

**EXECUTIVE BOARD
OF THE NATIONAL BANK OF MOLDOVA**

**DECISION No 12
of 24 January 2020**

**REGISTERED
by the Ministry of Justice of the Republic of Moldova
under No 1531 on 03 February 2020
Minister _____ Fadei NAGACEVSCHI**

on the approval of the Instruction on notification of external commitments

Pursuant to Art.5 paragraph (1) letter l), Art.11 paragraph (1), Art.51 letter a) and Art.52 of the Law No 548/1995 on the National Bank of Moldova (republished in the Official Monitor of the Republic of Moldova, 2015, No 297-300, Art.544), with subsequent amendments, as well as Art.6 paragraphs (5) and (6) and Art.67 of the Law No 62/2008 on foreign exchange regulation (republished in the Official Monitor of the Republic of Moldova, 2016, No 423-429, Art.859), with subsequent amendments, the Executive Board of the National Bank of Moldova

DECIDES:

1. The Instruction on notification of external commitments is approved (see attached).
2. The Decision of the Council of Administration of the National Bank of Moldova No185/2006 on approval of the Instruction on external commitments (Official Monitor of the Republic of Moldova, 2006, No116-119, Art. 427), registered by the Ministry of Justice of the Republic of Moldova under No 1151 on 24 November 2016, with subsequent amendments, is repealed.
3. The residents, whose external commitments notified to the National Bank of Moldova according to the Instruction indicated in item 2 of this Decision were not recorded at the date of entry into force of this Decision, shall repeatedly submit to the National Bank of Moldova, as appropriate, the form of the Notification regarding the external loan/credit or the form of the Notification regarding the external guarantee, on paper, completed according to Annex No 2 and, accordingly, Annex No 3 to the Instruction indicated in item 1 of this Decision, within no more than 15 working days from the date of entry into force of this Decision. The recording of these external commitments shall be carried out in accordance with the provisions of the Instruction indicated in item 1 of this Decision, within 15 working days from the date of recording of the completed notification form by the National Bank of Moldova. If the residents do not submit the completed notification forms within the specified deadline, the National Bank of Moldova shall notify the residents about the termination of the examination procedure by an official letter.
4. This Decision shall enter into force on 01 April 2020, except the provisions of the Instruction set out in item 1 of this Decision concerning the notification, recording and reporting in electronic form of external commitments, which shall enter into force within 6 months from the date of publication of this Decision in the Official Monitor of the Republic of Moldova.

**Chairman
of the Executive Board of
the National Bank of Moldova**

Instruction on notification of external commitments

Amended by:

DEB of the NBM No 45 of 11.03.2022, Official Monitor of the Republic of Moldova No 88-95 of 01.04.2022, Article 372

Chapter I **Notions used and scope**

1. This Instruction regulates:

- a) the obligations of the residents who carry out operations related to the external commitments subject to notification;
- b) the conditions and manner of notification, including in electronic form, to the National Bank of Moldova, by residents, about the external commitments subject to notification;
- c) the requirements for the notification regarding the external loan/credit and the notification regarding the external guarantee, as well as the list of documents attached to them;
- d) the manner of reporting to the National Bank of Moldova, including in electronic form, the operations performed within the recorded external commitments.

2. This Instruction uses the notions defined in the Law No 62/2008 on foreign exchange regulation (republished in the Official Monitor of the Republic of Moldova, 2016, No 423-429, Art. 859), hereinafter referred to as - Law No 62/2008. The following notions are also used for the purposes of this Instruction:

1) *external commitments* - the totality of obligations deriving from loans/credits and guarantees received by residents from non-residents, indicated in item 3.

2) *resident legal entities* - the residents specified in Art.3 item 9) letters c) -g) of the Law No 62/2008.

3) *resident payment service providers (RPS providers)* - licensed banks, as well as, payment companies, electronic money companies and postal service providers listed in Article 5 paragraph (1) letters b) -d) of the Law No 114/2012 on payment services and electronic money.

4) *notification* – a document, on paper or in electronic form, by which the resident notifies the National Bank of Moldova about the external loan/credit/guarantee received from the non-resident and which, after applying the inscription by the National Bank of Moldova according to this Instruction, confirms the recording of these by the National Bank of Moldova.

