
THE RUSSIAN FEDERATION**FEDERAL LAW****ON THE NATIONAL PAYMENT SYSTEM**

(as amended by Federal Laws No. 267-FZ, dated 25 December 2012; No. 185-FZ, dated 2 July 2013; No. 251-FZ, dated 23 July 2013; No. 403-FZ, dated 28 December 2013 (as amended on 5 May 2014); No. 110-FZ, dated 5 May 2014; No. 112-FZ, dated 5 May 2014; No. 319-FZ, dated 22 October 2014; No. 455-FZ, dated 29 December 2014; No. 461-FZ, dated 29 December 2014; No. 288-FZ, dated 3 July 2016; No. 290-FZ, dated 3 July 2016; No. 59-FZ, dated 3 April 2017; No. 88-FZ, dated 1 May 2017; No. 176-FZ, dated 18 July 2017; No. 167-FZ, dated 27 June 2018 (from 26 September 2018); No. 169-FZ dated 27 June 2018; No. 322-FZ, dated 3 August 2018, No. 452-FZ, dated 28 November 2018)

Chapter 1. GENERAL PROVISIONS**Article 1. Scope of this Federal Law**

This Federal Law establishes the legal and organisational framework for the national payment system; governs the procedure for rendering payment services (including funds transfers) using electronic payment instruments and the activities of national payment system entities; and defines the organisational and operating requirements for payment systems and the procedures for exercising supervision and oversight with respect to the national payment system.

Article 2. Legal Framework for the National Payment System

1. The legislation of the Russian Federation on the National Payment System is based on the Constitution of the Russian Federation and international treaties of the Russian Federation and includes this Federal Law and other federal laws.

2. The government of the Russian Federation and federal executive bodies may adopt regulatory legal acts within the scope of their authorities and in the cases stipulated by this Federal Law and other federal laws for the purpose of regulating relations in the national payment system.

3. The Central Bank of the Russian Federation (the Bank of Russia) may adopt regulations within the scope of its authorities and in the cases stipulated by this Federal Law and other federal laws for the purpose of regulating relations in the national payment system.

Article 3. Terms and Definitions Used in this Federal Law

In this Federal Law, the following basic terms and definitions shall be used:

1) National Payment System means the totality of money transfer operators (including electronic money operators), bank payment agents (subagents), payment agents, federal postal service organisations, if they provide payment services in accordance with the legislation of the Russian Federation, payment system operators, and payment infrastructure service providers (national payment system entities).

2) Money transfer operator means an organisation entitled to transfer funds in accordance with the legislation of the Russian Federation.

3) Electronic money operator means a money transfer operator, which transfers electronic money without opening a bank account (an electronic money transfer).

4) Bank payment agent means a legal entity (other than a credit institution) or an individual entrepreneur engaged by a credit institution to perform certain banking operations.

(Clause 4 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

5) Bank payment subagent means a legal entity (other than a credit institution) or an individual entrepreneur engaged by a bank payment agent to perform certain banking operations.

(Clause 5 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

6) Payment system operator means an organisation that defines the payment system rules and performs other duties as provided for by this Federal Law.

7) Payment infrastructure service provider means an operations centre, a payment clearing centre, or a settlement centre.

8) Operations centre means an organisation providing payment system participants and their customers with access to funds transfer services within the framework of the payment system (including using electronic means of payment) and with the exchange of electronic messages ('operational services').

9) Payment clearing centre means an organisation established in accordance with the legislation of the Russian Federation to ensure the execution of payment system participants' funds transfer instructions and the performance of other activities within the framework of the payment system, as provided for by this Federal Law ('payment clearing services').

10) Central payment clearing counterparty means a payment clearing centre acting in accordance with this Federal Law as the payer and the payee in funds transfers made by payment system participants.

11) Settlement centre means an organisation established in accordance with the legislation of the Russian Federation, unless otherwise stipulated by this Federal Law, and ensuring the execution of payment system participants' instructions within the framework of the payment system by debiting and crediting their bank accounts, as well as the sending of confirmations regarding the execution of payment system participants' instructions ('settlement services').

(Clause 11 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

12) Funds transfer means the activity of a money transfer operator (within the framework of applicable forms of cashless settlements) aimed at providing the payer's funds to the payee.

13) Cross-border transfer of funds means a funds transfer where the payer or the payee is located outside of the Russian Federation, and/or a funds transfer where the payer or the payee is serviced by a foreign central (national) bank or by a foreign bank.

14) Funds transfer irrevocability means the characteristic of a funds transfer that signifies the absence or termination of the ability to revoke a funds transfer instruction at a certain moment in time.

15) Funds transfer unconditionality means the characteristic of a funds transfer that signifies the absence of conditions or the fulfilment of all conditions for transferring funds at a certain moment in time.

16) Funds transfer finality means the characteristic of a funds transfer that signifies the provision of funds to the payee at a certain moment in time.

17) Payment service means the funds transfer service, the postal transfer service, and the payment acceptance service.

18) Electronic money means monetary funds provided in advance by one party (funds provider) to another party that records information on the amount of funds provided without opening a bank account (obligor) for the purpose of fulfilling the pecuniary obligations of the funds provider to a third party and in respect of which the funds provider is entitled to send instructions only using electronic means of payment. However, electronic money does not include money received by organisations conducting professional activity in the securities market, clearing activity, and/or management of investment funds, unit investment funds, or non-governmental pension funds and recording information on the amount of money provided without opening a bank account in accordance with the legislation governing the activity of the said organisations.

19) Electronic means of payment means an instrument and/or a method that allows a money transfer operator's customer to prepare, certify, and send funds

transfer instructions within the framework of applicable forms of cashless transfers using information and communication technologies, electronic data media, including payment cards, and other technical devices.

20) Payment system means the totality of organisations interacting according to the payment system rules for the purpose of making funds transfers, including the payment system operator, payment infrastructure service providers, and payment system participants, of which at least three organisations are money transfer operators.

21) Important payment system means a payment system that meets the criteria established by this Federal Law (a systemically important payment system, socially important payment system, or nationally important payment system).

(Clause 21 as amended by Federal Law No. 112-FZ, dated 5 May 2014)

22) Payment system rules means a document (documents) containing the terms and conditions for participation in the payment system, making funds transfers, and rendering payment infrastructure services, and other terms and conditions defined by the payment system operator in accordance with this Federal Law.

23) Payment system participants means organisations that have accepted the payment system rules for the purpose of rendering funds transfer services.

24) Exchange of electronic messages means receipt by an operations centre of electronic messages containing the instructions of payment system participants, transfer of these messages to the payment clearing centre or to the settlement centre, and transfer of notifications (confirmations) on the acceptance and execution of payment system participants' instructions.

25) Payment clearing positions means the amounts of funds to be debited and credited by the settlement centre from/to the bank accounts of payment system participants.

26) Prepaid card means a payment card issued to a customer by an electronic money operator and used to transfer electronic money and to perform other operations as provided for by Article 7 of this Federal Law.

(Clause 26 introduced by Federal Law No. 403-FZ, dated 28 December 2013)

27) Foreign payment system means the totality of organisations that have accepted the rules of a payment system organised in accordance with foreign laws and interacting under payment system rules (foreign payment system participants), according to which a foreign bank (foreign credit institution) may act as a payer and a payee under funds transfers of foreign payment system participants (a foreign central payment clearing counterparty).

(Clause 27 introduced by Federal Law No. 112-FZ, dated May 5, 2014)

28) ATM means an automatic (without the participation of an authorised person of a credit institution, a bank payment agent, or a bank payment subagent) device for making settlements which enables the disbursal and/or acceptance of cash funds, including by using electronic means of payment, and for transmitting funds transfer instructions to the credit institution.

(Clause 28 introduced by Federal Law No. 290-FZ, dated 3 July 2016)

Chapter 2.

PROCEDURES FOR RENDERING PAYMENT SERVICES (INCLUDING TRANSFERRING FUNDS) AND USING ELECTRONIC MEANS OF PAYMENT

Article 4. Procedures for Rendering Payment Services

1. A money transfer operator shall provide funds transfer services under agreements concluded with customers and between money transfer operators within the framework of the applicable forms of cashless settlements in accordance with the requirements of the legislation of the Russian Federation.

2. Bank payment agents and bank payment subagents shall participate in the provision of funds transfer services under agreements concluded with money transfer operators and bank payment agents, respectively, in accordance with the requirements of Article 14 of this Federal Law.

3. Federal postal service organisations shall provide postal funds transfer services in accordance with the requirements of Federal Law No. 176-FZ, dated 17 July 1999, 'On Postal Service'.

4. Payment agents provide payment acceptance services in accordance with Federal Law No. 103-FZ, dated 3 June 2009, 'On Accepting Payments of Individuals by Payment Agents'.

Article 5. Procedures for Transferring Funds

1. A money transfer operator shall transfer funds upon the instruction of a customer (the payer or payee) issued within the framework of the applicable form of cashless settlements (a 'customer's instruction').

2. Funds transfer shall be performed out of the payer's funds available in the payer's bank account or provided by the latter without opening a bank account.

3. Funds transfer shall be performed within the framework of applicable forms of cashless settlements by way of crediting the recipient's bank account, disbursing cash funds to the recipient, or recording funds in favour of their recipient without opening a bank account in the event of electronic money transfer.

4. Depositing funds into one's own bank account or obtaining cash funds from one's own bank account with a single money transfer operator shall not be considered a funds transfer.

5. Funds transfer, except for electronic money transfer, shall be performed within no more than three business days starting from the day the payer's bank account is debited or from the day when the payer provides cash funds for the purpose of funds transfer without opening a bank account.

6. Other money transfer operators ('transfer intermediaries') may take part in funds transfer along with the money transfer operator providing services to the payer and the money transfer operator providing services to the payee.

7. Unless the applicable form of cashless settlements or a federal law dictates otherwise, the funds transfer irrevocability, except for electronic money transfers, shall occur when the funds are debited from the payer's bank account or when cash funds are provided by the payer for the purpose of funds transfer without opening a bank account.

8. The funds transfer unconditionality occurs when the terms and conditions of funds transfer, as determined by the payer and/or payee or by other persons, are met, including counter-transfers of funds in another currency, counter-transfer of securities, or provision of documents, or in the absence of the said conditions.

9. If the payer of funds and the payee are serviced by the same money transfer operator, the funds transfer finality (except for electronic money transfers) occurs when the funds are credited to the recipient's bank account or the payee is provided with the possibility to receive cash funds.

10. If the payer of funds and the payee are serviced by different money transfer operators, the finality of funds transfer occurs when the funds are credited to the bank account of the money transfer operator providing services to the payee, with due regard to the requirements of Article 25 hereof.

11. In a funds transfer, the obligation of the money transfer operator providing services to the payer toward such a payer shall be terminated upon the occurrence of its finality.

12. The money transfer operator, prior to making a funds transfer, shall allow the customers to familiarise themselves, in the form accessible to them, with the terms and conditions of the funds transfer within the framework of the applicable form of cashless settlements, including:

1) With the amount of remuneration and the procedure of its collection, if it is provided for by the agreement;

2) With the means of determining the exchange rate applicable for funds transfers in a foreign currency (if the currency of the cash funds provided by the payer differs from the currency of the cash funds to be transferred);

3) With the procedure for filing claims, including the contact details of the money transfer operator;

4) With other information dictated by the applicable form of cashless settlements.

13. The customer shall provide the money transfer operator with the customer's correct contact details and shall provide updated details in a timely manner in the event of any changes. The obligation of the money transfer operator to send notices to the customer, as provided for by this Federal Law, shall be deemed discharged upon sending the notice in accordance with the customer's contact details available to the money transfer operator.

Article 6. Specifics of Transferring Funds on Payee's Demand

1. When making cashless settlements in the form of funds transfer on demand of the payee (direct debiting), the money transfer operator, based on an agreement with the payer, shall debit the payer's bank account with the payer's consent (payer's acceptance) as per the payee's instruction (the 'payee's demand').

2. The right of the payee to make demands against the payer's bank account shall be stipulated by an agreement between the money transfer operator servicing the payer and the payer.

3. The payer's acceptance may be given before the receipt of a payee's demand (payer's pre-authorisation) or after its receipt by the money transfer operator servicing the payer. The payer's acceptance may be given in an agreement between the money transfer operator servicing the payer and the payer or in a separate document or message.

4. The payer's acceptance may be given for one or several payees or for one or several demands of the payee.

5. A payee's demand may be sent directly to the money transfer operator servicing the payer or via the money transfer operator servicing the payee.

6. In the absence of the payer's pre-authorisation, the money transfer operator shall transmit the payee's demand to the payer for acceptance no later than on the next day after the payee's demand has been received.

7. The payer's acceptance shall be given within five business days, unless a shorter period is provided for by the agreement between the money transfer operator and the payer.

8. After acceptance by the payer, the payee's demand shall be executed in the amount of the payer's acceptance.

9. The payer's acceptance may be given for a part of the amount demanded by the payee (payer's partial acceptance), unless otherwise stipulated by the agreement between the money transfer operator and the payer.

10. In the event of the payer's partial acceptance, the money transfer operator shall indicate this in its confirmation of execution of the payee's demand.

11. If the payer refuses to give acceptance, or if acceptance is not received within the established time, the payee's demand shall be returned to the payee, specifying the reason for such return.

12. Upon receiving a payee's demand with the payer's pre-authorisation, the money transfer operator servicing the payer shall verify the conformity of the payee's demand to the terms and conditions of the payer's pre-authorisation.

13. If the payee's demand conforms to the terms and conditions of the payer's pre-authorisation, it shall be executed in the amount and within the time stipulated by the terms and conditions of the payer's pre-authorisation.

14. If the payee's demand does not conform to the terms and conditions of the payer's pre-authorisation, or if such conformity cannot be verified, the money transfer operator servicing the payer shall return the payee's demand unexecuted, unless the agreement stipulates the obligation of the money transfer operator servicing the payer to request an acceptance from the payer in such a case.

15. The money transfer operator shall send the payer a notification on the execution of the payee's demand no later than on the day following the execution date.

Article 7. Specifics of Executing an Electronic Money Transfer

1. When making cashless settlements in the form of electronic money transfers, the customer shall provide cash funds to the electronic money operator based on the agreement concluded with the latter.

2. An individual customer may provide cash funds to the electronic money operator with or without the use of a bank account, as well as using cash funds provided by legal entities or individual entrepreneurs to the electronic money operator in favour of such an individual customer, if such a possibility is provided for by the agreement between the electronic money operator and the individual customer.

(Part 2 as amended by Federal Law No. 403-FZ, dated 28 December 2013 (as amended on 5 May 2014))

3. A corporate customer or an individual entrepreneur shall provide cash funds to the electronic money operator only using its bank account.

4. The electronic money operator shall record the customer's cash funds by making an entry with the amount of the electronic money operator's liabilities to the customer in the amount of the cash funds provided by the latter (the 'electronic money balance').

(Part 4 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

5. The electronic money operator may not provide cash funds to the customer to increase the customer's electronic money balance on the basis of a consumer loan agreement.

(Part 5 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

6. The electronic money operator may not pay interest on the customer's electronic money balance.

(Part 6 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

7. Electronic money transfers shall be made based on the payer's instructions in favour of payees. In the cases stipulated by agreements between the payer and the electronic money operator or between the payer and the payee, electronic money transfers may be made based on payee's demands as per Article 6 hereof with due regard to the specific aspects of the electronic money transfer, except when electronic means of payment stipulated by Part 4 of Article 10 hereof are used.

8. Electronic money transfers may be made between payers and payees who are customers of the same electronic money operator or several electronic money transfer operators.

8¹. When making electronic money transfers, an individual customer may act as a payer in favour of legal entities and/or individual entrepreneurs and may also transfer funds to an individual recipient of cash funds, if the individual customer uses an electronic means of payment, as specified in Part 2 of Article 10 hereof, or if simplified identification of the said individual is carried out.

(Part 8¹ introduced by Federal Law No. 110-FZ, dated 5 May 2014)

9. When making electronic money transfers, legal entities or individual entrepreneurs may act as a payee as well as a payer, if the payee is an individual using the electronic means of payment specified in Part 2 of Article 10 hereof or an individual who has undergone the simplified identification procedure.

(Part 9 as amended by Federal Law No. 403-FZ, dated 28 December 2013 (as amended on 5 May 2014))

10. Electronic money transfers, except in cases provided for in Part 9¹ of Article 9 of this Federal Law, shall be made by the electronic money operator simultaneously accepting the customer's instruction, reducing the payer's electronic money balance, and increasing the electronic money balance of the payee by the amount of the electronic money transfer, or within the time stipulated by Part 11 of this Article.

(Part 10 as amended by Federal Law No. 403-FZ, dated 28 December 2013, No. 167-FZ, dated 27 June 2018)

11. Electronic money transfers using a pre-paid card shall be made within no more than three business days after the electronic money operator accepts the customer's instruction, unless a shorter period is stipulated by the agreement between the electronic money operator and the customer or by the payment system rules.

