Appendix No. 4

to the Clearing Rules of CJSC JSCB National

Clearing Centre for the Derivatives Market

* 1. List of documents submitted by the Resident
     1. Questionnaire of the Clearing Member constituting an appendix to the Procedure for provision of information and reporting and uploaded to the Clearing Centre’s website in hard-copy and electronic form.
     2. Copies of constituent documents of the legal entity with any amendments and supplements marked of registration by the federal executive body authorized for state registration of legal entities. Such copies shall be certified by the federal executive body authorized for state registration of legal entities or notarized (such documents shall not be submitted by State Corporations).
     3. Notarized copies of certificates of making entries to the Unified State Register of Legal Entities (USRLE), issued by the authorized body conducting state registration of legal entities, and confirming the fact of making entries in USRLE on state registration of the legal entity (or on the legal entity registered prior to 01 July 2002), and also the entries on state registration of amendments made to the constituent documents of the legal entity or the USRLE entry sheets.
     4. Copy of the Tax Registration Certificate of the legal entity, certified with signature of an authorized representative and seal of the legal entity.
     5. Notarized copy of the information letter or copy of the information letter or notice of assignment of codes of statistics signed and sealed by the authorized representative of the legal entity.
     6. Notarized copy of the license of the Bank of Russia for banking operations with funds in Russian roubles and foreign currency (for credit organizations).
     7. Notarized copies of licenses for licensed activities (if any).
     8. In respect of the sole executive (hereinafter referred to as the Director):
* notarized copy of the letter of the Bank of Russia confirming approval of appointment of the director (for credit organizations and for non-credit organizations – professional securities market participants);
* original or notarized copy of the resolution of the authorized body of the legal entity (a notarized extract of the resolution or an original extract signed by a person authorized for signing of such resolution may also be submitted) of election (appointment) of the director;
* copy of the director’s personal identification document signed and sealed by the authorized representative of the legal entity, or the letter of the legal entity containing information about surname, name, patronymic (if any), citizenship, details of the personal identification document, date and place of birth, residence (registration) address, as well as the copy of the Tax Registration Certificate (TIN) signed and sealed by the authorized representative of the legal entity, or a free-form letter with the TIN (if any).
  + 1. Original of the power of attorney or notarized copy, or copy certified by a person issuing the said power of attorney for representative of the legal entity, authorized to sign the required documents in relations with the Clearing Centre. If the power of attorney contains powers for operations with funds or other assets, the following documents shall be submitted additionally:

copy of the personal identification document of the authorized representative of the legal entity, signed and sealed by the authorized representative of the legal entity, or the letter of the legal entity containing information about surname, name, patronymic (if any), citizenship, details of the personal identification document, date and place of birth, residence (registration) address, as well as copy of the Tax Registration Certificate (TIN) signed and sealed by the authorized representative of the legal entity, or a free-form letter with the TIN (if any);

* + 1. Signature and seal card of the legal entity issued in accordance with requirements of the regulatory acts of the Bank of Russia (or notarized copy of the card).
    2. Abstract from USRLE, issued by the registration body not earlier than 30 days prior to provision of the abstract from USRLE to the Clearing Centre, or the notarized copy of such abstract.
    3. Original or notarized copy of the resolution of the authorized body of the legal entity (a notarized extract of the resolution or an original extract signed by a person authorized for signing of such resolution may also be submitted) of approval of any trades executed with the Clearing Centre in compliance with the Clearing Rules, and the Clearing Agreement, if such trades/contract between such legal entity and the Clearing Centre pursuant to the effective legislation are recognized as interested-party trades, otherwise the legal entity shall submit the letter of absence of interest in such trades (contracts).
    4. Comments on business reputation of the legal entity in accordance with clause 9.5 of the Clearing Rules.
    5. Consent of the persons mentioned in the documents of the legal entity submitted by it to the Clearing Centre in conformity with the Clearing Rules for personal data processing according to the form placed on the Website of the Clearing Centre (if such documents contain any personal data of the subject of personal data in compliance with the Federal Law “On Personal Data” and unless otherwise provided for by the legislation).
    6. If the private individual for whom it is required to submit a copy of the personal identification document is a foreign citizen (stateless person), the following documents shall be submitted additionally:
* copy of the document signed and sealed by the authorized representative of the legal entity which confirms the right of such foreign citizen (stateless person) for stay (residence) in the Russian Federation (residence permit, temporary residence permit, visa, other document which confirms, in accordance with the legislation of the Russian Federation, the right of such foreign citizen or stateless person for stay (residence) in the Russian Federation);
* copy of the migration card signed and sealed by the authorized representative of the legal entity;
* letter with the information on residence (registration) address (if such information is not contained in other documents submitted in compliance with this list).
  + 1. The reporting specified in paragraphs 1) - 2) of the Appendix No. 5 to the Clearing Rules in hard copy and in electronic form:
* credit organizations submit monthly reporting forms for the three most recent reporting dates, and quarterly reporting forms – for the latest reporting date;
* non-credit organizations submit quarterly reporting forms for the two most recent reporting quarters, and monthly reporting forms – for three most recent reporting dates;
* for credit organizations that are not professional participants of the securities market - the actual list of affiliated persons (form 0409051) as of the date of submission of the documents[[1]](#footnote-1).
  + 1. Questionnaire of a private individual – beneficial owner in hard copy signed by the director of the legal entity or other authorized representative (supplemented with notarized copy of the power of attorney confirming the person’s powers for signing this questionnaire) and sealed with a seal of the legal entity and in electronic form.[[2]](#footnote-2)
    2. Other documents which may be requested by the Clearing Centre as necessary; also the Clearing Centre is entitled to demand clarification of the information contained in previously submitted documents.