5) *reporting* – notification of the National Bank of Moldova by the resident, about the operations performed within the external commitment recorded by the National Bank of Moldova, by submitting a photocopy of the Annex to the notification (in case of external commitment recorded on paper) or of the report on operations related to external commitments (in case of external commitment recorded in electronic form).

6) *authorized person* – individual who, under the legal provisions or powers granted by the resident responsible for notification, notifies electronically the National Bank of Moldova about external commitments on his/her behalf or on behalf of this resident, and reports in electronic form on operations carried out within the recorded external commitments.

7) *the WEB portal of NBM*- component of the Information System of the National Bank of Moldova on licensing, authorization, and notification, through which residents notify in electronic form about external commitments and report electronically to the National Bank of Moldova on operations performed within these external commitments.

8) *User's guide of the WEB portal of NBM for electronic notification and reporting of external commitments (User's guide)* - technical document prepared by the National Bank of Moldova, placed on the WEB portal of NBM, which contains the information required for users to notify the National Bank of Moldova about the external commitments subject to notification, as well as, for the electronic reporting to the National Bank of Moldova about the operations performed within these external commitments.

Chapter II

General provisions

3. Loans/credits and guarantees received by residents from non-residents, hereinafter referred to as "external loans/credits" and "external guarantees", are subject to notification to the National Bank of Moldova in the case of:

- 1) interest-bearing commercial loans/credits, except for the receiving by the adherent (resident supplier) of the loan/credit from the non-resident factor within the factoring operation, in the event that the non-resident factor assumes the risk of insolvency of the non-resident debtor for the undertaken debt;
- 2) financial loans/credits, except:
 - a) interbank credits with the initial repayment period not exceeding one year;
 - b) loans/credits received from non-residents by using credit cards issued by non-residents at the request of residents;
- 3) loans/credits within operations related to direct investment;
- 4) guarantees issued by the non-resident guarantor based on the underlying transaction between two residents.

4. The notification to the National Bank of Moldova shall not be made in the following cases:

- a) if the amount of the loan/credit or guarantee received by the resident does not exceed 50 000 EURO (or their equivalent);
- b) loans/credits and guarantees that fall under the Law No 419/2006 regarding the debt of the public sector, state guarantees and state recredit;
- c) the financial guarantees provided in Art. 4 item 12) of the Law No 184/2016 regarding the financial guarantee contracts and which are regulated by this law.

5. The determination of the equivalent in another currency of the ceiling in euro indicated in item 4 letter a) is made by application of the official exchange rate of the Moldovan leu, valid at the date of conclusion of contracts (issuance of documents) based on which obligations related to these external commitments arose.

6. If, as a result of the amendment of the contract provisions, the amount of the loan/credit or guarantee has been modified, the determination of the equivalent in another currency of the ceiling in euro indicated in item 4 letter a) shall be made with the application of the official exchange rate of the Moldovan leu, valid on the date of conclusion of contracts (issuance of documents) by which the contractual amount of the loan/credit or guarantee was modified.

7. In the case of external commitments deriving from financial leasing operations or from commercial loans/credits, according to which advance payments of the resident debtor are provided, for the purpose of applying the ceiling indicated in item 4 letter a), the amount of the external commitment is determined by deduction of the advance payment amount from the purchase price of the object of the leasing contract or of the commercial loan/credit contract, in compliance with the provisions indicated in items 5 and 6.

8. The obligation to notify the National Bank of Moldova refers to the residents who:

- a) perform operations indicated in item 3;
- b) following the amendment or completion of the contractual clauses, debt assignment, debt assumption, novation, or other basis for the amendment of the legal relations, become counterparties to the operations indicated in item 3.

9. The resident responsible for notification shall bear responsibility for:

a) compliance of the external commitment with the provisions of the legislation of the Republic of Moldova, including those applicable to the conclusion and performance of foreign exchange transactions and operations, as well as to the payments and transfers received/performed within these transactions and operations;

b) the signing of the documents (submitted to the National Bank of Moldova) by the person empowered with this right according to the legislation of the Republic of Moldova;

c) the correctness, veracity, and currentness of the information submitted to the National Bank of Moldova.

10. If the resident responsible for notification intends to notify and report in electronic form on external commitments, he/she is obliged to use the advanced qualified electronic signature according to Law No 91/2014 on electronic signature and electronic document.