(Part 11 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

12. The agreement concluded by an electronic money operator with a customer may provide for the possibility to use electronic means of payment by an individual payer and by a payee that is a legal entity or an individual entrepreneur, when the actions stipulated by Part 10 of this Article are not performed simultaneously (the 'offline use of an electronic means of payment'). In this case, the payee shall transmit information on the operations performed on a daily basis to the electronic money operator for the purpose of accounting no later than by the end of the business day of the electronic money operator. This part applies to electronic money transfers using a pre-paid card, unless otherwise stipulated by the agreement concluded by the electronic money operator with the payee or with the money transfer operator, or by the payment system rules.

(Part 12 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

13. Immediately upon executing the customer's instruction for an electronic money transfer, the electronic money operator shall send the customer a confirmation of execution of this instruction.

14. In the event of the offline use of an electronic means of payment, the electronic money operator shall send the payer and the payee (if stipulated by the agreement) a confirmation of the electronic money transfer immediately after the electronic money operator records the information received in accordance with Part 12 of this Article. This part applies to electronic money transfers using a pre-paid card, unless otherwise stipulated by the agreement concluded by the electronic money operator with the payee or with the money transfer operator, or by the payment system rules.

(Part 14 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

15. An electronic money transfer shall become irrevocable and final after the electronic money transfer operator performs the actions specified in Part 10 or 11 of this Article.

(Part 15 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

16. In the event of the offline use of an electronic means of payment, an electronic money transfer shall become irrevocable at the moment when the customer uses the electronic means of payment in accordance with the requirements of Part 12 of this Article, and final after the electronic money operator records the information received in accordance with Part 12 of this Article.

17. The payer's pecuniary obligation to the payee shall be terminated when the electronic money transfer becomes final.

18. In the event of the offline use of an electronic means of payment, the payer's pecuniary obligation to the payee shall be terminated when the electronic money transfer becomes irrevocable.

19. The electronic money operator shall record information about electronic money balances and electronic money transfers performed on a continuous basis.

20. Apart from the electronic money transfer, cash funds accounted by the electronic money operator as the electronic money balance (or part thereof) of an individual customer using an electronic means of payment, as provided for by Part 4 of Article 10 hereof, may be transferred upon the customer's instruction to a bank account in favour of legal entities and/or individual entrepreneurs or to the bank account of such an individual customer, if they have undergone the simplified identification procedure; allocated for the fulfilment of obligations of the individual customer to the credit institution; or disbursed in cash when a pre-paid card is used, provided that the total amount of cash funds disbursed does not exceed 5,000 rubles within one calendar day and 40,000 rubles within one calendar month.

(Part 20 as amended by Federal Law No. 403-FZ, dated 28 December 2013 (as amended on 5 May 2014))

21. Apart from the electronic money transfer, cash funds accounted by the electronic money operator as the electronic money balance (or part thereof) of an individual customer using an electronic means of payment, as provided for by Part 2 of Article 10 hereof, may be transferred upon the customer's instruction to the bank account, allocated for the fulfilment of obligations of the individual customer to the credit institution, transferred without opening a bank account, or disbursed in cash.

(Part 21 as amended by Federal Law No. 403-FZ, dated 28 December 2013 (as amended on 5 May 2014))

22. Apart from the electronic money transfer, the electronic money balance (or part thereof) of a corporate customer or an individual entrepreneur may only be credited or transferred upon its instruction to its bank account.

23. A corporate customer or an individual entrepreneur must have a bank account opened with the electronic money transfer operator to transfer the electronic money balance (or part thereof) or shall provide the electronic money operator with information about its bank account opened with another credit institution where the electronic money balance (or part thereof) may be transferred.

24. Electronic money transfers in a foreign currency between residents, electronic money transfers in a foreign currency and in the currency of the Russian Federation between residents and non-residents, and electronic money transfers in a foreign currency and in the currency of the Russian Federation between non-residents are subject to the requirements of currency laws of the Russian Federation, acts of currency regulation bodies, and acts of currency control authorities. The concepts and terms used in this clause shall have the same meanings as in Federal Law No. 173-FZ, dated 10 December 2003, 'On Foreign Exchange Regulation and Foreign Exchange Control', unless otherwise provided for by this Federal Law.

25. Before concluding an agreement with an individual customer, an electronic money operator shall provide the customer with the following information:

- 1) Name and location of the electronic money operator and its banking licence number;
- 2) Terms and conditions of using an electronic means of payment, including its offline use;
- 3) Methods and locations of electronic money transfer;
- 4) Methods and locations for the provision of funds by the individual customer to the electronic money operator;
- 5) Amount of electronic money operator's fee and the procedure for its charging, if such fee is charged to the individual;
- 6) Methods to file claims and their consideration procedure, including contact details of the electronic money operator.

Article 8. Client's Instruction and Procedures for the Acceptance for Execution and Execution Thereof

1. A customer's instruction shall contain information enabling a funds transfer to be made within the framework of the applicable forms of cashless settlements (the 'transfer details'). The list of transfer details shall be established by Bank of Russia regulations, except for the list of transfer details required for the accounting of the receipt of payments that are sources of budget revenue generation in the budget system of the Russian Federation, other payments received in the accounts of Federal Treasury bodies, and payments for the performance of work and provision of services by state-financed and autonomous institutions, and except for the form of an individual customer's instruction for making such payments and the agreement between a money transfer operator and a customer or between money transfer operators. The list of transfer details required for the accounting of the receipt of payments that are sources of budget revenue generation in the budget

system of the Russian Federation, other payments received in the accounts of Federal Treasury bodies, and payments for the performance of work and provision of services by state-financed and autonomous institutions as well as the form of an individual customer's instruction for making such payments shall be established by the Ministry of Finance of the Russian Federation and agreed with the Bank of Russia.

(Part 1 as amended by Federal Law No. 455-FZ, dated 29 December 2014)

2. A customer's instruction may be transferred, accepted for execution, executed and stored in electronic form, unless otherwise stipulated by the laws of the Russian Federation, Bank of Russia regulations, regulatory legal acts of the Russian Federation, or by an agreement between the money transfer operator and the customer or between money transfer operators.

3. The money transfer operator may prepare its own instructions for the execution of a customer's instruction.

4. When accepting a customer's instruction for execution, the money transfer operator shall verify the customer's right to manage the funds, the transfer details, and the sufficiency of funds to execute the customer's instruction, and shall carry out other procedures for the acceptance of customers' instructions for execution, as provided for by the legislation of the Russian Federation.

5. If the customer's right to manage the funds has not been confirmed or if the transfer details do not comply with the established requirements, the money transfer operator shall not accept the customer's instruction for execution and shall send a notification thereof to the customer not later than on the next day following the receipt of the customer's instruction.

5¹. Upon identification of an operation containing signs of a funds transfer without the customer's authorisation, the money transfer operator shall suspend the execution of such an operation containing signs of a funds transfer without the customer's authorisation for a period of no longer than two business days. The signs of a funds transfer without the customer's authorisation shall be established by the Bank of Russia and published on its official website. Within its risk

management framework, the money transfer operator establishes in the documents governing its risk management the procedures for the identification of operations containing signs of a funds transfer without the customer's authorisation based on the analysis of the nature, parameters and amount of its clients' operations (clients' activity).

(Part 5¹ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

5². After performing the procedures provided for in Part 5¹ hereof, the money transfer operator, in accordance with the agreement concluded with the client, shall:

1) inform the client:

a) about performing the procedures provided for in 5¹ hereof;

b) about recommendations on mitigating risks of repeated funds transfer without the customer's authorisation;

2) promptly request the client to confirm the renewal of order execution.

(Part 5² introduced by Federal Law No. 167-FZ, dated 27 June 2018)

5³. Upon receipt of the client's confirmation specified in Clause 2 of Part 5² hereof, the money transfer operator shall immediately resume the order execution. In case of a non-receipt of the client's confirmation specified in Clause 2 of Part 5² hereof, the money transfer operator shall resume the order execution upon the expiry of two business days after performing the procedures provided for in Part 5¹ hereof.'

(Part 5³ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

6. The sufficiency of funds in the customer's bank account for executing the customer's instruction shall be determined in accordance with the procedure established by Bank of Russia regulations. If the funds available in the customer's bank account are insufficient, the money transfer operator shall not accept the customer's instruction for execution, unless otherwise stipulated by the legislation of the Russian Federation and by the agreement, and shall send a notification thereof to the customer not later than on the next day following the receipt of the customer's instruction.

7. If the funds are insufficient, the customer's instruction to transfer funds without opening a bank account, including electronic money transfers, shall not be accepted for execution by the money transfer operator, and a notification thereof shall be sent to the customer without delay.

8. Acceptance of the customer's instruction for execution shall be confirmed to the customer by the money transfer operator in accordance with the procedure stipulated by the legislation of the Russian Federation or by the agreement.

9. The customer's instruction may be revoked by the customer before the funds transfer becomes irrevocable, in accordance with the procedure stipulated by the legislation of the Russian Federation or by the agreement.

10. The customer's instruction shall be executed by the money transfer operator within the framework of the applicable forms of cashless settlements in the amount specified in the customer's instruction. The money transfer operator's fee (if applicable) may not be deducted from the funds transfer amount, except in the case of cross-border transfers of funds.

11. Execution of the customer's instruction shall be confirmed to the customer by the money transfer operator in accordance with the procedure stipulated by the legislation of the Russian Federation or by the agreement.

12. The provisions of this Article shall also apply when instructions are accepted and executed by transfer intermediaries, and when money transfer operators prepare their own instructions for the purpose of executing customers' instructions within the framework of applicable forms of cashless settlements, with due regard to the specific aspects stipulated by the legislation of the Russian Federation and by agreements between money transfer operators.

Article 9. Procedures for the Use of Electronic Means of Payment

1. Electronic means of payment shall be used based on agreements for the use of electronic means of payment between the money transfer operator and the customer as well as on agreements between money transfer operators.

2. The money transfer operator may refuse to conclude an agreement for the use of an electronic means of payment with a customer.

3. Before concluding an agreement for the use of an electronic means of payment with a customer, the money transfer operator shall inform the customer of the terms and conditions of the use of an electronic means of payment, in particular, about any restrictions on the methods and locations of use and increased risks of using the electronic means of payment.

4. The money transfer operator shall inform the customer of each operation settled using the electronic means of payment by sending a notification thereof to the customer in accordance with the procedure established in the agreement with the customer.

5. The money transfer operator shall provide the customer with an opportunity to notify it about the loss of the electronic means of payment and/or of its use without the customer's authorisation.

6. The money transfer operator shall register the notifications sent to and received from the customer and shall keep this information for no less than three years.

7. The money transfer operator shall submit the documents and information related to the customer's use of its electronic means of payment to the customer in accordance with the procedure established by the agreement.

8. The money transfer operator shall review the customer's applications, including in case of any disputes related to the customer's use of its electronic means of payment, and shall provide the customer with the ability to receive information about the results of the review of its applications, including in writing upon the customer's request, within the time established by the agreement, which shall not exceed 30 days following the receipt of such applications or 60 days following the receipt of applications, if the electronic means of payment has been used to make a cross-border transfer of funds.

9. The use of an electronic means of payment by the customer may be suspended or terminated by the money transfer operator based on a notification

received from the customer or at the initiative of the money transfer operator if the customer violates the procedure for using the electronic means of payment in accordance with the agreement.

9¹. Upon identification of an operation containing signs of a funds transfer without the customer's authorisation, the money transfer operator shall suspend the use of an electronic means of payment by the customer and shall perform the procedures provided in Parts 5¹ - 5³ of Article 8 of this Federal Law with regard to the reduction of the payer's electronic money balance. Upon receipt of the customer's confirmation to resume order execution specified in Clause 2 of Part 5² of Article 8 of this Federal Law, the money transfer operator shall immediately resume the customer's use of the electronic means of payment. In case of a non-receipt the client's confirmation to resume order execution specified in Clause 2 of Part 5² of Article 8 of this Federal Law, the money transfer operator shall resume the customer's use of the electronic means of payment upon the expiry of two business days after performing the procedures provided for in Part 5¹ of Article 8 of this Federal Law.

(Part 9¹ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

10. Suspension or termination of use of the electronic means of payment by the customer shall not terminate the customer's and money transfer operator's obligations that arose prior to such suspension or termination.

11. If the electronic means of payment is lost and/or used without the customer's authorisation, the customer shall send a notification on this to the money transfer operator in the form stipulated by the agreement immediately upon discovery of the loss of the electronic means of payment and/or its use without the customer's consent, but not later than the next day after the day of receipt of a notification of the operation performed from the money transfer operator.

11¹. Upon receipt of a notification specified in Part 11 hereof from a customer that is a legal entity, after debiting funds from the customer's bank account, the money transfer operator providing services to the payer shall immediately send the money transfer operator providing services to the payee a notification on the

suspension of crediting funds to the bank account of the payee or increasing the electronic money balance of the payee (hereinafter, a suspension notification) in line with the form and the procedure established by a regulation of the Bank of Russia.

(Part 11¹ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

11². In case of receipt of a suspension notification from the money transfer operator providing services to the payer before crediting funds to the bank account of the payee or increasing the electronic money balance of the payee, the money transfer operator providing services to the payee shall suspend for up to five business days from the receipt of such a notification the crediting of funds to the bank account of the payee for the transfer amount or the increasing of the electronic money balance of the payee for the electronic money transfer amount and immediately inform the payee in accordance with the agreement concluded with the payee on the suspension of crediting funds or increasing the electronic money balance and on the requirement to provide documents justifying the receipt of the transferred funds or electronic money within the established period of time.

(Part 11² introduced by Federal Law No. 167-FZ, dated 27 June 2018)

11³. If the payee provides documents justifying the receipt of the transferred funds or electronic money within five business days from the day when the money transfer operator providing services to the payee performs procedures provided for in Part 11² hereof, the money transfer operator providing services to the payee shall credit the funds to the bank account of the payee or increase the electronic money balance of the payee.

(Part 11³ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

11⁴. If the payee fails to provide documents justifying the receipt of the transferred funds or electronic money within five business days from the day when the money transfer operator providing services to the payee performs procedures provided for in Part 11² hereof, the money transfer operator providing services to the payee shall return the funds or the electronic money to the money transfer operator providing services to the payer within two business days of the expiry of the above five-day period. The money transfer operator providing services to the

payer shall credit the funds to the bank account of the payer or increase the electronic money balance of the payer for the amount returned by the money transfer operator providing services to the payee within two days of their receipt.

(Part 11⁴ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

11⁵. In case of receipt of a suspension notification from the money transfer operator providing services to the payer after crediting funds to the bank account of the payee or increasing the electronic money balance of the payee, the money transfer operator providing services to the payee shall send the money transfer operator providing services to the payer a notification on the impossibility to suspend the crediting of funds to the bank account of the payee or the increasing of the electronic money balance of the payee in line with the form and procedure established by a regulation of the Bank of Russia. The money transfer operator shall not be liable to the customer for any losses arising from proper fulfilment of the requirements provided in Parts 11² - 11⁴ hereof.

(Part 11⁵ introduced by Federal Law No. 167-FZ, dated 27 June 2018)

12. After the money transfer operator receives a notification from the customer in accordance with Part 11 of this Article, the money transfer operator shall compensate the customer for the amount of the operation performed without the customer's authorisation following the receipt of the said notification.

13. If the money transfer operator fails to notify the customer of the operation performed in accordance with Part 4 of this Article, the money transfer operator shall compensate the customer for the amount of the operation about that was not notified to the customer and performed without the customer's authorisation.

14. If the money transfer operator notifies the customer of a performed operation in accordance with Part 4 of this Article, and the customer fails to send a notification to the money transfer operator in accordance with Part 11 of this Article, the money transfer operator will not be obliged to compensate the customer for the amount of the operation performed without the customer's authorisation.

15. If the money transfer operator notifies an individual customer of a performed operation in accordance with Part 4 of this Article, and the individual customer has sent a notification to the money transfer operator in accordance with Part 11 of this Article, the money transfer operator shall compensate the customer for the amount of the said operation performed without the customer's authorisation before the individual customer sent the notice. In this case, the money transfer operator shall refund the amount of the operation performed without the customer's authorisation, unless it proves that the customer has violated the procedure for using the electronic means of payment, which resulted in the execution of the operation without the individual customer's authorisation.

16. The provisions of Part 15 of this Article regarding the money transfer operator's obligation to refund the amount of an operation performed without the customer's authorisation before the individual customer sent the notice shall not apply if the operation was performed with the use of an electronic means of payment by the individual customer, as provided for by Part 4 of Article 10 hereof.

Article 10. Procedures for the Use of Electronic Means of Payment When Transferring Electronic Money

1. An electronic money transfer shall be effected with customer identification, simplified identification of an individual customer, or without identification in accordance with Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism'.

(Part 1 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

2. If the electronic money operator carries out the identification of an individual customer in accordance with Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism', the individual customer may use the electronic means of payment provided that the electronic money balance at any

moment in time does not exceed 600,000 rubles or the equivalent amount in a foreign currency according to the official exchange rate of the Bank of Russia. This electronic means of payment shall be personalised.

