive bodies being currency control bodies, acting within their competence, and currency control agents shall be responsible for exercising control over the accomplishment of foreign currency transactions by [residents](#) and [non-residents](#) that are not lending institutions or currency markets.

6. The Government of the Russian Federation shall ensure the delineation of the functions and the interaction of the federal executive bodies in the field of currency control and also their interaction with the Central Bank of the Russian Federation.

7. The Central Bank of the Russian Federation shall interact with the other currency control bodies within their competence and shall ensure their interaction with the authorised banks as currency control agents."

6. [Item 4 Article 14](#) shall be set forth as follows:

"4. The penalties specified herein shall be collected by decision of relevant [currency control bodies](#), in particular, by a decision issued at a currency control agent's proposal, from natural persons by means of court proceedings and from legal entities under the procedure established by the [Code](#) of Administrative Offences of the RSFSR.

A decision whereby a penalty is imposed for a breach of the currency legislation shall be subject to court appeal by the person in respect of whom it has been returned.

A complaint relating to a decision whereby a penalty has been imposed for a breach of the currency legislation and a prescription for the elimination of the breach of the currency legislation may be filed within ten days after the delivery of the decision and prescription and it shall be considered by the bodies empowered to do so within ten days of receipt.

A timely appeal of said decision or prescription shall suspend performance under them beginning from the date when the complaint is accepted to commence proceedings.

The amounts so payable shall be paid within 30 days after the entry into force of the decision whereby the penalty is imposed for breach of the currency legislation or within 15 days after the

dismissal of the complaint if the decision is appealed.

If no appeal is made against the decision whereby a penalty was imposed for breach of the currency legislation and no voluntary payment is made when due of the amount payable for breach of the currency legislation this penalty shall be collected without court proceedings."

Article 2. The Government of the Russian Federation is hereby instructed to bring its regulatory legal acts into line with the present Federal Law within two months after the [entry into force](#) of the present Federal Law.

The Central Bank of the Russian Federation is hereby instructed to bring its regulatory acts into line with the present Federal Law within two months after the entry into force of the present Federal Law.

The Central Bank is hereby instructed to establish, within one month after the entry into force of the present Federal Law, an exhaustive list of foreign states and their currencies in which a resident may open accounts under [Item 2 Article 1](#) of the present Federal Law.

[List of foreign states \(territories\) and their currencies not being free convertible ones where the residents may open accounts outside the Russian Federation according to the notification procedure to ensure payments under international construction contracts was approved by Direction of the Central Bank of Russia No. 1010-U of August 3, 2001](#)

Article 3. The present Federal Law shall come into force upon the expiration of 30 days after its [official publication](#).

President
of the Russian Federation

V.Putin