11. The recording of external commitments does not imply the assumption by the National Bank of Moldova of the obligations related to these external commitments and does not imply the approval or authorization from the National Bank of Moldova of these operations. The National Bank of Moldova uses the data related to the loans/credits/guarantees recorded through the notification procedure and data related to the operations performed within them in order to fulfil its duties established by law, including the elaboration of external debt statistics of the Republic of Moldova, balance of payments, international investment position, conducting economic and monetary analyses.

[Item 11 amended by the NBM Decision No 45 of 11.03.2022, in force since 01.05.2022]

12. The recording of external commitments by the National Bank of Moldova does not exempt RPS providers, through which payments and transfers are made within foreign exchange operations related to external commitments subject to notification, from compliance with other provisions of the legislation of the Republic of Moldova (including the requirements of legislation in the field of preventing and combating money laundering and terrorist financing).

13. The submission of the notification (that contains the inscription concerning the recording by the National Bank of Moldova of the external commitment) by the resident to the RPS provider is mandatory when making payments and transfers within the external commitment subject to notification to the National Bank of Moldova.

14. Payments/transfers within the external commitments subject to notification shall be made in compliance with the Regulation on the conditions and procedures for performing foreign exchange operations, approved by Decision of the Executive Board of the National Bank of Moldova No 29/2018.

Chapter III **Notification of external commitments**

Section 1. General provisions

15. Notification to the National Bank of Moldova of external commitments is performed by residents on paper or in electronic form, except for licensed banks that notify only in electronic form.

16. For the purpose of notifying the external commitment to the National Bank of Moldova, the resident responsible for notification submits to the National Bank of Moldova the Notification form regarding the external loan/credit, completed according to Annex No 2, or the Notification form regarding the external guarantee, completed according to Annex No 3, which shall have attached:

a) documents identifying the resident (other than the RPS provider);

b) documents related to the external commitment that are notified to the National Bank of Moldova.

17. The documents identifying the resident are the documents indicated in Annex No 1, which are submitted as follows:

a) for the resident legal entity (other than the RPS provider) - the documents indicated in items 3-6;

b) for the resident individual practicing a certain type of activity, indicated in Art. 3 item 9 letter b) of the Law No 62/2008 - the documents indicated in items 1, 2 and 6;

c) for the resident individual, indicated in Art.3 item 9 letter a) of the Law No 62/2008 - the documents indicated in items 1 and 6.

18. The documents related to the external commitment to be notified to the National Bank of Moldova are the documents indicated in Annex No 1, which, depending on the type of operation, are submitted as follows:

a) for the received external loans/credits - the documents indicated in items 7 and 12;

b) for the received external guarantees - the documents indicated in items 8-12.

19. The responsibility for notifying the National Bank of Moldova on the external commitments is borne by the resident-participant in the operation related to the external commitment, taking into account the following peculiarities:

a) if in the contract related to the granting by the non-resident of the external loan/credit two or more resident debtors are nominated, depending on the clauses of the contract, the resident debtor, designated as administrator of the loan/credit, may be responsible for notification, or each debtor separately - if the contract delimits the part that belongs to each debtor;

b) in the case of the commercial loan/credit in the form of factoring, the responsibility for notification is borne by the resident adherent;

c) in the case of the loan/financial credit in the form of factoring in which the adherent (resident supplier) receives a loan/credit from the non-resident factor, the responsibility for notification is borne by the resident debtor;

d) in the case of the external guarantee (other than the external guarantee indicated in letter e)), the responsibility for notification is borne by the resident guarantee principal (debtor in the underlying transaction);

e) in the case of the external guarantee in the form of guarantee facilities issued by the non-resident guarantor under the financing programs, the responsibility for notification is borne by the financial intermediary (creditor in the underlying transaction), acting as the guarantee principal and the guarantee beneficiary (hereinafter referred to as the financial intermediary).

20. The submission of the set of documents to the National Bank of Moldova for notification of the external commitment shall be made by the resident within 30 working days from the date of conclusion of contracts (issuance of documents) under which obligations related to these external commitments have arisen or from the date of amendments of the mentioned documents.