(Part 2 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

3. The amount specified in Part 2 of this Article may be exceeded as a result of changes in the official exchange rate of the foreign currency established by the Bank of Russia.

4. If the electronic money operator does not carry out the identification of an individual customer in accordance with Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism', the individual customer may use the electronic means of payment provided that the electronic money balance at any moment in time does not exceed 15,000 rubles, unless otherwise stipulated in Part 5¹ of this Article. This electronic means of payment shall be non-personalised.

(Part 4 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

5. The total amount of electronic money transferred using a single non-personalised electronic means of payment may not exceed 40,000 rubles during a calendar month, unless otherwise specified in Part 5¹ of this Article.

(Part 5 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

5¹. If the electronic money operator carries out the simplified identification of an individual customer in accordance with Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism', the individual customer may use a non-personalised electronic means of payment to transfer electronic money to legal entities or individual entrepreneurs, provided that the electronic money balance at any moment in time does not exceed 60,000 rubles, and the total amount of electronic money transferred using such a non-personalised electronic means of payment does not exceed 200,000 rubles during a calendar month.

(Part 5¹ introduced by Federal Law No. 110-FZ, dated 5 May 2014)

5². A non-personalised electronic means of payment may not be used by an individual customer who has not undergone simplified identification to perform

electronic money transfers to another individual or receive electronic money transferred by another individual.

(Part 5² introduced by Federal Law No. 110-FZ, dated 5 May 2014)

5³. When carrying out simplified identification of an individual customer in accordance with Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism', the electronic money operator shall provide the individual customer with the opportunity to choose any form of simplified identification provided for by the above Federal Law and shall provide the customer with information enabling the use of the electronic means of payment.

(Part 5³ introduced by Federal Law No. 110-FZ, dated 5 May 2014)

6. The electronic money operator shall not perform an electronic money transfer if, as a result of such a transfer, the amounts specified in Parts 2, 4, and 5 of this Article are exceeded. In this case, the individual shall be entitled to receive the electronic money balance (or part thereof) in accordance with Parts 20 and 21 of Article 7 hereof.

7. An electronic means of payment shall be used by a corporate customer or an individual entrepreneur with its identification by the electronic money operator in accordance with Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism'. This electronic means of payment shall be corporate. A corporate electronic means of payment shall be used provided that the electronic money balance does not exceed 600,000 rubles or the equivalent amount in a foreign currency according to the official exchange rate of the Bank of Russia as of the end of the business day of the electronic money operator.

(Part 7 as amended by Federal Law No. 403-FZ, dated 28 December 2013)

8. The amount specified in Part 7 of this Article may be exceeded as a result of changes in the official exchange rate of the foreign currency established by the Bank of Russia.

9. If the amount specified in Part 7 of this Article is exceeded, the electronic money operator shall credit or transfer the excess money to the bank account of the legal entity or the individual entrepreneur without its instruction.

10. When the electronic means of payment stipulated by this Article are used, the operator of the electronic means of payment must ensure that they can be identified by the customers as non-personalised, personalised, or corporate electronic means of payment.

11. Electronic money transfers made using personalised electronic means of payment or corporate electronic means of payment may be suspended in accordance with the procedure and in the cases similar to the procedure and cases for suspending operations on a bank account, as provided for by the legislation of the Russian Federation.

12. When electronic money is transferred using personalised electronic means of payment and corporate electronic means of payment, the electronic money balance may be seized in accordance with the legislation of the Russian Federation.

13. The electronic money operator shall ensure that the electronic means of payment cannot be used until the individual customer has familiarised itself with the information specified in Part 25 of Article 7 hereof.

14. The provisions of this Article regarding the use of corporate electronic means of payment shall also apply to electronic means of payment used by private practising notaries or attorneys-at-law having a private legal practice.

Chapter 3.

NATIONAL PAYMENT SYSTEM ENTITIES AND REQUIREMENTS FOR THEIR ACTIVITIES

Article 11. Money transfer operators and Requirements for their activities

1. Money transfer operators are:

1) The Bank of Russia;

- 2) Credit institutions entitled to make funds transfers;
- 3) State Development Corporation VEB.RF (hereinafter, VEB.RF).

(Clause 3 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

2. The Bank of Russia acts as a money transfer operator in accordance with this Federal Law, Federal Law No. 86-FZ, dated 10 July 2002, 'On the Central Bank of the Russian Federation (Bank of Russia)', and Bank of Russia regulations.

3. Credit institutions act as money transfer operators in accordance with this Federal Law, the Federal Law 'On Banks and Banking Activities', and Bank of Russia regulations.

4. VEB.RF acts as a money transfer operator in accordance with this Federal Law and Federal Law No. 82-FZ, dated 17 May 2007, 'On the State Development Corporation VEB.RF'.

(Part 4 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

Article 12. Electronic Money Operators and Requirements for their activities

1. An electronic money operator is a credit institution, including a non-bank credit institution, entitled to perform funds transfers without opening bank accounts and other related banking operations, as provided for by Clause 1 of Part 3, Article 1 of the Federal Law 'On Banks and Banking Activities'.

2. An entity that is not an electronic money operator is may not assume liabilities with respect to electronic money or to perform electronic money transfers.

3. An entity that is not an electronic money operator may not assume liabilities under pecuniary obligations used to discharge pecuniary obligations between other persons or to perform other transactions that entail the termination of obligations between other persons based on instructions transferred in electronic form to a liable person. The provisions of this part shall not apply to the termination of pecuniary obligations involving organisations conducting professional activity in the securities market, clearing activity, central counterparty

activity, and/or activity related to the management of investment funds, unit investment funds, and non-governmental pension funds, in accordance with the legislation governing the activity of such organisations.

4. An electronic money operator shall notify the Bank of Russia in accordance with the established procedure on the start of electronic money transfer activity within no more than 10 business days from the day of the first increase of the electronic money balance. The notice shall indicate the following:

1) The name and location of the electronic money operator and its banking licence number;

2) The type (types) of electronic means of payment provided to customers;

3) Names of organisations engaged by the electronic money operator to provide operational services and/or payment clearing services (if such organisations are engaged).

5. The electronic money operator shall establish rules for electronic money transfers, including:

1) The procedure for the electronic money operator's activity related to electronic money transfers;

2) The procedure for providing electronic means of payment to customers and making electronic money transfers using such facilities;

3) The procedure for the electronic money operator's activity when engaging bank payment agents and organisations providing operational services and/or payment clearing services;

4) The procedure for ensuring uninterrupted electronic money transfers;

5) The procedure for the review of claims by the electronic money operator, including prompt interactions with customers;

6) The procedure for the information exchange when conducting electronic money transfers.

6. The electronic money operator shall provide for uninterrupted electronic money transfers in compliance with the requirements established by Bank of Russia regulations.

7. The electronic money operator is entitled to conclude agreements with other organisations, under which such organisations become entitled to provide operational services and/or payment clearing services to the electronic money operator for the performance of electronic money transfers.

Article 13. Requirements for the Activities of an Electronic Money Operator When Increasing the Electronic Money Balances of Individual Subscribers of a Communications Service Provider

(as amended by Federal Law No. 288-FZ, dated 3 July 2016)

1. An electronic money operator may conclude an agreement with a communications service provider entitled to independently provide mobile telephone communications services, or with a communications service provider holding a prominent position in the public communications network and entitled to independently provide data transfer communications services (hereinafter referred to as the 'communications service provider'), and, based on such an agreement, the electronic money operator shall be entitled to increase the electronic money balance of an individual subscriber of such a communications service provider at the cost of cash funds deposited with the communications service provider in accordance with the procedure established by this Article. The electronic money balance shall be increased by the electronic money operator subject to an agreement concluded with the individual mentioned in Part 1 of Article 7 hereof.

(Part 1 as amended by Federal Laws No. 461-FZ, dated 29 December 2013; No. 288-FZ, dated 3 July 2016)

1¹. The electronic money operator may conclude an agreement with the communications service provider, according to which the electronic money operator shall have the right to increase the electronic money balance of an individual user of the communications services in the manner established by this Article at the cost of cash funds deposited with the communications service provider by the corporate subscriber and/or individual user of the communications

services of such a communications service provider. The communications service provider shall transfer the instruction of the individual user of the communications services to increase the electronic money balance subject to simultaneous fulfilment of the following conditions:

1) Availability of an employment agreement, civil agreement, or other legal grounds, according to which an individual user of the communications services acts for the benefit of the corporate subscriber;

2) Availability of an agreement stipulated in Part 1, Article 7 hereof, concluded by the electronic money operator with an individual user of the communications services;

3) Provision of information about the individual user of the communications services by the corporate subscriber to the communications service provider in the manner established by the agreement between the communications service provider and the corporate subscriber, as defined by the communications service rules approved by the Government of the Russian Federation;

4) Conclusion of an agreement stipulated by Part 4 of this Article between the communications service provider and the individual user of the communications services;

5) Separate accounting of cash funds of the individual user of the communications services deposited with the communications service provider to increase the electronic money balance of such an individual user of the communications services.

(Part 1¹ introduced by Federal Law No. 288-FZ, dated 3 July 2016)

2. The communications service provider may not provide cash funds to an individual subscriber or an individual user of communications services for the purpose of increasing the electronic money balance by the electronic money operator, except when the communications service agreement provides for deferred payment for the communications services.

(Part 2 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

3. The electronic money operator and the communications service provider shall maintain information and technological interaction to increase the electronic money balance in the manner established by the agreement.

4. The electronic money balance of an individual subscriber or an individual user of the communications services of the communications service provider shall be increased based on the instruction of such an individual transferred by the communications service provider to the electronic money operator in accordance with the agreement between the individual subscriber or the individual user of the communications services and the communications service provider.

(Part 4 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

5. The communications service provider shall reduce the amount of cash funds of the individual subscriber or the individual user of the communications services immediately upon receipt of a confirmation of the increase of the electronic money balance of the said individual subscriber or individual user of communications services from the electronic money operator. After the electronic money balance has been increased, the electronic money operator becomes liable to the individual in the amount, by which the electronic money balance has been increased.

(Part 5 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

6. Before providing the ability to transfer instructions of the individual subscriber or the individual user of communications services specified in Part 4 of this Article, the communications service provider shall provide the possibility for the individual subscriber or the individual user of communications services to familiarise itself with information on the electronic money operator's activity, as provided in Part 25 of Article 7 hereof.

(Part 6 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

7. The communications service provider, except as otherwise established by Part 9 of this Article, shall provide the individual subscriber or the individual user of communications services with the following information before transferring its instruction to the electronic money operator:

(Paragraph as amended by Federal Law No. 288-FZ, dated 3 July 2016)

- 1) On the electronic means of payment of the individual;
- 2) On the amount of increase of the electronic money balance;
- 3) On the amount of fee to be paid by the individual subscriber or the individual user of communications services, if charged;

(Clause 3 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

- 4) On the date and time of information provision.

8. An individual subscriber or an individual user of communications services may refuse to transmit the instruction to the electronic money operator after receiving the information provided in Part 7 of this Article, and the communications service provider shall ensure that such an opportunity is available.

(Part 8 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

9. The provisions of Parts 7 and 8 of this Article shall not apply in the following cases:

- 1) If the communications service provider does not charge any fee and the electronic money operator does not charge any fee for increasing the electronic money balance of the individual subscriber or the individual user of communications services.

- 2) If the individual subscriber or the individual user of communications services has previously given its consent to be charged a fee by the communications service provider and/or to be charged a fee by the electronic money operator for the increase of the electronic money balance on the condition that:

- a) The electronic money transfer is made to pay for parking services, passenger and luggage transportation, or the use of toll roads and roads with toll sections;

- b) The amount of the remuneration has not increased after the consent specified in this clause has been received.

(Part 9 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

10. The electronic money operator may not increase the electronic money balance of the individual subscriber or the individual user of communications services if the amounts established by Article 10 hereof are exceeded.

(Part 10 as amended by Federal Law No. 288-FZ, dated 3 July 2016)

11. The communications service provider shall send the individual subscriber or the individual user of communications services a confirmation of the increase of the electronic money balance (using communication networks and in the manner specified in the agreement between the communications service provider and the subscriber) immediately upon receiving the respective information from the electronic money operator. Such a confirmation shall include the information stipulated in Part 7 of this Article.

(Part 11 as amended by Federal Laws No. 461-FZ, dated 29 December 2013; No. 288-FZ, dated 3 July 2016)

12. The communications service provider shall make settlements with the electronic money operator in the amount of the increased electronic money balances no later than on the business day following the date of increase of the electronic money balances. If the communications service provider fails to perform this obligation, the electronic money operator shall suspend the increase of electronic money balances until the communications service provider performs this obligation.

Article 14. Requirements for the Activities of a Money Transfer Operator When Engaging a Bank Payment Agent (Subagent)

1. An electronic money transfer operator that is a credit institution, including a non-bank credit institution entitled to perform funds transfers without opening bank accounts and other related banking operations in accordance with the Federal Law 'On Banks and Banking Activities', shall have the right to engage a bank payment agent under an agreement:

1) To accept cash funds from an individual and/or to issue cash funds to an individual, including using payment terminals and ATMs;

2) To provide electronic means of payment to customers and to enable the use of these electronic means of payment in accordance with the conditions established by the money transfer operator;

3) For the purpose of identification or simplified identification of an individual customer in accordance with the requirements of the Russian legislation on countering the legalisation (laundering) of proceeds from crime and the financing of terrorism in order to perform funds transfers without opening bank accounts, including electronic money transfers, or to provide an electronic means of payment to such individual customer

(Clause 3 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

2. In the cases stipulated by the agreement with the money transfer operator, a bank payment agent that is a legal entity shall have the right to engage a bank payment subagent under an agreement concluded with the latter to conduct the activity (or part thereof) mentioned in Clauses 1 and 2 of Part 1 of this Article. In the event of such an engagement, the respective authorities of the bank payment subagent shall not require notarisation.

3. A money transfer operator may engage a bank payment agent subject to simultaneous compliance with the following requirements:

1) Conducting the activity (or part thereof) specified in Part 1 of this Article (the 'bank payment agent's operations') on behalf of the money transfer operator;

2) Identification or simplified identification of an individual customer by the bank payment agent in accordance with the requirements of the Russian legislation on countering the legalisation (laundering) of proceeds from crime and the financing of terrorism in order to perform funds transfers without opening bank accounts, including electronic money transfers, and to provide an electronic means of payment to such an individual customer;

(Clause 2 as amended by Federal Law No. 110-FZ, dated 5 May 2014)

3) Use of a special bank account (accounts) by the bank payment agent to credit the full amount of cash funds received from individuals in accordance with Parts 41 - 6 of this Article;

(Clause 3 as amended by Federal Law No. 169-FZ, dated 27 June 2018)

4) Confirmation by the bank payment agent of the receipt (issuance) of cash funds by issuing (sending) a cash register receipt;

(Clause 4 as amended by Federal Law No. 290-FZ, dated 3 July 2016)

5) Provision of the information stipulated in Part 15 of this Article by the bank payment agent to individuals;

6) Use of payment terminals and ATMs by the bank payment agent in accordance with the requirements of the Russian laws on the use of cash register equipment in cash settlements.

4. The bank payment agent may engage a bank payment subagent subject to simultaneous compliance with the following requirements:

1) Conducting the activity (or part thereof) specified in Part 1 of this Article (the 'bank payment subagent's operations') on behalf of the money transfer operator;

2) Conducting operations of the bank payment subagent that do not require identification of an individual in accordance with the legislation on countering the legalisation (laundering) of proceeds from crime and the financing of terrorism;

3) The bank payment subagent being prohibited to engage other persons to perform the operations of the bank payment subagent;

4) Use of a special bank account (accounts) by the bank payment subagent to credit the full amount of cash funds received from individuals in accordance with Parts 41 - 6 of this Article;

(Clause 4 as amended by Federal Law No. 169-FZ, dated 27 June 2018)

5) Confirmation by the bank payment subagent of the receipt (issuance) of cash funds by issuing (sending) a cash register receipt;

(Clause 5 as amended by Federal Law No. 290-FZ, dated 3 July 2016)

6) Provision of the information stipulated in Part 15 of this Article by the bank payment subagent to individuals;

7) Use of payment terminals and ATMs by the bank payment subagent in accordance with the requirements of the Russian laws on the use of cash register equipment in cash settlements.

4¹. A bank payment agent (subagent) may combine its activity with the activity of accepting payments from individuals performed by payment agents and use a special bank account provided for in this Article as the special bank account of the payment agent in accordance with the procedure established in Federal Law No. 103-FZ, dated 3 June 2009, 'On Accepting Payments of Individuals by Payment Agents'.

(Part 4¹ was introduced by Federal Law No. 169-FZ, dated 27 June 2018)

5. The following operations may be performed on a special bank account of a bank payment agent (subagent):

1) Crediting cash funds received from individuals;

2) Crediting cash funds debited from another special bank account of the bank payment agent (subagent);

3) Debiting cash funds to bank accounts.

4) Operations performed on the special bank account of a payment agent in accordance with Federal Law No. 103-FZ, dated 3 June 2009, 'On Accepting Payments of Individuals by Payment Agents' if the bank payment agent (subagent) combines its activity with the activity of accepting payments from individuals performed by payment agents.