Documents submitted by a legal entity shall be valid as of the date of their presentation to the Clearing Centre.

The submitted documents are supplemented with a cover letter containing the list of the documents submitted to the Clearing Centre.

II. List of the documents submitted by the Non-Resident

* + 1. Questionnaire of the Clearing Member, constituting an appendix to the Procedure for provision of information and reporting and uploaded to the Clearing Centre’s website, in hard copy and in electronic form.
    2. Questionnaire for the Non-Resident Bank.
    3. Valid versions of constituent documents and all amendments thereto.
    4. Document confirming state registration of the legal entity.
    5. Document on tax registration of the legal entity (if any).
    6. Special permit (license), issued by the authorized body of the country of registration of the legal entity for the right to conduct the activities which, in accordance with national law of the country of registration of the legal entity, is possible only in the presence of the relevant special permit of the authorized body.
    7. For the person authorized to act on behalf of the legal entity in accordance with constituent documents (hereinafter the director):
* document, confirming approval of candidature of the director of the legal entity by the authorized body of the country of registration of legal entity (if such approval is contemplated by law of the country of registration of the legal entity);
* document of the authorized body of the legal entity, confirming election (appointment) of the director;
* document confirming approval of candidature of the director of legal entity by the authorized body of the country of registration of the legal entity (if such approval is contemplated by the legislation of the country of registration of the legal entity);
* copy of the personal identity document of the director, or other documents stipulated by federal law or recognized in accordance with the International Agreement of the Russian Federation as personal identity documents, and also copy of the tax registration certificate (INN), signed by the authorized representative and sealed with a seal of the legal entity, or a free-form letter indicating INN (if any).
  + 1. Powers of attorney for representatives of the legal entity authorized to sign the required documents in relations with the Clearing Centre. If the power of attorney accords the powers for dealing with cash or other property, the following documents are additionally submitted:

copy of the personal identity document of the representative, or other documents stipulated by federal law or recognized in accordance with the International Agreement of the Russian Federation as personal identity documents, and also copy of the tax registration certificate (INN), signed by the authorized representative and sealed with a seal of the legal entity, or a free-form letter indicating INN (if any).

* + 1. Card (or other document with signature and seal specimen of the legal entity (seal specimen shall be provided if any).
    2. Comments on business reputation of the legal entity in accordance with clause 9.5 of the Clearing Rules.
    3. Consent to process personal information signed by persons indicated in the legal entity’s documents submitted by it to the Clearing Centre as per the Clearing Rules. The consent shall be produced according to the form published on the Clearing Centre’s website (if the documents contain personal information of the subject of personal data according to the Federal Law “On Personal Data” and unless otherwise stipulated by the legislation).
    4. If the private individual for whom it is required to submit a copy of the personal identification document is a foreign citizen (stateless person), the following documents shall be submitted additionally:
* copy of the document signed by the authorized representative of the legal entity and sealed with the seal of the legal entity, confirming the right of such foreign citizen (stateless person) for stay (residence) in the Russian Federation (residence permit, temporary residence permit, visa, other document which confirms, in accordance with the legislation of the Russian Federation, the right of such foreign citizen or stateless person for stay (residence) in the Russian Federation);
  + - copy of the migration card signed by the authorized representative of the legal entity and sealed with the seal of the legal entity;
* letter with the information on residence (registration) address (if such information is not contained in other documents submitted in compliance with this list).
  + 1. The reporting specified in paragraph 5) of the Appendix No. 5 to the Clearing Rules in hard copy and in electronic form: monthly reporting forms - for the three most recent reporting dates, and quarterly reporting forms – for the latest reporting date.
    2. Questionnaire of a private individual – beneficial owner in hard copy signed by the director of the legal entity or other authorized representative (supplemented with notarized copy of the power of attorney confirming the person’s powers for signing this questionnaire) and sealed with a seal of the legal entity and in electronic form.[[3]](#footnote-3)
    3. Other documents which may be requested by the Clearing Centre as necessary; also the Clearing Centre is entitled to demand clarification of the information contained in previously submitted documents.

Any documents (except for copies of passports) executed in the territory of foreign states shall be legalized or apostilled, unless otherwise provided for by the International Treaties of the Russian Federation.

Documents prepared in full or in any part in foreign language (except for the documents certifying identity of private individuals, issued by competent bodies of foreign countries, drawn in several languages, including the Russian language) are submitted together with the duly certified translation into Russian language.

Any documents submitted by the legal entity shall be effective as of the date of their submission to the Clearing Centre.

Any submitted documents shall be accompanied with the cover letter with the list of such documents submitted to the Clearing Centre.

1. As of the date of submission of the list of affiliated persons, any information contained in it shall comply with last actual information on affiliated persons provided to the Bank of Russia. [↑](#footnote-ref-1)
2. Information about beneficial owners is not provided in the cases listed in the Article 7 of the Federal Law dated 07 August 2001 No. No. 115-FZ “On Counteraction to Legalization (Laundering) of Criminal Income and Financing of Terrorism." [↑](#footnote-ref-2)
3. Information about beneficial owners is not provided in the cases listed in the Article 7 of the Federal Law dated 07 August 2001 No. No. 115-FZ “On Counteraction to Legalization (Laundering) of Criminal Income and Financing of Terrorism." [↑](#footnote-ref-3)