21. If, in order to carry out the operations related to the external commitment subject to notification to the National Bank of Moldova, the resident is expected to use an account abroad, the opening of which according to Law No 62/2008 is subject to authorization, the resident shall obtain the authorization of the National Bank of Moldova for the opening and use of the respective account for carrying out the operations related to the external commitment subject to notification, before the submission of the set of documents to the National Bank of Moldova in order to notify the external commitment.

22. Upon notification, the resident responsible for notification shall complete sections II and III of the notification form on the basis of the documents specified in items 17 and 18.

23. The information included in the notification form must comply with the information from the documents that served as a basis for completing the notification form.

24. In case of notification on paper, the resident submits to the National Bank of Moldova the form of the notification on external loan/credit or of the notification on external guarantee, on paper, in two original copies.

Section 2. Peculiarities of notification in electronic form

25. Notification in electronic form of external commitments shall be made by the authorized person through the WEB portal of NBM, in accordance with the User's Guide and the provisions of this Instruction.

26. In order to obtain the right to notify, in electronic form, of external commitments, the authorized person shall register on the WEB portal of NBM as a user in accordance with the User's Guide.

27. For notification in electronic form through the WEB portal of NBM, the authorized person shall perform the following actions:

1) fill in sections II and III of the notification form in electronic form, according to the procedure of compiling the notification from Annex No 2 or from Annex No 3, verifying the compliance of the data from notification with those in the documents that served as basis for completing the notification;

2) in the case of documents on paper:

a) scan the documents specified in items 17-18 to be attached to the notification form, ensuring the integrity and quality of the scanned documents (so that the document contains all the information and is legible), as well as the sequence of pages;

b) attach (upload) the files with the scanned documents and apply the electronic signature, which certifies the compliance of the scanned and attached documents with their originals;

3) in the case of electronic documents - attach (upload) the electronic documents specified in items 17-18 and apply the electronic signature on them;

4) apply the electronic signature on the completed notification form (which is kept at the National Bank of Moldova) and submit the complete set of documents to the National Bank of Moldova.

Chapter IV

Recording of external commitments subject to notification

Section 1. General provisions

28. The recording of notified external commitments is carried out by the National Bank of Moldova depending on the method of notification of the external commitment, on paper or in electronic form - through the Information System of the National Bank of Moldova on licensing, authorization, and notification.

29. The recording by the National Bank of Moldova of the notified external commitment shall be made by assigning a separate recording number to the external commitment. The recording number of the external commitment, as well as the date of the recording shall be entered in section I of the notification form.

In case of recording of the external commitment notified on paper, the respective recording is certified by applying on the notification form, submitted by the resident according to item 24, the handwritten signature of the responsible person of the National Bank of Moldova and the stamp of the National Bank of Moldova.

In case of recording of the external commitment notified in electronic form, the respective recording is certified by applying the electronic signature of the responsible person of the National Bank of Moldova on the notification form, generated electronically by the National Bank of Moldova through the Information System of the National Bank of Moldova. The name of the electronic notification generated by the National Bank of Moldova through the Information System of the National Bank of Moldova shall contain the text "(recorded external commitment)".

30. The National Bank of Moldova records or declines recording of the external commitment within no more than 15 working days from the date of registration by the National Bank of Moldova (on paper or in electronic form) of the complete set of documents provided by this Instruction or, as the case may be, from the registration date of the documents submitted in compliance with item 31. If, following the examination of the set of documents, the National Bank of Moldova finds that the external commitment is not subject to notification according to Law No 62/2008, the resident is informed about this fact by letter (on paper or in electronic form) within the term provided for in this item.

31. If the resident has not submitted the full set of documents or the mentioned documents do not meet the requirements of this Instruction, within 5 working days from the registration date of the set of documents, the National Bank of Moldova shall inform the resident about the need to submit missing documents or documents to be redrafted in compliance with the requirements of this Instruction within 5 working days from the date of information . If the resident did not submit the mentioned documents within the established term, the National Bank of Moldova shall notify about the termination of the examination procedure.