(Clause 4 was introduced by Federal Law No. 169-FZ, dated 27 June 2018)

6. Performance of any operations other than those stipulated in Part 5 of this Article on a special bank account is prohibited.

7. Bank payment agents' (subagents') compliance with the obligations to deliver cash funds received from individuals to the money transfer operator for their full crediting to their special bank account (accounts) as well as the obligations regarding the use of special bank accounts by bank payment agents (subagents) for settlement purposes shall be monitored by the tax authorities of the Russian Federation.

8. The money transfer operator shall issue statements to the tax authorities regarding the existence of special bank accounts and/or the balances of such special bank accounts as well as statements of transactions on special bank accounts of organisations (individual entrepreneurs) that are bank payment agents (subagents) within three days following the receipt of a justified request of the tax authority. Statements regarding the existence of special bank accounts and/or the balances of such special bank accounts as well as statements of transactions on special bank accounts of organisations (individual entrepreneurs) that are bank payment agents (subagents) may be requested from such a money transfer operator by the tax authorities in the course of monitoring of such organisations (individual entrepreneurs) that are bank payment agents (subagents) as provided for by Part 7 of this Article.

9. The form (formats) and the procedure for sending requests by tax authorities to the money transfer operator shall be established by the federal executive body in charge of monitoring and supervision in the field of taxes and levies. The form of and the procedure for the provision of information by the money transfer operator upon the requests of the tax authorities shall be established by the federal executive body in charge of monitoring and supervision in the field of taxes and levies, in consultation with the Central Bank of the Russian Federation. The formats of provision of information in electronic form by the money transfer operator upon the requests of the tax authorities shall be approved by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of monitoring and supervision in the field of taxes and levies.

10. A cash register receipt issued (sent) to the buyer (customer) by a bank payment agent or by a bank payment subagent shall meet the requirements of the Russian laws on the use of cash register equipment.

(Part 10 as amended by Federal Law No. 290-FZ, dated 3 July 2016)

11. *No longer valid. – Federal Law No. 290-FZ, dated 3 July 2016.*

12. A cash register receipt may also contain other details, if this is provided for by the agreement between the money transfer operator and the bank payment agent.

13. *No longer valid. – Federal Law No. 290-FZ, dated 3 July 2016.*

14. In the event that the address of the place of installation of a payment terminal or ATM has changed, the bank payment agent (subagent) shall send a notice to this effect to the tax authority on the day of such change, stating the new address of the place of installation of the cash register equipment that is a part of the payment terminal or ATM.

15. When a bank payment agent (subagent) is engaged, in each place of performance of operations of the bank payment agent (subagent), the individuals shall receive the following information before the start of each operation:

1) Address of the place of performance of operations of the bank payment agent (subagent);

2) Name and location of the money transfer operator and the bank payment agent (subagent) as well as their taxpayer identification numbers;

3) Banking licence number of the money transfer operator;

4) Details of the agreement between the money transfer operator and the bank payment agent as well as details of the agreement between the bank payment agent and the bank payment subagent (if engaged);

5) Amount of fee payable by the individual as a total sum comprising, inter alia, the fee of the bank payment agent (subagent) (if charged);

6) Ways to file claims and the procedure for their consideration;

7) Telephone numbers of the money transfer operator, bank payment agent, and bank payment subagent.

16. When the bank payment agent (subagent) uses a payment terminal or an ATM, the information specified in Part 15 of this Article shall be provided to individuals automatically.

17. A bank payment agent shall have the right to charge individuals a fee, if this is provided for by the agreement with the money transfer operator.

18. A bank payment subagent may charge individuals a fee, if this is provided for by the agreement with the bank payment agent and by the agreement between the bank payment agent and the money transfer operator.

19. The money transfer operator shall maintain a list of bank payment agents (subagents) specifying the addresses where the operations of bank payment agents (subagents) are conducted with respect to each bank payment agent (subagent), which shall be available to individuals upon request. The money transfer operator shall submit the list of bank payment agents (subagents) to the tax authorities upon their request. The bank payment agent shall transfer information on bank payment subagents engaged, as may be necessary for inclusion in the above list, to the money transfer operator in the manner established in the agreement with the money transfer operator.

20. The money transfer operator shall monitor the bank payment agent's compliance with the terms of its engagement, as established by this Article, by the agreement between the money transfer operator and the bank payment agent, as well as by the legislation on countering the legalisation (laundering) of proceeds from crime and the financing of terrorism.

21. Failure by the bank payment agent to comply with the terms of its engagement, the requirements of this Article, and the legislation on countering the legalisation (laundering) of proceeds from crime and the financing of terrorism shall serve as grounds for unilateral withdrawal by the money transfer operator from the agreement with such bank payment agent.

22. The bank payment agent shall monitor the bank payment subagent's compliance with the terms of its engagement, as established by this Article, the agreement between the bank payment agent and the bank payment subagent, as well as with the requirements of this Article.

23. Failure by the bank payment subagent to comply with the terms of its engagement and the requirements of this Article shall serve as grounds for unilateral withdrawal by the bank payment agent from the agreement with such a

bank payment subagent, including upon the demand of the money transfer operator.

24. The procedure for monitoring the activity of bank payment agents by the money transfer operator shall be established by Bank of Russia regulations and by the agreement between the money transfer operator and the bank payment agent.

25. The procedure for monitoring the activity of a bank payment subagent by the bank payment agent shall be established by the agreement between the money transfer operator and the bank payment agent as well as by the agreement between the bank payment agent and the bank payment subagent.

Article 15. Payment System Operators and Requirements for their Activities

1. A credit institution, an organisation other than a credit institution established in compliance with the legislation of the Russian Federation, the Bank of Russia, or VEB.RF may be a payment system operator.

(Part 1 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

2. A payment system operator that is a credit institution, the Bank of Russia, or VEB.RF may combine its activity with the activity of a money transfer operator or a payment infrastructure service provider and with other activity when this is not in conflict with the legislation of the Russian Federation.

(Part 2 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

3. A payment system operator that is not a credit institution may combine its activity with the activity of a payment infrastructure service provider (except for a settlement centre) and other activity unless it is prohibited by the legislation of the Russian Federation.

4. The Bank of Russia shall conduct the activity of a payment system operator based on this Federal Law and in accordance with Bank of Russia regulations and concluded agreements.

5. A payment system operator shall:

1) Define the payment system rules, establish and exercise the monitoring of payment system participants' and payment infrastructure service providers' compliance with such rules;

2) Engage payment infrastructure service providers, except when the payment system operator also performs the functions of the payment infrastructure service provider, based on the nature and scope of operations in the payment system; maintain a list of payment infrastructure service providers; support the continuity of payment infrastructure service provision to payment system participants; and inform the Bank of Russia and payment system participants of cases and causes of suspension (termination) of the payment infrastructure services on the day of such suspension (termination) in accordance with the procedure established by the Bank of Russia;

(Clause 2 as amended by Federal Law No. 112-FZ, dated 5 May 2014)

3) Establish the risk management system within the payment system in accordance with Article 28 hereof, assess and manage risks in the payment system, and ensure the continuous functioning of the payment system in accordance with the procedure established by the Bank of Russia;

(Clause 3 as amended by Federal Law No. 112-FZ, dated 5 May 2014)

4) Provide for the possibility for pre-trial and/or arbitration settlement of disputes with payment system participants and payment infrastructure service providers in accordance with the payment system rules.

6. A payment system operator that is not a credit institution shall engage a credit institution with at least one year's experience in funds transfers on bank accounts held with that credit institution as a settlement centre.

7. An organisation that intends to become a payment system operator shall send a registration application to the Bank of Russia in the form and according to the procedure established by the Bank of Russia.

8. The following documents shall be attached to the registration application of a credit institution that intends to become a payment system operator:

1) A decision of the credit institution's management body on the organisation of the payment system;

2) A business plan for the development of the payment system for the next two calendar years, stating the objectives and planned results of the payment system organisation, including the analysis of market and infrastructure factors;

3) Payment system rules that conform to the requirements of this Federal Law;

4) A list of payment infrastructure service providers that will be engaged in providing payment infrastructure services within the payment system.

9. An organisation that is not a credit institution, which intends to become a payment system operator, must meet the following requirements:

1) Net assets in the amount of at least 10 million rubles;

2) Individuals holding the positions of the sole executive body and the chief accountant of such an organisation shall have a higher education in economics, law, or information and communications technology or, in the event of higher education in any other field, possess at least two years of experience in management of a division or any other business unit of a credit institution or a payment system operator;

(Clause 2 as amended by Federal Law No. 185-FZ, dated 2 July 2013)

3) Individuals holding the positions of the sole executive body and the chief accountant in such an organisation shall have no records of convictions for economic crimes and no instances of termination of their employment agreements at the employer's initiative on the grounds stipulated in Clause 7 of Part 1, Article 81 of the Labour Code of the Russian Federation within two years preceding the day of filing the registration application with the Bank of Russia.

10. The following documents shall be attached to the registration application of an organisation that is not a credit institution, which intends to become a payment system operator:

1) Constituent documents;

2) A decision of the competent body of such an organisation on establishing a payment system;

3) A business plan for the development of the payment system for the next two calendar years, stating the objectives and planned results of the payment system organisation, including the analysis of market and infrastructure factors;

4) Payment system rules that conform to the requirements of this Federal Law;

5) A list of payment infrastructure service providers that will be engaged in providing payment infrastructure services within the payment system;

6) A written consent of a credit institution, including in the form of an agreement concluded with it, to become a settlement centre of the payment system with due regard to the requirements of Part 6 of this Article;

7) Documents containing information on the amount of net assets of the organisation and accounting statements as of the last reporting date preceding the date of submission of registration documents to the Bank of Russia. These statements shall be signed by the sole executive body of the organisation and the chief accountant (or their deputies);

8) Documents confirming compliance with the requirements stipulated in Clauses 2 and 3 of Part 9 of this Article.

11. Within no more than 30 calendar days after receiving the registration application from an organisation that intends to become a payment system operator, the Bank of Russia shall make a decision to register this organisation as a payment system operator or to refuse such a registration.

12. Upon making a decision to register the organisation as the payment system operator, the Bank of Russia shall assign a registration number to the organisation, include its details in the publicly available register of payment system operators, and send a registration certificate to the organisation in the form established by the Bank of Russia within no more than five business days after such a decision is made. The procedure for maintaining the register of payment system operators shall be established by the Bank of Russia.

13. An organisation that has sent a registration application to the Bank of Russia shall have the right to become a payment system operator from the day of receipt of the registration certificate issued by the Bank of Russia.

14. The payment system operator shall indicate its registration number when providing information about the payment system.

15. The payment system shall have a name specified in the payment system rules and containing the words 'payment system'. No organisation in the Russian Federation besides an organisation registered in the register of payment system operators is entitled to use the words 'payment system' in its name (company name) or otherwise indicate that it conducts the activity of a payment system operator. Payment infrastructure service providers and payment system participants may indicate that they belong to the payment system in accordance with the payment system rules. The Bank of Russia may use the words 'payment system' with respect to the Bank of Russia payment system.

16. A payment system operator that is not a credit institution shall comply with the requirements stipulated in Part 9 of this Article throughout the entire time it conducts the activity of a payment system operator.

17. The Bank of Russia shall refuse to register a credit institution as a payment system operator in the following cases:

- 1) Failure to submit the documents stipulated in Part 8 of this Article;
- 2) Non-conformity of the elaborated payment system rules to the requirements

hereof.

18. The Bank of Russia shall refuse to register an organisation that is not a credit institution as a payment system operator in the following cases:

- 1) Failure to submit the documents stipulated in Part 10 of this Article;
- 2) Establishment of the non-conformity of the organisation to the

requirements stipulated in Part 9 of this Article;

- 3) Non-conformity of the elaborated payment system rules to the requirements hereof.

19. In the event of refusal to register the organisation as a payment system operator, the Bank of Russia shall notify the organisation that has sent the registration application thereof in writing and shall attach the documents submitted for registration within no more than five business days from the date of the decision to refuse the registration.

20. An organisation, which is a payment system operator and intends to become an operator of another payment system, shall send the Bank of Russia an additional registration application in the form and according to the procedure established by the Bank of Russia, specifying the registration number in the register of payment system operators.

21. The documents stipulated in Part 8 of this Article shall be attached to the additional registration application of the credit institution that is a payment system operator and intends to become an operator of another payment system.

22. The documents stipulated in Clauses 2–8 of Part 10 of this Article shall be attached to the additional registration application of the organisation that is not a credit institution, which intends to become an operator of another payment system.

23. The Bank of Russia shall make a decision to register the organisation that is a payment system operator intending to become an operator of another payment system or to refuse such a registration within no more than 30 calendar days following the receipt of the additional registration application.

24. Upon making a decision to register an organisation that is a payment system operator as an operator of another payment system, the Bank of Russia shall include its details in the register of payment system operators without assigning a new registration number and shall send a notification in the form established by the Bank of Russia to the organisation within no more than five business days after such a decision is made.

25. The organisation may become an operator of another payment system from the day of receipt of a Bank of Russia's notification on registration of the organisation that is a payment system operator as an operator of another payment system.

26. The organisation shall send the previously issued registration certificate to the Bank of Russia no later than on the next day following the receipt of the Bank of Russia's notification.

27. The Bank of Russia shall send a new registration certificate to the organisation along with the list of payment systems the organisation operates on the next business day following the receipt of the previously issued registration certificate from the organisation.

28. The Bank of Russia shall make a decision to refuse the registration of the credit institution that is a payment system operator as an operator of another payment system in the case of its failure to submit the documents stipulated in Part 8 of this Article.

29. The Bank of Russia shall make a decision to refuse the registration of an organisation that is not a credit institution and is a payment system operator as an operator of another payment system if it fails to submit the documents stipulated in Clauses 2–8 of Part 10 of this Article or if the payment system operator fails to comply with the established requirements.

30. In the event of any changes in the registration details of the payment system operator, such payment system operator shall inform the Bank of Russia thereof using the form established by the latter within three business days after such changes take place. Based on the notice received from the payment system operator, the Bank of Russia shall introduce the respective amendments to the register of payment system operators within three business days following its receipt.

31. The Bank of Russia may decide to remove the details of the organisation from the register of payment system operators on the following grounds and within the following time frames:

1) Based on the application of the payment system operator stating the business day when the details of the organisation are to be removed from the register of payment system operators – on the business day stated in the

application, but not earlier than on the day of filing the application of the payment system operator;

2) In the cases stipulated in Parts 8 and 9 of Article 34 hereof – on the business day following the day a decision is made by the Bank of Russia;

3) If the Bank of Russia discovers, in the course of supervision, any major discrepancy in the data, on the basis of which the payment system operator was registered, – on the business day following the day a decision is made by the Bank of Russia;

4) If the Bank of Russia revokes the banking licence of the credit institution that is a payment system operator – on the business day following the day of licence revocation by the Bank of Russia;

5) In the event of the liquidation of the payment system operator as a legal entity – on the business day following the day when the Bank of Russia becomes aware of the liquidation of the legal entity that is a payment system operator.

32. Removal of the details of an organisation from the register of payment system operators on grounds other than those stipulated in Part 31 of this Article is not allowed.

33. Upon removal of the details of an organisation from the register of payment system operators, the Bank of Russia shall make a record to that effect in the register of payment system operators and shall send the organisation a notification on the removal of its details from the register of payment system operators no later than on the next day following the day of such a removal, except as otherwise stipulated in Clause 5 of Part 31 of this Article. The organisation shall return its registration certificate to the Bank of Russia no later than on the next day following the receipt of the Bank of Russia's notification.

34. From the day following the day when a payment system operator that is not a credit institution receives a notification on the removal of details from the register of payment system operators, funds transfers within the payment system shall be stopped, and funds transfers initiated before that day shall be finalised by the central payment clearing counterparty and/or by the settlement centre during

the time established in Part 5 of Article 5 hereof. Insofar as it concerns important payment systems, the term of termination and completion of funds transfers may be extended by the Bank of Russia to a maximum period of one month.

35. The procedure for the completion of funds transfers by the central payment clearing counterparty and/or by the settlement centre in the event that their banking licences are revoked shall be determined by federal law.

36. The payment system operator shall submit changes in the payment system rules and changes in the list of the payment infrastructure service providers to the Bank of Russia within no more than 10 days after such changes are introduced.

37. Payment system operators may conclude an agreement on the interaction of their payment systems on the condition that the procedure for such interaction is reflected in the payment system rules.

38. The activity of a payment system operator, in the context of which funds transfers are made between money transfer operators located in the Russian Federation, may be conducted only by an organisation established in compliance with the legislation of the Russian Federation that meets the requirements of this Federal Law.

39. A money transfer operator (except for the Bank of Russia), in which bank accounts of at least three other money transfer operators are opened and if funds transfers have been made between these accounts for three months running in an amount exceeding the limit established by the Bank of Russia, shall send the Bank of Russia, as required by this Article, an application for registration of a payment system operator within 30 days after starting to meet the above requirement. Upon the expiry of four months from the starting day of meeting the above requirement, funds transfers between the bank accounts of money transfer operators opened with the aforesaid money transfer operator shall be allowed only within the framework of the payment system. The requirements of this part do not apply to money transfer operators that are settlement centres of payment systems, whose operators have been registered with the Bank of Russia, to the extent that funds transfers made within the framework of such payment systems are concerned.

40. The Bank of Russia shall send an organisation, which conducts the activity of a payment system operator and has failed to send a registration application to the Bank of Russia in accordance with this Article, a demand to register itself as a payment system operator. This organisation shall send a registration application to the Bank of Russia within no more than 30 calendar days following the receipt of such a demand or shall stop performing the activity of a payment system operator.

Article 16. Payment Infrastructure Service Providers and Requirements for their Activities

1. A credit institution, an organisation other than a credit institution, the Bank of Russia, or VEB.RF may be a payment infrastructure service provider.

(Part 1 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

2. A payment infrastructure service provider that is a credit institution, the Bank of Russia, or VEB.RF may combine the provision of operating services, payment clearing services, and settlement services, including within the framework of one organisation.

(Part 2 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

3. A payment infrastructure service provider other than a credit institution, the Bank of Russia, or VEB.RF may combine provision of operating services and payment clearing services, including within the framework of one organisation.

(Part 3 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

4. A payment infrastructure service provider that is a credit institution, the Bank of Russia, or VEB.RF may combine its activity with the activity of a money transfer operator or payment system operator or with other activity when this is not in conflict with the legislation of the Russian Federation.

(Part 4 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

5. A payment infrastructure service provider that is not a credit institution may combine its activity with the activity of a payment system operator and with other activity unless it is prohibited by the legislation of the Russian Federation.

6. The Bank of Russia shall conduct the activity of a payment infrastructure service provider based on this Federal Law and in accordance with Bank of Russia regulations and concluded agreements.

7. A payment infrastructure service provider shall conduct its activity in compliance with the payment system rules and agreements concluded with payment system participants and other payment infrastructure service providers.

8. The payment system rules shall define the requirements for payment infrastructure service providers with whom agreements may be concluded in accordance with this Federal Law.

9. Insofar as it concerns payment infrastructure service providers, requirements shall be established for their financial condition, technological infrastructure, and other factors affecting the continuous functioning of the payment system. Such requirements shall be unbiased, available for public review, and shall provide for equal access of payment infrastructure service providers to the payment system.

10. Payment infrastructure service providers shall provide the payment system operator with information about their activity (to the extent applicable to the provision of payment infrastructure services) in accordance with the payment system rules.

11. When funds transfers are made within the payment system by money transfer operators located in the Russian Federation, payment infrastructure service providers, which meet the requirements of this Federal Law and are located and perform all functions in the Russian Federation, shall be engaged. The provisions of this part do not apply to cross-border transfers of funds.

(Part 11 as amended by Federal Law No. 112-FZ, dated 5 May 2014)

12. Payment infrastructure service providers may not transfer information on any funds transfers made within the payment system in the Russian Federation to the territory of a foreign state or to provide access to such information from the territory of a foreign state. The provisions of this part do not apply to cross-border transfers of funds and cases when the transfer of such information is required to

process applications of customers that are payment system participants concerning the use of electronic means of payment without the customers' consent.

(Part 12 introduced by Federal Law No. 112-FZ, dated 5 May 2014)

13. Payment infrastructure service providers may not unilaterally suspend (terminate) the provision of payment infrastructure services to the payment system participants and their customers.

(Part 13 introduced by Federal Law No. 112-FZ, dated 5 May 2014)

Article 17. Operations Centre Activity Requirements

1. An operations centre shall conduct its activity in compliance with the payment system rules and on the basis of operating service agreements with the payment system operator, payment system participants, payment clearing centre, and settlement centre when the conclusion of such agreements is provided for by the payment system rules.

2. A payment system may have several operations centres.

3. An operations centre ensures the exchange of electronic messages between payment system participants; between payment system participants and their customers, the payment clearing centre, and the settlement centre; and between the payment clearing centre and the settlement centre.

4. An operations centre may perform other activities associated with the use of information and communications technology, as may be necessary for the functioning of the payment system and stipulated by the payment system rules.

5. An operations centre shall be liable for actual damages incurred by payment system participants, the payment clearing centre, and the settlement centre due to its failure to provide (improper provision of) operational services.

6. The payment system rules and the operating service agreement may limit the liability of the operations centre for actual damages to the amount of penalty, save in the event of deliberate non-provision (improper provision) of operational services.

7. When the payment system rules and the operating service agreement provide for the obligation of the operations centre to guarantee the continuity of operational services during a certain period of time, both the liability of the operations centre for actual damages and the penalty may be established.

8. *Invalid since 1 July 2016. – Federal Law No. 112-FZ, dated 5 May 2014.*

Article 18. Payment Clearing Centre Activity Requirements

1. A payment clearing centre shall conduct its activity in compliance with the payment system rules and on the basis of the payment clearing service agreements concluded with the payment system participants, the operations centre, and the settlement centre when conclusion of such agreements is provided for by the payment system rules.

2. In payment systems where funds transfers are made under transactions performed in organised markets, payment clearing services may be provided within the framework of the clearing service by a clearing organisation conducting its activity in compliance with Federal Law No. 7-FZ, dated 7 February 2011, 'On Clearing, Clearing Activity, and the Central Counterparty'.

(Part 2 as amended by Federal Law No. 176-FZ, dated 18 July 2017)

3. A payment system may have several payment clearing centres.

4. A payment clearing service agreement concluded with payment system participants shall be an adhesion contract.

5. In accordance with the payment clearing service agreement concluded with the settlement centre, a payment clearing centre shall transfer instructions for execution to the settlement centre on behalf of payment system participants.

6. A payment clearing centre shall be liable for losses incurred by payment system participants and the settlement centre as a result of its failure to provide (improper provision) of payment clearing services.

7. The payment system rules and the payment clearing service agreement may limit the liability of the payment clearing centre for losses to the amount of penalty, save in the event of deliberate non-provision (improper provision) of payment clearing services.

8. A credit institution, the Bank of Russia, or VEB.RF may be a central payment clearing counterparty in accordance with the procedure established by the payment system rules and payment clearing service agreements.

(Part 8 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

9. The central payment clearing counterparty shall:

1) Have sufficient funds to discharge its obligations or shall secure the fulfilment of its obligations, including using a guarantee fund, in the amount of the greatest obligation, under which the central payment clearing counterparty becomes a payer, for the period defined by the payment system rules;

2) Monitor on a daily basis the risks of non-fulfilment (improper fulfilment) of funds transfer obligations by payment system participants; apply restrictive measures to payment system participants where the analysis of their financial condition shows an increased risk, including the establishment of a maximum amount of the payment clearing position; and demand that payment system participants to increase the amount of their security for the fulfilment of funds transfer obligations.

Article 19. Settlement Centre Activity Requirements

1. A credit institution, the Bank of Russia, or VEB.RF may be a settlement centre.

(Part 1 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

2. A payment system may have several settlement centres.

3. A settlement centre shall conduct its activity in compliance with payment system rules and based on bank account agreements concluded with payment system participants and/or with the central payment clearing counterparty (if any)

as well as based on agreements concluded with the operations centre and payment clearing centre when conclusion of such agreements is provided for by payment system rules.

4. A settlement centre executes the instructions of payment system participants received from the payment clearing centre by way of debiting and crediting bank accounts of the payment system participants and/or the bank account of the central payment clearing counterparty (if any).

5. In the case stipulated in Part 2 of Article 18 hereof, the payment system settlement centre may execute instructions of payment system participants received from the clearing organisation conducting its activity in compliance with Federal Law No. 7-FZ, dated 7 February 2011, 'On Clearing, Clearing Activity, and the Central Counterparty'.

(Part 5 as amended by Federal Law No. 176-FZ, dated 18 July 2017)

Article 19¹. Specific Aspects of Cross-Border Transfers of Funds in Case of Prohibitions Introduced by a Foreign State

(introduced by Federal Law No. 59-FZ, dated 3 April 2017)

1. In the event that any prohibitions are introduced by a foreign state in respect of payment systems whose operators have been registered by the Bank of Russia, including prohibitions on receiving funds transfers from the Russian Federation, prohibitions on engaging payment infrastructure service providers located in the Russian Federation, or prohibitions on participating in payment systems, cross-border transfers of funds without opening a bank account within the framework of payment systems and foreign payment systems may be performed from the Russian Federation to such a foreign state only provided that the payment system operator and payment infrastructure service providers are under the direct or indirect control of legal entities established in accordance with the legislation of the Russian Federation.

2. In the event that any prohibitions are introduced by a foreign state as provided for in Part 1 of this Article, cross-border transfers of funds without opening a bank account from the Russian Federation to such a foreign state under agreements concluded with foreign organisations other than foreign banks (foreign credit institutions) shall not be performed, except when these foreign organisations are under the direct or indirect control of legal entities established in compliance with the legislation of the Russian Federation.

3. The Bank of Russia, based on the information received from the federal executive body duly authorised by the Government of the Russian Federation, shall publish information on its official website about prohibitions introduced by foreign states against payment systems whose operators have been registered by the Bank of Russia.

4. The restrictions stipulated in Parts 1 and 2 of this Article shall apply from the day when the Bank of Russia publishes information on the prohibitions introduced by foreign states on its official website.

5. For the purpose of the application of this Article, control shall be defined in accordance with the International Financial Reporting Standards recognised in the Russian Federation. If the control with respect to the payment system operator or payment infrastructure service providers by legal entities established in accordance with the legislation of the Russian Federation cannot be determined in accordance with the International Financial Reporting Standards, the control shall be recognised as established if such legal entities have the right to directly or indirectly manage (including based on a trust management agreement, a simple partnership agreement, or a commission agreement, as a result of other transactions, or on other grounds) more than 50 per cent of the total votes attached to the voting stock (shares) comprising the authorised capital of the payment system operator or payment infrastructure service providers.

Chapter 4. ORGANISATIONAL AND OPERATIONAL REQUIREMENTS FOR PAYMENT SYSTEMS

Article 20. Payment System Rules

1. The payment system rules shall define the following:

- 1) A procedure for interaction between the payment system operator, payment system participants, and payment infrastructure service providers;
- 2) A procedure for monitoring compliance with the payment system rules;
- 3) Liability for non-compliance with the payment system rules;
- 4) Criteria for participation and suspension or termination of participation in the payment system;
- 5) A procedure for engaging payment infrastructure service providers and maintaining the list of payment infrastructure service providers;
- 6) Applicable forms of cashless settlements;
- 7) A procedure for making funds transfers within the payment system, including when they become irrevocable, unconditional, and final;
- 8) A procedure for accompanying funds transfers with the payer's details in accordance with the requirements of Federal Law No. 115-FZ, dated 7 August 2001, 'On Countering the Legalisation (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism ' if they are not contained in the payment system participant's instruction;
- 9) A payment procedure for funds transfer services, which shall be uniform within the payment system;
- 10) Payment clearing and settlements procedures;
- 11) A payment procedure for payment infrastructure services, which shall be uniform within the payment system;
- 12) A procedure for payment system participants and payment infrastructure service providers to provide information about their activity to the payment system operator;

13) A risk management framework for the payment system, including the applicable risk management model, a list of risk management activities and methods;

14) A procedure for ensuring the continuous functioning of the payment system;

15) Time schedule for the functioning of the payment system;

16) A procedure for assigning a code (number) which would allow unambiguous identification of a payment system participant and the type of its participation in the payment system;

17) A procedure for ensuring the fulfilment of funds transfer obligations by payment system participants;

18) A procedure for interaction within the payment system in disputable and emergency situations, including notification of an important payment system operator by payment infrastructure service providers and important payment system participants on events that caused operating failures and on their causes and consequences;

19) Requirements for information protection;

20) A list of payment systems, with which the payment system interacts and the procedure for such interaction;

21) A procedure for changing the payment system rules;

22) A procedure for pre-trial settlement of disputes with payment system participants and payment infrastructure service providers.

2. The payment system rules may stipulate other provisions as may be necessary to support the functioning of the payment system.

3. The payment system rules, except for the Bank of Russia payment system rules, constitute an agreement. The payment system rules may be drawn up as a single document or as several related documents.

4. The payment system rules may not establish the following:

1) Requirements impeding participation in the payment system, which are not consistent with the requirements of Part 10, Article 21 hereof;

2) Requirements demanding that payment system participants should not participate in other payment systems (exclusive participation condition);

3) Requirements for payment system participants regarding limitation (prohibition) of clearing between them and settlements outside the framework of the payment system based on agreements concluded between the payment system participants at the liability of such participants;

4) The possibility for unilateral suspension (termination) of provision of payment infrastructure services to payment system participants and their customers as well as requirements for payment infrastructure service providers to limit (prohibit) provision of payment infrastructure services within the framework of other payment systems (the condition of exclusive provision of payment infrastructure services);

(Clause 4 as amended by Federal Law No. 112-FZ, dated 5 May 2014)

5) A minimum amount of payment for funds transfer services by the payment system participants and their customers.

5. The payment system operator shall provide organisations intending to participate in the payment system with the payment system rules for preliminary review without charging a fee, except for expenses for making copies of the payment system rules.

6. The payment system rules, including tariffs and other kinds of fees for services within the payment system (the 'tariffs'), shall be publicly available. The payment system operator is entitled not to disclose the information protection requirements and the information, the access to which is restricted in accordance with federal law.

(Part 6 as amended by Federal Law No. 112-FZ, dated 5 May 2014)

7. Payment system participants shall adhere to the payment system rules only by way of their full acceptance.

8. The payment system operator may amend the payment system rules unilaterally on the condition that:

1) The payment system participants are given the possibility to review the suggested amendments in advance and send their opinion to the payment system operator within the time established by the latter, which shall not be less than one month;

2) The date for making the amendments is set at least one month after the expiry of the time period specified in Clause 1 of this Part.

8¹. When introducing amendments to the payment system rules, which introduce new tariffs or increase tariffs, the payment system operator shall notify the Bank of Russia thereof at least 30 calendar days before the amendments to the payment system rules come into force and shall submit the substantiation for such amendments.

(Part 8¹ as amended by Federal Law No. 88-FZ, dated 1 May 2017)

9. The payment system rules of the Bank of Russia shall be governed by Bank of Russia regulations based on this Federal Law.

10. Specific aspects of rules of the payment systems, where funds transfers are made under transactions performed in organised markets, shall be established by the Bank of Russia.

(Part 10 as amended by Federal Law No. 251-FZ, dated 23 July 2013)

Article 21. Payment System Participants

1. The following organisations may become payment system participants if they adhere to the payment system rules in accordance with the procedure established by the payment system rules:

1) Money transfer operators (including electronic money operators);

2) Trade organisers conducting their activity in accordance with Federal Law No. 325-FZ, dated 21 November 2011, 'On Organised Trading', professional securities market participants, clearing organisations, and legal entities that are organised trading participants and/or clearing participants and/or the central

counterparty in accordance with Federal Law No. 7-FZ, dated 7 February 2011, 'On Clearing, Clearing Activity, and the Central Counterparty';

(Clause 2 as amended by Federal Laws No. 112-FZ, dated 5 May 2014; No. 176-FZ, dated 18 July 2017)

3) Insurance organisations offering compulsory civil liability insurance in accordance with the legislation of the Russian Federation;

4) Federal Treasury bodies;

5) Federal postal service organisations.

2. If payment system operators conclude an agreement on the interaction of payment systems, the central payment clearing counterparty and/or the settlement centre of another payment system (acting by order of the operator of that payment system) may participate in the payment system.

3. International financial institutions, foreign central (national) banks, and foreign banks may be payment system participants.

4. The payment system rules shall provide for direct participation in the payment system and may provide for indirect participation in the payment system.

5. The payment system rules may provide for different forms of direct and indirect participation in the payment system.

6. Direct participation in the payment system requires that the organisation that is to become a direct participant have a bank account opened with the settlement centre to make settlements with other payment system participants.

7. Only money transfer operators, including electronic money operators, trade organisers conducting their activity in compliance with Federal Law No. 325-FZ, dated 21 November 2011, 'On Organised Trading', professional securities market participants, clearing organisations, legal entities that are organised trading participants and/or clearing participants and/or the clearing counterparty in accordance with Federal Law No. 7-FZ, dated 7 February 2011, 'On Clearing, Clearing Activity, and the Central Counterparty' (when making funds transfers under transactions performed in organised markets), insurance organisations offering compulsory civil liability insurance in accordance with the legislation of the Russian Federation (when making settlements under compulsory types of civil

liability insurance, as provided for by the legislation of the Russian Federation), international financial institutions, foreign central (national) banks, foreign banks (foreign credit institutions), and Federal Treasury bodies may be direct participants of the payment system.

(Part 7 as amended by Federal Laws No. 112-FZ, dated 5 May 2014; No. 176-FZ, dated 18 July 2017)

8. Indirect participation in the payment system requires the opening of a bank account for an indirect participant that is an organisation stipulated in Part 1 of this Article by a direct payment system participant that is a money transfer operator to make settlements with other payment system participants.