32. The National Bank of Moldova declines recording of the external commitment if:

a) the data indicated in the notification form do not correspond to the concerned data in the submitted documents;

b) for the performance of the external commitment, the opening/use of the account abroad subject to the authorization by the National Bank of Moldova is expected, and the resident is not authorized to open/use the account abroad;

c) the submitted documents related to the external commitment subject to notification, contain clauses that provide for the granting of the cash loan or other clauses that contravene the Law No 62/2008;

d) the submitted documents contain inauthentic or contradictory information;

[Letter e) repealed by the NBM Decision No 45 of 11.03.2022, in force since 01.05.2022]

33. If the external commitment is not recorded , the National Bank of Moldova, within the term indicated in item 30, communicates about this fact to the resident responsible for notification (his/her authorized person) by a letter, on paper, or, as the case may be, in electronic form indicating the reasons for the declining. The letter in electronic form is communicated through the WEB portal of NBM and is available for printing.

34. After the resident has removed all the circumstances that caused the declining, the resident responsible for notification may repeatedly apply to the National Bank of Moldova for recording of the external commitment.

35. If after the recording date of the external commitment changes occurred in the information indicated in the notification form and/or in the documents submitted by the resident and/or new documents appeared that modify the terms of the external commitment, the resident is obliged, within 15 working days from the date of the amendment, to take the actions referred to in item 38 or item 40 (in the case of notification on paper) or the actions referred to in item 43 or item 45 (in the case of electronic notification).

36. The amended external commitment indicated in item 38 and item 43 shall be recorded by indicating in the amended notification form the recording number and the recording date of the external commitment indicated in the previous notification, as well as the order number of the amended notification and the date of its recording.

At the same time, depending on the notification of the external commitment, the National Bank of Moldova applies the stamp “CANCELLED” on the previous notification on paper or assigns to the previous notification in electronic form the status of “CANCELLED” through the Information System of the National Bank of Moldova.

Section 2. Peculiarities of recording in the case of notification on paper

37. After recording the external commitment notified on paper, one original copy of the notification is returned to the resident, and the second original copy remains at the National Bank of Moldova with photocopies of the documents submitted by the resident.

At the same time, the National Bank of Moldova issues to the resident the Annex to the notification on paper, in compliance with the form in Annex No 4 or, as the case may be, Annex No 5, in order to reflect all operations performed within the recorded external commitment.

Depending on the specifics of the external commitment, the National Bank of Moldova may amend the content of the Annex to the notification and/or issue several Annexes to the notification on paper.

38. Upon the occurrence of the situation provided for in item 35, which led to the modification of the notification data, the resident is obliged to submit to the National Bank of Moldova the following:

- a) the modified notification form (as the case may be, according to Annex No 2 or Annex No 3) in which the necessary modifications were made, in two original copies;
- b) photocopies of new documents, which modify the clauses of the external commitment;
- c) the originals of the previous notification and its Annex. If the notification and/or the Annex to the notification have been lost, a declaration shall be submitted on his/her own responsibility by which the resident responsible for notification informs the National Bank of Moldova about their loss;
- d) photocopy of the excerpt from the State Register mentioned in item 3 of Annex No 1.

The recording by the National Bank of Moldova of the modified external commitment is carried out through application of the procedure provided in items 30-34.

39. After recording the amended external commitment, the resident is returned the original of the cancelled notification (if it was submitted to the National Bank of Moldova), one original copy of the amended notification and the original of the Annex to the notification on paper (or duplicate of the Annex, if the resident informed the National Bank of Moldova according to item 38 letter c) about the loss of the Annex to the notification).

40. Upon the occurrence of the situation provided for in item 35, which did not lead to the modification of the notification data, the resident is obliged to inform in written form the National Bank of Moldova about the amendments/completions made, with the attachment of photocopies of the respective documents.

Section 3. Peculiarities of recording in the case of notification in electronic form

41. After recording the external commitment notified in electronic form, the authorized person may access the notification in electronic form through the WEB portal of NBM, in compliance with the User's Guide.

42. After recording the external commitment notified in electronic form, the authorized person of the resident (other than the licensed bank) shall reflect, through the WEB portal of NBM in compliance with the User's Guide, all the operations performed within the recorded external commitment in the report on operations related to external commitments, which contains at least the information from columns 1-10 of Annex No 4 or, as the case may be, the information from columns 1-11 of Annex No 5.

43. Upon the occurrence of the situation provided for in item 35 which led to the modification of the notification data, the authorized person is obliged to submit the amended notification form by modifying the information indicated in sections II and/or III of the notification form submitted in electronic form through the WEB portal of NBM, and to undertake the actions provided for in item 27 subitems 2) - 4).