9. The relationships between direct and indirect participants of the payment system shall be governed by the payment system rules and concluded bank account agreements.

10. For each form of participation in the payment system, the rules of such a payment system shall establish specific participation criteria, which shall include requirements available for public review and providing all payment system participants of the same kind equal access to the payment system. These requirements may concern financial condition, technological infrastructure, and other factors affecting the continuous functioning of the payment system.

11. Money transfer operators, except for the Bank of Russia, may take part in the payment systems for the purpose of making cross-border transfers of funds by giving a notice thereof to the Bank of Russia within no more than 10 calendar days from the start of participation in the payment system in accordance with the procedure established by the Bank of Russia.

12. Money transfer operators may not take part in a payment system, within which funds transfers are made in the territory of the Russian Federation, if any of the following conditions are present:

1) If the legal entity that performs the functions of a payment system operator and meets the requirements of this Federal Law is not present in the Russian Federation;

2) If no payment system rules that conform to the requirements of this Federal Law are available;

3) Breach of the requirements of Part 11, Article 16 hereof;

4) Breach of the requirements of Part 10, Article 29 hereof.

Article 22. Recognising a Payment System as Important

1. A payment system shall be systemically important if it meets at least one of the following criteria:

1) The amount of funds transfers performed within the payment system for three calendar months running is equal or exceeds the share of the amount of funds transfers made by credit institutions established by the Bank of Russia;

(Clause 1 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

2) The payment system is used by the Bank of Russia to perform funds transfers for the purpose of refinancing credit institutions and settlement of operations in the open market;

3) The payment system is used to make funds transfers under transactions performed in organised markets.

2. A payment system shall be socially important if it meets at least one of the following criteria:

1) The amount of funds transfers performed within the payment system for three calendar months running is equal to or exceeds the share of funds transfers performed within payment systems, as established by the Bank of Russia, and more than a half of these funds transfers are for an amount not exceeding the value established by the Bank of Russia;

2) The amount of funds transfers performed within the payment system during a calendar year using payment cards is equal to or exceeds the share of funds transfers, as established by the Bank of Russia, made using payment cards within payment systems;

3) The amount of funds transfers performed within the payment system during a calendar year without opening a bank account is equal to or exceeds the share of funds transfers without opening a bank account, as established by the Bank of Russia, made within payment systems;

4) The amount of funds transfers performed within the payment system during a calendar year on bank accounts of individual customers (except for funds transfers made using payment cards) is equal to or exceeds the share of funds transfers, as established by the Bank of Russia, on bank accounts of individual customers made within payment systems.

(Part 2 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

3. A payment system shall be recognised as important by the Bank of Russia based on information supporting the conformity of the payment system to the established importance criteria:

1) When the Bank of Russia registers the payment system operator;

2) When the Bank of Russia exercises supervision and oversight in the national payment system;

3) Based on a written application of the payment system operator with documents supporting the conformity of the payment system to the established importance criteria attached to the application.

4. When making a decision on recognising a payment system as important, the Bank of Russia shall, within seven calendar days:

1) Include information on the recognition of the payment system as important in the register of payment system operators;

2) Notify the payment system operator in writing of the recognition of the payment system as important.

5. The Bank of Russia shall publish information on including the payment system in the list of important payment systems in the Bank of Russia's official publication, 'Bank of Russia Bulletin'.

6. The payment system is recognised as important from the day when the relevant information is included in the register of payment system operators.

7. An important payment system operator shall:

1) Ensure that the requirements imposed by the Bank of Russia in accordance with Article 24 hereof are complied with within 90 calendar days following the receipt of a notification from the Bank of Russia on the recognition of the payment system as important;

2) Introduce the necessary changes to the payment system rules within 120 calendar days after receiving the notification from the Bank of Russia on the recognition of the payment system as important in order to comply with the requirements of Article 24 hereof and send the amended payment system rules to the Bank of Russia or notify the Bank of Russia within no more than seven calendar days of the conformity of the payment system rules submitted to the Bank of Russia during the registration of the payment system operator to the requirements of Article 24 hereof.

8. The Bank of Russia reviews the conformity of important payment systems to the established importance criteria. If a payment system previously recognised as important does not conform to any of the established importance criteria for six calendar months, the Bank of Russia shall decide to consider such a payment system as having lost its systemic or social importance.

9. After making a decision to consider a payment system as having lost its systemic or social importance, the Bank of Russia shall, within seven calendar days:

1) Include information on the recognition of the payment system as having lost its systemic or social importance in the register of payment system operators;

2) Notify the payment system operator in writing on the recognition of the payment system as having lost its systemic or social importance.

10. The Bank of Russia shall publish information on the recognition of the payment system as having lost its systemic or social importance in the Bank of Russia's official publication, 'Bank of Russia Bulletin'.

11. The Bank of Russia payment system is recognised as a systemically important payment system.

12. The Bank of Russia shall ensure that the Bank of Russia payment system complies with the requirements for systemically important payment systems, as provided for by Article 24 hereof.

13. A payment system shall be recognised as a nationally important payment system by the Bank of Russia in accordance with the procedure established by the latter, if the payment system meets all of the following criteria at the same time:

1) The Russian Federation, the Bank of Russia, or citizens of the Russian Federation have established direct or indirect control over the payment system operator and payment infrastructure service providers, except for the payment system settlement centre. The procedure to determine such control and to prepare and submit information to the Bank of Russia regarding the establishment of such control shall be defined by the Bank of Russia.

2) Information technology used by the payment infrastructure service providers complies with the requirements established by the Bank of Russia in consultation with the Government of the Russian Federation. These requirements shall include, among other things, using an established share of software developed by Russian companies, requirements for licence agreements, requirements for payment card tangible media, including their integrated circuits, and information protection requirements.

(Part 13 introduced by Federal Law No. 112-FZ, dated 5 May 2014)

14. The Bank of Russia payment system, the payment system where funds transfers are made under transactions performed in organised markets, and the national payment card system are nationally important payment systems.

(Part 14 introduced by Federal Law No. 112-FZ, dated 5 May 2014, as amended by Federal Law No. 319-FZ, dated 22 October 2014)

Article 23. Procedures for the Bank of Russia's Verification of the Compliance of Important Payment System Rules with Established Requirements

1. Verification of compliance of the rules of an important payment system with the requirements established by this Federal Law and Bank of Russia regulations adopted pursuant hereto (the 'verification of compliance') shall be carried out by the Bank of Russia after the payment system has been recognised as important.

2. An important payment system operator, within the time specified in Clause 2 of Part 7, Article 22 hereof, shall submit two copies of the payment system rules to the Bank of Russia for verification of compliance or shall inform the Bank of Russia of the possibility to verify the compliance of the payment system rules submitted to the Bank of Russia during the registration of the payment system operator.

3. The Bank of Russia shall verify the compliance of the important payment system rules within no more than 90 calendar days of submission of the important payment system rules for verification of compliance or of notification of the Bank of Russia on the possibility to verify the compliance of the payment system rules submitted to the Bank of Russia during the registration of the payment system operator.

4. If the payment system rules conform to the requirements of this Federal Law and Bank of Russia regulations adopted pursuant hereto, the Bank of Russia shall mark the payment system rules as compliant and send one copy of the rules of the important payment system to the important payment system operator.

5. If the payment system rules do not conform to the requirements of this Federal Law and Bank of Russia regulations adopted pursuant hereto, the Bank of Russia shall notify the payment system operator in writing of such non-conformity. The notice shall indicate the requirements to which the payment system rules submitted to the Bank of Russia do not conform and the period, which shall not

exceed 90 days, for their amendment and repeated presentation to the Bank of Russia for verification of compliance.

6. When introducing amendments to the rules of an important payment system, including upon the Bank of Russia's demand filed in the course of the Bank of Russia's oversight in the national payment system, the important payment system operator shall submit such amendments to the Bank of Russia for verification of compliance within no more than 10 days after such amendments have been introduced.

Article 24. Requirements for an Important Payment System

1. The Bank of Russia establishes the following requirements for a systemically important payment system:

1) The payment system operator and/or the payment clearing centre and/or the settlement centre shall carry out real-time monitoring and analysis of risks;

2) The payment system shall provide for real-time or same-day settlements;

3) Settlements shall be made through a settlement centre, which meets the financial stability and risk management requirements established by the Bank of Russia;

4) The payment system shall ensure a guaranteed level of operating service continuity;

5) The risk management system of the important payment system shall conform to the requirements established by Part 8 of Article 28 hereof.

2. The Bank of Russia establishes the following requirements for a socially important payment system:

1) The payment system operator and/or the payment clearing centre and/or the settlement centre shall carry out monitoring and analysis of risks on a continuous basis;

2) Settlements shall be made through a settlement centre that is a bank that participates in the system of compulsory insurance of deposits in banks of the Russian Federation and complies with the risk management requirements established by the Bank of Russia or through a non-bank credit institution that has been making settlements on accounts of other credit institutions for no less than three years;

(Clause 2 as amended by Federal Law No. 322-FZ, dated 3 August 2018)

3) Conforming to the requirements established in Clauses 4 and 5 of Part 1 of this Article.

3. The Bank of Russia's requirements for an important payment system shall apply upon expiry of 90 calendar days after the payment system operator receives a notification from the Bank of Russia on recognition of the payment system as important.

4. If the payment system loses its importance, the requirements established by the Bank of Russia for an important payment system may be ignored from the day when the payment system operator receives a notification from the Bank of Russia on the recognition of the payment system as having lost its systemic or social importance.

Article 25. Payment Clearing and Settlement in a Payment System

1. Payment clearing in the payment system shall be carried out by the payment clearing centre by way of:

1) Performing the procedures for accepting payment system participants' instructions for execution, including verification of conformity of payment system participants' instructions to the established requirements, identification of the sufficiency of cash funds for the execution of payment system participants' instructions, and determination of payment clearing positions;

2) Transferring the instructions accepted from the payment system participants to the settlement centre for execution;

3) Sending notifications (confirmations) to payment system participants regarding acceptance of payment system participants' instructions for execution and transmitting notifications (confirmations) concerning the execution of payment system participants' instructions.

2. The procedures for accepting payment system participants' instructions for execution shall be carried out by the payment clearing centre in compliance with the payment system rules.

3. The payment clearing position of a payment system participant may be determined on a gross basis and/or on a net basis.

4. A payment clearing position on a gross basis is defined as the amount of an individual instruction of the payment system participant or the total amount of payment system participants' instructions where the payment system participant is a payer or a payee.

5. After the determination of the payment clearing position on a gross basis, payment system participants' instructions shall be transferred by the payment clearing centre to the settlement centre for execution.

6. A payment clearing position on a net basis is defined as the difference between the total amount of payment system participants' instructions for execution where the payment system participant is a payer and the total amount of payment system participants' instructions where the payment system participant is a payee.

7. After the determination of the payment clearing position on a net basis, the payment clearing centre shall transmit its instructions to the settlement centre for execution in the amount of the determined net payment clearing positions of the payment system participants and/or instructions accepted from the payment system participants.

8. Settlements in the payment system are made by the settlement centre by way of debiting and crediting the bank accounts of the payment system participants and/or of the central payment clearing counterparty based on the instructions

received from the payment clearing centre in the amount of the determined payment clearing positions.

9. When payment system operators conclude an agreement on interaction between payment systems, payment clearing and settlements for the purpose of funds transfer between the participants of the same payment system shall be carried out by the payment clearing centre and the settlement centre of that payment system, unless otherwise stipulated in the agreement on the interaction between the payment systems. Payment clearing and settlements for the purpose of funds transfer between the participants of different payment systems shall be carried out in accordance with the procedure established by the agreement on the interaction between the payment systems.

Article 26. Ensuring Banking Confidentiality in a Payment System

Money transfer operators, payment system operators, payment infrastructure service providers, and bank payment agents (subagents) shall maintain banking secrecy in accordance with the legislation of the Russian Federation on banks and banking activity.

Article 27. Ensuring Data Security in a Payment System

1. Money transfer operators, bank payment agents (subagents), payment system operators, and payment infrastructure service providers shall protect information on means and methods of information security assurance, personal data, and other information that is subject to mandatory protection in accordance with the legislation of the Russian Federation. The Government of the Russian Federation shall establish requirements for protecting the above information.

2. Control and supervision over compliance with the requirements established by the Government of the Russian Federation shall be carried out by the federal

executive body in charge of security assurance and by the federal executive body in charge of technical counterintelligence and technical protection of information within the scope of their authorities and without the right to acquaint themselves with the protected information.

3. Money transfer operators, bank payment agents (subagents), payment system operators, and payment infrastructure service providers shall maintain information security during funds transfer in accordance with the requirements established by the Bank of Russia in consultation with the federal executive bodies specified in Part 2 of this Article. Monitoring of compliance with the established requirements shall be established by the Bank of Russia in the course of oversight in the national payment system in accordance with the procedure agreed upon with the federal executive bodies specified in Part 2 of this Article.

4. Money transfer operators, payment system operators, and payment infrastructure service providers shall take measures to prevent funds transfers without the customer's authorisation in accordance with the procedure established by the Bank of Russia.

(Part 4 introduced by Federal Law No. 167-FZ, dated 27 June 2018)

5. To protect information when performing funds transfers, the Bank of Russia creates and maintains a database of actual cases and attempts to transfer funds without the customer's authorisation.

(Part 5 introduced by Federal Law No. 167-FZ, dated 27 June 2018)

6. Money transfer operators, payment system operators, and payment infrastructure service providers shall inform the Bank of Russia of all actual cases and/or attempts to transfer funds without the customer's authorisation in accordance with the form and procedure established by the Bank of Russia.

(Part 6 introduced by Federal Law No. 167-FZ, dated 27 June 2018)

7. Money transfer operators, payment system operators, and payment infrastructure service providers may receive information contained in the database of actual cases and attempts to transfer funds without the customer's authorisation from the Bank of Russia in accordance with the established form and procedure.

(Part 7 introduced by Federal Law No. 167-FZ, dated 27 June 2018)

Article 28. Risk Management in a Payment System

1. For the purposes of this Federal Law, the risk management system in a payment system shall mean a framework of measures and methods for reducing the probability of occurrence of adverse consequences for the continuous functioning of the payment system with due regard to the amount of inflicted damage.

2. A payment system operator shall choose one of the following organisational models to be used for risk management in the payment system:

1) Independent risk management in the payment system by the payment system operator;

2) Distribution of risk assessment and management functions between the payment system operator, payment infrastructure service providers, and payment system participants;

3) Transfer of risk assessment and management functions by a payment system operator that is not a credit institution to the settlement centre.

3. The risk management system shall provide for the following measures:

1) Establishment of the organisational structure for risk management ensuring control over payment system participants' compliance with the risk management requirements established by the payment system rules;

2) Determination of functional duties of the persons responsible for risk management or of the respective structural business units;

3) Communication of relevant information on risks to the management bodies of the payment system operator;

4) Determination of indicators of continuity with regard to the functioning of the payment system in accordance with the requirements of Bank of Russia regulations;

5) Establishment of the procedure for ensuring the continuous functioning of the payment system in accordance with the requirements of Bank of Russia regulations;

6) Establishment of risk analysis methods in the payment system, including risk profiles, in accordance with the requirements of Bank of Russia regulations;

7) Establishment of the procedure for exchanging information required for risk management;

8) Establishment of the interaction procedure in case of disputes or non-standard and emergency situations, including system failures;

9) Establishment of the procedure for modifying operational and technological facilities and procedures;

10) Establishment of the procedure for evaluating the quality of functioning of operational and technological facilities and information systems by an independent organisation;

11) Establishment of the procedure for ensuring information protection in the payment system.

4. Risk management methods in the payment system shall be determined by the payment system operator subject to the specific aspects of payment system organisation, the risk management model, payment clearing and settlement procedures, the number of funds transfers and their amounts, and the time of final settlement.

5. The risk management system may provide for the following risk management methods:

1) Setting maximum amounts (limits) of liabilities of payment system participants with due regard to the risk level;

2) Establishment of a payment system guarantee fund;

3) Management of the order of execution of payment system participants' instructions;

4) Making settlements in the payment system by the end of the business day;

5) Making settlements within the limits of funds provided by the payment system participants;

6) Ensuring the possibility of granting credit;

7) Using irrevocable banking guarantees or letters of credit;

8) Other risk management methods, as provided for by the payment system rules.

6. The payment system rules may provide for the payment system operator to establish a collective body responsible for risk management in the payment system, which will include representatives of the payment system operator, payment infrastructure service providers, and payment system participants in charge of risk management. The risk management body may include, by agreement with the Bank of Russia, representatives of the Bank of Russia with a consultative vote.

7. The functional responsibilities and the authority of the risk management body shall include:

1) Setting the criteria for risk management system assessment, including systemic risk, and performing such an assessment;

2) Preparing proposals and recommendations following the results of risk management system assessment.

8. The system of risk management in the important payment system shall provide for the establishment of a risk management body of the important payment system, as specified in Part 6 of this Article, and the application of at least two risk management methods specified in Clauses 1–7 of Part 5 of this Article.

Article 29. Securing the Execution of Payment System Participants' Obligations

1. The procedure for securing the fulfilment of obligations by payment system participants shall be established by the payment system rules.

2. When settlements are made on a net basis, the fulfilment of the largest obligation of a participant of the important payment system shall be ensured.

3. The payment system rules may provide for the establishment by the payment system operator or, by its order, by the central payment clearing counterparty or the settlement centre of a payment system guarantee fund with the monetary funds (guarantee deposits) of the payment system participants. The

payment system rules may establish that the payment system operator, the central payment clearing counterparty, and/or the settlement centre shall make monetary contributions to the payment system guarantee fund.

4. The procedure for determining the amount of guarantee deposits shall be established by the payment system rules.

5. The payment system guarantee fund shall be used by the payment system operator or, by its order, by the central payment clearing counterparty or by the settlement centre for the purpose of securing the fulfilment of obligations of payment system participants.

6. In case of a payment system participant's non-performance (improper performance) of its obligations, its guarantee deposit shall be used to satisfy claims under such obligations.

7. If the guarantee deposit of the payment system participant is insufficient, guarantee deposits of other payment system participants shall be used in accordance with the procedure stipulated by the payment system rules. In this case, such payment system participant shall reimburse the amount of utilised guarantee deposits and shall pay interest for their utilisation, if it is provided for by the payment system rules.

8. Upon termination of participation in the payment system, the payment system participant shall have its guarantee deposit refunded in the manner and within the time frame stipulated by the payment system rules.

9. The payment system guarantee fund shall be held in a separate bank account opened for the payment system operator, the central payment clearing counterparty, or payment system participants (the 'payment system guarantee fund account') in accordance with Article 30 hereof.

10. An account of the payment system guarantee fund may be opened only with the Bank of Russia, VEB.RF, or with a bank participating in the deposit insurance system or with a non-bank credit institution that is not entitled to invest money placed on deposit accounts.

(Part 10 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

11. Determination of payment clearing positions and settlement of a transaction or funds transfer performed by or with the participation of a foreign central payment clearing counterparty, for whom a bank account has been opened with the Bank of Russia, within the framework of a foreign payment system, including for the purpose of securing the fulfilment of obligations and/or satisfying claims under outstanding obligations within the framework of a foreign payment system, cannot be recognised as invalid on grounds stipulated by the legislation of the Russian Federation. When it concerns debts of a foreign payment system participant or a foreign central payment clearing counterparty, the funds in the bank account opened by the Bank of Russia for the foreign central payment clearing counterparty cannot be seized or recovered. Operations on such a bank account on the grounds stipulated by the legislation of the Russian Federation may not be suspended.

(Part 11 introduced by Federal Law No. 112-FZ, dated 5 May 2014)

Article 30. Payment System Guarantee Fund Account

1. When a payment system guarantee fund account is opened for the payment system operator, operations on the account shall be performed based on that payment system operator's instructions.

2. When a payment system guarantee fund account is opened for the central payment clearing counterparty, the operations on this account shall be performed either based on that payment system operator's instructions without the instruction of the central payment clearing counterparty or based on the instructions of the central payment clearing counterparty with the consent of the payment system operator.

3. When a payment system guarantee fund account is opened for a payment system participant, the operations on this account shall be performed either based on the payment system operator's instructions or the instructions of the central payment clearing counterparty without the instruction of the payment system

participant, for whom the account has been opened, or based on the instructions of the payment system participant, for whom the account has been opened, with the consent of the payment system operator or the central payment clearing counterparty.

4. When a payment system guarantee fund account is opened for the central payment clearing counterparty or for a payment system participant, the payment system operator or the payment system operator and the central payment clearing counterparty, respectively, shall have the right to receive information about the operations on the account from the money transfer operator where the payment system guarantee fund account has been opened.

5. When a payment system guarantee fund account is opened for the central payment clearing counterparty or for a payment system participant, a person entitled to give instructions on this account shall be indicated in accordance with the requirements of Parts 2 and 3 of this Article.

6. The consent of the payment system operator or the central payment clearing counterparty to perform operations on the payment system guarantee fund account shall be given in the manner stipulated in the bank account agreement in accordance with the payment system rules.

7. The payment system operator, the central payment clearing counterparty, and a payment system participant shall have the right to transfer their own funds to the payment system guarantee fund account in the cases stipulated in Parts 3 and 7 of Article 29 hereof.

8. If the payment system operator, the central payment clearing counterparty, or a payment system participant is declared bankrupt, the funds held on the payment system guarantee fund account shall not be included in the bankruptcy estate and shall be returned to the persons who provided them in the amount left after the fulfilment of all obligations of the payment system participants.

9. When it concerns debts of the payment system operator, the central payment clearing counterparty, or a payment system participant, the funds held on the payment system guarantee fund account cannot be seized, and operations on

that account cannot be suspended. Suspension of operations on the payment system guarantee fund account on the grounds stipulated by the legislation of the Russian Federation on taxes and fees is not allowed.

10. The funds held on the account of a payment system guarantee fund cannot be seized with respect to the obligations of the payment system operator, the central payment clearing counterparty, or a payment system participant.

Chapter 4¹. NATIONAL PAYMENT CARD SYSTEM

(introduced by Federal Law No. 112-FZ, dated 5 May 2014)

Article 30¹. Establishment of the National Payment Card System

1. The purpose of establishing the national payment card system ('NSPK'), which is a payment system created and functioning in accordance with this Chapter, is to ensure the continuous, effective, and accessible provision of funds transfer services.

2. Within the framework of the NSPK, funds transfers are made using payment cards and other electronic means of payment bearing the trademark (service mark) of the NSPK operator, which are provided to customers by NSPK participants in accordance with the NSPK rules (the 'national payment instruments'), and payment infrastructure services are provided with respect to funds transfers made in the Russian Federation using international payment cards, which, for the purposes of this Federal Law, shall mean payment cards issued by credit institutions located in two or more states and bearing a uniform trademark (service mark) belonging to a foreign legal entity whose personal law is the law of a foreign state.

(Part 2 as amended by Federal Laws No. 319-FZ, dated 22 October 2014; No. 88-FZ, dated 1 May 2017)

2¹. If a national payment instrument bears a trademark (service mark) belonging to a foreign payment system operator, operations using the national payment instrument in the Russian Federation shall be settled in accordance with the NSPK rules.

(Part 2¹ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

3. The official service mark of the NSPK is the graphical symbol of the Russian ruble, as approved by the Bank of Russia in accordance with the legislation of the Russian Federation.

Article 30². Establishment of the NSPK Operator

1. The NSPK operator shall be established in the form of a joint-stock company in accordance with Federal Law No. 208-FZ, dated 26 December 1995, 'On Joint-stock Companies' with due regard to the requirements of this Federal Law.

(Part 1 as amended by Federal Law No. 319-FZ, dated 22 October 2014)

2. Upon the establishment of the NSPK operator, 100 per cent of its shares shall belong to the Bank of Russia.

3. The interest of the Bank of Russia in the authorised capital of the NSPK operator cannot be less than 50 per cent plus one voting share.

(Part 3 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

4. No person or group of persons, as defined in accordance with Federal Law No. 135-FZ, dated 26 July 2006, 'On Protection of Competition', with the exception of the Bank of Russia, may acquire more than 5 per cent of shares of the NSPK operator. Shares of the NSPK operator acquired in violation of the prohibition specified in this Part shall be sold in compliance with the legislation of the Russian Federation within no more than one month from the date when the shareholder learned or should have learned of such a violation. If such a shareholder (shareholders) fails to meet this requirement, it shall be deprived of the right to vote at the general meeting of the shareholders of the NSPK operator, and

the votes held by this shareholder (these shareholders) shall not be counted in determining the quorum of the general meeting of the shareholders of the NSPK operator or in the vote count at the general meeting of the shareholders of the NSPK operator.

(Part 4 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

5. The special right of the Bank of Russia to participate in the management of the NSPK operator provides for the participation of the Bank of Russia's representative in the general meeting of shareholders of the NSPK operator with veto powers regarding decisions, which fall within the competence of the general meeting of shareholders in accordance with federal laws, made by the general meeting of shareholders of the NSPK operator.

6. The NSPK operator shall define the NSPK development strategy, NSPK rules, NSPK tariff policy, and other documents, as determined by the charter of the NSPK operator. The Bank of Russia shall have the right to establish requirements for the NSPK rules.

Article 30³. Specific Aspects of Formation of the NSPK Operator's Management Bodies

1. The NSPK operator's management bodies shall include a board of directors (supervisory board) comprised of no less than nine members.

2. The functions of the sole executive body of the NSPK operator may be performed only by an individual appointed to the position with the consent of the National Financial Board of the Bank of Russia.

3. The competence of the board of directors (supervisory board) of the NSPK operator shall include the approval of the NSPK development strategy after its review by the National Financial Board of the Bank of Russia and the approval of the NSPK rules and the NSPK tariff policy.

Article 30⁴. NSPK Council Board and its Authorities

1. The NSPK Council Board shall be a collective advisory body of the NSPK operator consisting of one representative on behalf of an NSPK participant and other persons (the 'members of the NSPK Council Board'). The procedure for the formation and operation of the NSPK Council Board shall be determined by the charter of the NSPK operator with due regard to the requirements of this Federal Law.

2. Decisions of the NSPK Council Board shall be passed by the majority of Board members present at the meeting, where each member of the NSPK Council Board shall have one vote.

3. The NSPK Council Board provides for participation of the representatives of the Federal Assembly of the Russian Federation and the Government of the Russian Federation.

4. The Bank of Russia's employees and representatives of the management bodies of the NSPK operator and employees of the NSPK operator may not be members of the NSPK Council Board.

5. The NSPK development strategy, NSPK tariff policy, and amendments to these documents may be submitted for approval to the supervisory board of the NSPK operator only subject to their review by the NSPK Council Board. If the NSPK Council Board does not approve any of the above documents, this document may be approved by decision of the board of directors (supervisory board) of the NSPK operator with no less than three-fourths of all votes of the members of the board of directors (supervisory board).

Article 30⁵. NSPK Participants

1. NSPK participants may include:

1) A credit institution as an individual NSPK participant, including a credit institution providing services to other credit institutions;

2) A payment system as a systemic NSPK participant in accordance with the procedure defined by the NSPK rules;

3) VEB.RF as an individual NSPK participant;

(Clause 3 introduced by Federal Law No. 88-FZ, dated 1 May 2017; as amended by Federal Law No. 452-FZ, dated 28 November 2018)

4) A foreign bank (foreign credit institution) as an individual NSPK participant;

(Clause 4 introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5) A foreign central (national) bank as an individual NSPK participant;

(Clause 5 introduced by Federal Law No. 88-FZ, dated 1 May 2017)

6) An international financial institution as an individual NSPK participant.

(Clause 6 introduced by Federal Law No. 88-FZ, dated 1 May 2017)

2. Credit institutions recognised as important in the payment services market by the Bank of Russia in accordance with the established procedure shall be individual NSPK participants. Nationally important payment systems shall be systemic NSPK participants.

3. No later than by 1 July 2017, credit institutions shall ensure that national payment instruments can be accepted by all their technical facilities for making settlements using payment cards, including ATMs, as well as by technical facilities for making settlements using payment cards installed at any organisations and individual entrepreneurs with whom such credit institutions have concluded agreements for settlements under operations using payment cards or national payment instruments.

(Part 3 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

4. A payment system operator that is a systemic NSPK participant shall provide for acceptance of national payment instruments by all organisations and individual entrepreneurs with whom the credit institutions that are payment system participants have concluded agreements for settlements under operations using payment cards or national payment instruments.

5. When performing operations related to payments stipulated in Parts 5⁵ and 5⁶ of this Article at the cost of funds from the budgets of the budgetary system of

the Russian Federation (the 'payments'), credit institutions shall (except as otherwise stipulated in Part 5⁴ of this Article) within the time established by Part 5³ of this Article:

1) Provide individual customers with national payment instruments only, if the bank account provides for the settlement of operations using payment cards. A credit institution that provides national payment instruments shall define at least one payment card type (product type, depending on the services provided to an individual customer), which shall be a national payment instrument, and no issuance fee or annual fee as well as cash withdrawal fee will be charged by that credit institution or by its ATMs from individual customers who receive payments stipulated by Clause 4, Part 5⁵ of this Article;

2) Credit payments to bank accounts of individual customers, on which operations are settled using national payment instruments.

(Part 5 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

5¹. In the territory of the Russian Federation, credit institutions shall settle operations using payment cards on bank accounts where individual customers receive payments only using national payment instruments. The provisions of this Part do not limit the right of account holders to settle operations on such bank accounts without using the payment card.

(Part 5¹ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5². The provisions of Parts 5 and 5¹ of this Article shall also be deemed complied with if a national payment instrument bears a trademark (service mark) of a foreign payment system operator.

(Part 5² introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5³. The obligations of the credit institutions established by Parts 5 and 5¹ of this Article shall arise:

1) With respect to individual customers requesting to open a bank account to receive payments to newly opened bank accounts, which provide for the settlement of operations using payment cards, – from 1 July 2017;

2) With respect to individual customers (except for those specified in Clause 1 of this Part), who receive payments specified in Clauses 4 and 5 of Part 5⁵ of this

Article to bank accounts, which provide for settlement of operations using payment cards that are not national payment instruments, – upon expiry of those payment cards, but no later than on 1 July 2020;

3) With respect to individual customers (except for those specified in Clause 1 of this Part) who receive payments stipulated in Clauses 1–3 of Part 5⁵ of this Article – from 1 July 2018.

(Part 5³ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5⁴. The provisions of Parts 5–5³ of this Article do not apply to cases when individual customers receive personal income tax credits; when individual customers receive payments to bank accounts that do not provide for settlement of operations using payment cards; when individual customers receive payments by means of cash settlements (including through postal service organisations); or when individual customers receive lump-sum payments or payments made less than once a year in accordance with regulatory legal acts. These provisions shall also not apply to individuals with a permanent place of residence outside the Russian Federation, employees of diplomatic missions, consular establishments of the Russian Federation, and permanent representative offices of the Russian Federation at international (interstate, intergovernmental) organisations.

(Part 5⁴ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5⁵. The obligations of the credit institutions established by Parts 5 and 5¹ of this Article shall arise when they perform operations with the following payments:

- 1) Allowance, remuneration, and subsistence of public officers;
- 2) Remuneration of employees (personnel) of public and municipal bodies, institutions, and governmental non-budgetary funds;
- 3) State scholarships;
- 4) Pensions and other social benefits, which, in accordance with the legislation of the Russian Federation, fall within the authority of the Pension Fund of the Russian Federation;
- 5) Monthly lifelong allowance for judges.

(Part 5⁵ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5⁶. The Government of the Russian Federation, by agreement with the Bank of Russia, shall have the right to establish a list of other payments for the purposes of applying Parts 5 and 5¹ of this Article.

(Part 5⁶ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

5⁷. The fee for the receipt, acceptance, and use of national payment instruments shall not exceed the fee charged by the credit institution with regard to payment cards of payment systems of a similar product kind and type.

(Part 5⁷ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

6. A nationally important payment system operator that is a systemic NSPK participant shall ensure the provision of national payment instruments to customers for the purposes stipulated in Part 5 of this Article by all payment system participants.

Article 30⁶. Provision of Payment Infrastructure Services within the NSPK

1. Operational services and payment clearing services for funds transfers using national payment instruments between individual NSPK participants and/or systemic NSPK participants shall be provided by the NSPK operations centre or by the NSPK payment clearing centre, respectively.

2. Settlement services for funds transfers using national payment instruments shall be provided by the Bank of Russia when such transfers are made between the NSPK participants specified in Clauses 1–3 of Part 1, Article 30⁵ hereof, or if such NSPK participants are a party to a funds transfer and the NSPK participants specified in Clauses 4–6 of Part 1, Article 30⁵ hereof are the other party to the funds transfer. In these cases, the Bank of Russia may provide settlement services with the participation of the central payment clearing counterparty without opening bank accounts of the NSPK participants specified in Clauses 4–6 of Part 1, Article 30⁵ hereof with the Bank of Russia.

(Part 2 as amended by Federal Law No. 88-FZ, dated 1 May 2017)

2¹. Settlement services related to funds transfers using national payment instruments not specified in Part 2 of this Article may be provided in other cases by the settlement centre, which may be:

- 1) A credit institution;
- 2) VEB.RF;

(Clause 2 as amended by Federal Law No. 452-FZ, dated 28 November 2018)

- 3) A foreign bank (foreign credit institution);
- 4) A foreign central (national) bank;
- 5) An international financial institution.

(Part 2¹ introduced by Federal Law No. 88-FZ, dated 1 May 2017)

2². If the NSPK operator engages a settlement centre in accordance with Part 2¹ of this Article, the provisions of Part 1, Article 19 hereof shall not apply.

(Part 2² introduced by Federal Law No. 88-FZ, dated 1 May 2017)

3. Credit institutions recognised as important in the payment services market by the Bank of Russia in accordance with the procedure established by the latter shall organise interaction with the NSPK operations centre and the NSPK payment clearing centre in the manner, within the time, on the conditions, and in the cases established by Bank of Russia regulations and by the NSPK rules adopted pursuant to such regulations.

(Part 3 as amended by Federal Law No. 319-FZ, dated 22 October 2014)

4. Credit institutions making funds transfers using international payment cards as well as payment systems establishing the rules of issuance of international payment cards and providing for making funds transfers in the territory of the Russian Federation using international payment cards must arrange the interaction and receive operational services from the NSPK operations centre and payment clearing services from the NSPK payment clearing centre in accordance with the procedure, on the terms and conditions, and in the cases established by Bank of Russia regulations and by the NSPK rules adopted pursuant to such regulations.

(Part 4 introduced by Federal Law No. 319-FZ, dated 22 October 2014)

Chapter 5. NATIONAL PAYMENT SYSTEM SUPERVISION AND OVERSIGHT

Article 31. Objectives of National Payment System Supervision and Oversight

1. The main objective of supervision and oversight in the national payment system is to ensure its stability and development.

2. For the purposes of this Federal Law, supervision in the national payment system shall mean the Bank of Russia's activity in supervising the compliance of money transfer operators that are credit institutions, payment system operators, and payment infrastructure service providers with the requirements of this Federal Law and the Bank of Russia regulations adopted pursuant hereto.

3. Supervision of the compliance of credit institutions with the requirements of this Federal Law and Bank of Russia regulations adopted pursuant hereto shall be carried out by the Bank of Russia in accordance with the legislation of the Russian Federation on banks and banking activity, except as otherwise stipulated in Part 8 of Article 34 hereof.

4. Supervision of the compliance of payment system operators that are not credit institutions and of payment infrastructure service providers (the 'supervised organisations') with the requirements of this Federal Law and Bank of Russia regulations adopted pursuant hereto shall be carried out by the Bank of Russia in accordance with this Federal Law.

5. For the purposes of this Federal Law, oversight in the national payment system shall mean the Bank of Russia's activity for the improvement by money transfer operators, payment system operators, payment infrastructure service providers (the 'observed organisations'), and other entities of the national payment system of their activities and services as well as for the development of payment systems and payment infrastructure (the 'oversight objects') based on the Bank of Russia's recommendations.

Article 32. Exercising National Payment System Supervision

1. When exercising supervision in the national payment system, the Bank of Russia shall:

1) Analyse documents and information (including reporting data), which concern the activity of supervised organisations and payment system participants as well as the organisation and functioning of payment systems;

2) Carry out inspections of the supervised organisations in accordance with Article 33 hereof;

3) Take actions and enforcement measures in accordance with Article 34 hereof in the event that the supervised organisations violate the requirements of this Federal Law or Bank of Russia regulations adopted pursuant hereto.

2. The Bank of Russia shall determine the forms and time frames for submitting reports, including in the form of reports of the supervised organisation and consolidated reports on the payment system as well as the methodology for preparing such reports.

3. In the course of supervision in the national payment system, the Bank of Russia shall have the right to request and receive documents and other necessary information from the supervised organisations and payment system participants, including information containing personal data.

4. The supervision process in the national payment system shall be determined in accordance with Bank of Russia regulations.

Article 33. Procedures for Conducting On-site Inspections of Supervised Organisations

1. The Bank of Russia shall carry out scheduled on-site inspections of supervised organisations no more than once in two years in accordance with the inspection schedule approved by the Bank of Russia.

2. In the event of any disturbance in the continuous functioning of the important payment system, the Bank of Russia shall carry out unscheduled inspections.

3. Inspections may be carried out with respect to individual matters of the activity of the supervised organisations or may be of a comprehensive nature.

4. During the inspection of the supervised organisation the Bank of Russia's authorised representatives (employees) shall have the right to:

1) Obtain and inspect documents of the supervised organisation;

2) Obtain copies of documents, when necessary, to attach them to the inspection documents;

3) Receive verbal and written explanations on matters related to the activity of the supervised organisation;

4) Get access to the places of operation of the supervised organisation;

5) Get access to the information systems of the supervised organisation, including receipt of information in electronic form.

5. Following the results of the inspection, the Bank of Russia's authorised representatives (employees) shall execute an inspection report with general information on the activity of the supervised organisation, information on violations discovered during the inspection with supporting documents attached, and information on any interference with the inspection.

6. The duration of the Bank of Russia's inspection shall not exceed three months.

7. The procedure for inspecting the supervised organisations shall be governed by Bank of Russia regulations.

Article 34. Actions and Enforcement measures Used by the Bank of Russia if a Supervised Organisation Violates the Requirements of this Federal Law or Bank of Russia Regulations Adopted Pursuant Hereto

1. When a breach by a supervised organisation of the requirements of this Federal Law and Bank of Russia regulations adopted pursuant hereto does not directly affect the continuous functioning of the payment system and does not affect the services provided to the payment system participants and their customers, the Bank of Russia shall:

1) Inform the management bodies of the supervised organisation in writing of the identified violation, indicating the committed violation and the period for eliminating such a violation, which shall not be less than 10 business days;

2) Send the management bodies of the supervised organisation recommendations of the supervisory body for eliminating the violation discovered and recommend that they submit an action plan for the elimination of the violation to the supervisory body.

2. When a breach of the requirements of this Federal Law or Bank of Russia regulations adopted pursuant hereto by the supervised organisation affects the continuous functioning of the payment system or the services provided to the payment system participants and their customers, the Bank of Russia shall apply one of the following enforcement measures:

1) Send an instruction to eliminate the violation, stating the deadline for its elimination;

2) Restrict (suspend) by its instruction the provision of operational services, including when an operations centre located outside of the Russian Federation is engaged, and/or payment clearing services.

3. The instruction to eliminate the violation shall not include information regarding the supervised organisation's failure to apply the Bank of Russia's documents (acts) that are not Bank of Russia regulations, instructions or acts stipulated in Clause 1, Part 1 of this Article.

4. The enforcement measures stipulated in Part 2 of this Article shall also be taken by the Bank of Russia in the following cases:

1) If during the last 12 months the supervised organisation has committed a repeated breach of the requirements of this Federal Law or a Bank of Russia regulation adopted pursuant hereto, provided that the Bank of Russia took actions against the supervised organisation for the breach of this requirement as provided for by Clause 1 of Part 1 of this Article or adopted enforcement measures as provided for by Part 2 of this Article;

2) In the event of actions (omissions) of the supervised organisation that have entailed the suspension (termination) of funds transfers within the payment system or their delays, if the Bank of Russia took actions against the supervised organisation as provided for by Clause 1 of Part 1 of this Article or adopted enforcement measures as provided for by Part 2 of this Article;

3) If the Bank of Russia's instruction has not been fulfilled by the supervised organisation within the established time;

4) If the supervised organisation fails to eliminate a violation that was communicated to it by the Bank of Russia in accordance with Clause 1, Part 1 of this Article in due time.

5. The enforcement measure specified in Clause 2, Part 2 of this Article shall be introduced for the period established by the instruction and may include restrictions on:

1) The maximum amount of net positions of the payment system participant (participants);

2) The maximum number of instructions of the payment system participant (participants) and/or the total amount of such instructions per day.

6. If the violations have not been eliminated upon the expiry of the effective period of the enforcement measure, as specified in Clause 2, Part 2 of this Article, the effective period of this enforcement measure may be extended by the instruction of the Bank of Russia until the violation is eliminated.

7. The order of the Bank of Russia introducing the enforcement measure specified in Clause 2, Part 2 of this Article shall be sent to the payment system operator or the payment infrastructure service provider against whom such restrictions are introduced.

8. In the event of repeated failure to execute instructions to eliminate the violation affecting the continuous functioning of the payment system during one year from the day the Bank of Russia first instructed to eliminate such a violation, the Bank of Russia shall remove the payment system operator from the register of payment system operators.

9. In the event of repeated application of the measures stipulated in Article 74 of Federal Law No. 86-FZ, dated 10 July 2002, 'On the Central Bank of the Russian Federation (Bank of Russia)' during one year to a payment system operator that is a credit institution for the breach of requirements of this Federal Law or Bank of Russia regulations adopted pursuant hereto, when this breach affects the continuous functioning of the payment system, the Bank of Russia shall remove the payment system operator that is a credit institution from the register of payment system operators.

10. A decision to remove the payment system operator from the register of payment system operators shall be made in the form of a Bank of Russia order and shall be published in the Bank of Russia's official publication, 'Bank of Russia Bulletin'. Appealing the decision of the Bank of Russia to remove the payment system operator from the register of payment system operators and applying enforcement measures (injunctive measures) shall not suspend that decision of the Bank of Russia.

11. The Bank of Russia shall take administrative action against the supervised organisation and its officials in accordance with the Russian Federation Code of Administrative Offences.

12. The Bank of Russia shall also impose fines on the payment system operators, as provided for by Federal Law No. 86-FZ, dated 10 July 2002, 'On the Central Bank of the Russian Federation (Bank of Russia)'.
(Part 12 introduced by Federal Law No. 112-FZ, dated 5 May 2014)

Article 35. Content and Priorities of National Payment System Oversight

1. National payment system oversight shall include the following activities:

1) Collection, filing, and analysis of information on the activity of the observed organisations, other national payment system entities, and related oversight objects (the 'monitoring');

2) Evaluation of the performance of the observed organisations and related oversight objects (the 'evaluation');

3) Preparing proposals based on the results of the aforesaid evaluation to correct the activity of the evaluated observed organisations and related oversight objects (the 'initiation of changes').

2. The oversight of important payment systems carried out by the Bank of Russia by means of all kinds of activity specified in Part 1 of this Article shall have the highest priority. The Bank of Russia shall also carry out oversight of observed organisations, other national payment system entities, payment systems that are not considered important, and other oversight objects.

3. In the course of monitoring, the Bank of Russia may request and receive information about payment services and payment infrastructure services from the observed organisations and other national payment system entities.

4. The Bank of Russia may request and receive information from the federal postal service organisations on postal money transfers made by them, except for the information classified as communication secrets by Federal Law No. 176-FZ, dated 17 July 1999, 'On Postal Service', in accordance with the procedure

established by the Bank of Russia, by agreement with the federal executive body in the field of communications.

5. In the course of evaluation, the Bank of Russia shall determine the degree of conformity of the observed organisations and related oversight objects to the Bank of Russia's recommendations, which include the Bank of Russia's own recommendations and recommendations for using the standards or the best world and national practice, provided that relevant documents have been published in the Bank of Russia's publications in the Russian language. When necessary, the Bank of Russia will issue methodological guidelines for using such recommendations.

6. The Bank of Russia shall carry out evaluation in accordance with evaluation procedures published in the Bank of Russia's official publication 'Bank of Russia Bulletin' and, if necessary, communicated to the observed organisations.

7. Prior to the evaluation, the Bank of Russia shall suggest that the important payment system operator perform its own preliminary evaluation using the evaluation procedures published on the Bank of Russia's website and send the evaluation results to the Bank of Russia. The preliminary evaluation performed by the important payment system operator shall be taken into account during the evaluation performed by the Bank of Russia.

8. The summarised evaluation results shall be published and posted on the Bank of Russia's website. Detailed evaluation results may be published by the Bank of Russia with the consent of the operator of the evaluated important payment system.

9. Upon initiation of changes based on the evaluation results, the Bank of Russia may:

1) Communicate the evaluation materials and results to the management bodies of the observed organisation with subsequent discussion;

2) Elaborate measures to implement the suggested changes together with the observed organisations;

3) Publish and post on the Bank of Russia's website information about the refusal of the observed organisation to accept the changes suggested by the Bank of Russia and the opinion of the observed organisation on this matter.

10. The Bank of Russia publishes the review with the results of oversight over the important payment systems and the general review of the oversight results in the national payment system at least once every two years.

4. The oversight procedure in the national payment system shall be determined by Bank of Russia regulations.

Article 36. Interaction by the Bank of Russia with Federal Executive Authorities in the Exercise of National Payment System Supervision and Oversight

1. In the course of the national payment system supervision and oversight, the Bank of Russia shall interact with federal executive authorities.

2. Invalid since 1 September 2013. – Federal Law No. 251-FZ, dated 23 July 2013.

3. In the course of supervision and oversight of payment systems where funds transfers are made for the purpose of settlements under compulsory kinds of civil liability insurance, as provided for by the legislation of the Russian Federation, the Bank of Russia shall interact with the competent federal executive body.

Article 37. International Cooperation by the Bank of Russia on Matters of National Payment System Supervision and Oversight

1. Cooperation between the Bank of Russia and the central banks and other bodies responsible for supervision and oversight in the national payment systems of foreign states shall be carried out in accordance with the cooperation agreements (memoranda) concluded between them.

2. The Bank of Russia may request that a central bank or another body responsible for supervision and oversight in the national payment system of a foreign state submit information or documents obtained in the course of performing supervisory and oversight functions and may submit such information and documents that do not contain information on funds transfers to the central bank or other body responsible for supervision and oversight in the national payment system of a foreign state on condition that the afore mentioned body responsible for supervision and oversight in the national payment system maintains an information security regime corresponding to the requirements for information security imposed for the Bank of Russia by the legislation of the Russian Federation. With respect to information and documents received from the central banks and other bodies responsible for supervision and oversight in the national payment systems of foreign states, the Bank of Russia shall comply with the requirements for information disclosure in accordance with concluded cooperation agreements (memoranda).

Chapter 6. FINAL PROVISIONS

Article 38. Final Provisions

1. Organisations indebted under the pecuniary obligations stipulated in Part 3 of Article 12 hereof as of the effective date of this Federal Law (the 'indebted organisations') shall have the right to continue assuming such pecuniary obligations for 15 months from the day of official publication of this Federal Law.

2. During the period specified in Part 1 of this Article, the indebted organisation shall also be entitled to assign its claims and to transfer debt under the pecuniary obligations assumed, as provided for by Part 3, Article 12 hereof, to a credit institution entitled to make funds transfers without opening bank accounts, including electronic money transfers. In this case, the indebted organisation shall

notify individuals of the forthcoming assignment of claims and transfer of debt by way of posting an announcement to that effect in mass media or on its website or send a notice using any other means.

3. If within 30 calendar days from the first publication of the notice in mass media or on the website an individual does not send the indebted organisation its objections to the assignment of claims and transfer of debt in writing or in the electronic form, the individual shall be considered to have expressed its consent to the assignment of claims and transfer of debt.

4. If the individual sends the indebted organisation its objections to the assignment of claims and transfer of debt in writing or in the electronic form within the time specified in Part 3 of this Article, the indebted organisation shall not be entitled to assign claims and transfer debt. In this case, liabilities between the indebted organisation and the individual related to pecuniary obligations as set forth in Part 3, Article 12 hereof shall be terminated upon receipt of the objections by the indebted organisation from the individual. Furthermore, the indebted organisation shall return, within three business days following the individual's request, the balance of the money transferred to it by the individual for the purpose of assuming pecuniary obligations by the indebted organisation, as provided for by Part 3 of Article 12 hereof.

5. Credit institutions performing electronic money transfers as of the effective date of this Federal Law shall bring their activity in line with the requirements of this Federal Law within three months from the effective day of this Federal Law.

6. Organisations acting as payment system operators shall bring their activity in line with the requirements of this Federal Law and shall send the Bank of Russia a registration application in accordance with Article 15 hereof within six months from the effective date of that Article of this Federal Law.

7. The provisions of Part 11 of Article 16 and Clause 3 of Part 12, Article 21 hereof regarding the engagement of the operations centre and/or the payment clearing centre shall apply upon expiry of three years following the day of the official publication of this Federal Law.

8. From the effective day of this Federal Law, the activity of bank payment agents (subagents) without using a special bank account (accounts) for crediting the full amount of cash funds received from individuals in accordance with Parts 5 and 6 of Article 14 hereof shall not be allowed.

9. Article 14 hereof shall apply to the relationship arising out of the agreements previously concluded by credit institutions, organisations that are not credit institutions, and individual entrepreneurs in accordance with Article 13¹ of Federal Law 'On Banks and Banking Activity'.

Article 39. Procedure for the Entry into Force of this Federal Law

1. This Federal Law shall enter into force upon the expiry of ninety days following the day of its official publication, except for the provisions, for which this Article establishes other terms for their entry into force.

2. Clauses 12–16 of Article 3, Articles 5, 6, and 8 hereof shall enter into force upon the expiry of one hundred and eighty days following the day of official publication of this Federal Law.

3. Articles 1, 2, Clauses 1, 6–11, 20–25 of Article 3, Articles 15 and 16, Parts 1–7 of Article 17, Articles 18–25, 27–37 hereof shall enter into force upon expiry of one year following the day of official publication of this Federal Law.

4. Parts 2, 4–8, 11–16 of Article 9 hereof shall enter into force upon the expiry of 30 months following the day of official publication of this Federal Law.

(Part 4 as amended by Federal Law No. 267-FZ, dated 25 December 2012)

President
of the Russian Federation
D. MEDVEDEV

Moscow, the Kremlin

27 June 2011

No. 161-FZ