The recording in electronic form by the National Bank of Moldova of the modified external commitment is carried out through the application of the procedure provided in items 30-34.

44. Following the recording in electronic form of the amended external commitment, the authorized person may access the amended notification through the WEB portal of NBM in accordance with the User's Guide.

45. Upon the occurrence of the situation provided for in item 35, which did not lead to the modification of the notification data, the authorized person is obliged to inform the National Bank of Moldova about the amendments/completions made through the WEB portal of NBM, in compliance with the User's Guide.

Chapter V

Reporting on recorded external commitments

Section 1. General provisions

46. Residents, whose external commitments have been recorded by the National Bank of Moldova, are obliged to report to the National Bank of Moldova the information on the operations carried out within the mentioned external commitments, including those carried out before the recording date of the external commitment.

47. The reporting by the licensed banks of the operations performed within the recorded external commitments is carried out in compliance with Annex No 8 of the Instruction on the reporting of foreign exchange operations by the licensed banks, approved by the Decision No 11/2009 of the Council of Administration of the National Bank of Moldova.

48. The provisions of items 49-57 apply to residents other than the licensed banks.

49. The reporting to the National Bank of Moldova of the information on the operations performed within the recorded external commitments shall be performed on paper or in electronic form, depending on the method of notification of the external commitment.

If the resident intends to switch from reporting on paper to reporting in electronic form, the provisions of items 65-68 shall apply.

50. In order to keep records and report on transactions related to the recorded external commitment on paper, the resident responsible for notification shall record in the Annex to the notification all operations carried out within the external commitment, as follows:

1) in the case of the external loan/credit, the Annex to the notification regarding the external loan/credit, specified in Annex No 4, shall be used;

2) in the case of the external guarantee, the Annex to the notification regarding the external guarantee, specified in Annex No 5, shall be used.

51. The completion of the Annexes indicated in item 50 shall be performed by the resident on the basis of documents confirming the performance of operations, according to the recorded external commitments, including if the collection/payment/transfer according to the external commitment subject to notification is made through the account opened with the RPS provider.

52. The reporting to the National Bank of Moldova by the residents of the information on the operations performed within the recorded external commitments shall be carried out within the following deadlines:

a) if the operations according to the external commitment are performed monthly, the reporting is performed monthly, at the latest on the 10th day of the month following the reporting month;

b) if the operations according to the external commitment are carried out with a periodicity of more than one month or with an irregular periodicity, the reporting shall be carried out at the latest on the 10th day of the month, following the month in which operations were carried out, according to the external commitment.

53. For the purpose of reporting on paper on operations carried out within the recorded external commitments on paper, the resident responsible for notification shall take the following actions:

a) register in the Annex to the notification, issued by the National Bank of Moldova, all the operations performed within the recorded external commitment and certify each registration by the signature of the responsible person of the resident;

b) submit to the National Bank of Moldova a photocopy of the Annex to the notification, within the deadline provided for in item 52.

54. Residents are required to submit together with the photocopy of the Annex to the notification photocopies of documents (which remain at the National Bank of Moldova) confirming the information on the operations reflected in the Annex to the notification. The documents confirming the operations performed through the licensed banks (e.g., the payment order) shall not be submitted.

If several operations have been performed on the basis of one document, a photocopy of it shall be submitted only once.

55. Photocopies of the documents indicated in item 53 letter b) and item 54 shall be submitted to the National Bank of Moldova, in compliance with the specific requirements for such documents, indicated in Annex No 1.

56. If all the lines set out in the Annex to the notification have been completed in the reporting on paper, the resident responsible for the notification may request the issuance by the National Bank of Moldova of an additional page in the Annex to the notification. To this end, the resident submits to the National Bank of Moldova an application requesting the issuance of an additional page in the Annex to the notification, to which the resident attaches the certified copy of the last page of the Annex to the notification. The National Bank of Moldova shall issue to the applicant an additional page in the Annex to the notification on paper, within no more than 5 working days from the date of registration of the application by the National Bank of Moldova.

57. The reporting in electronic form by the resident of the information on the operations performed within the recorded external commitment in electronic form, shall be carried out by submitting the report indicated in item 42 through the WEB portal of NBM, in compliance with the User's Guide, by application of items 50, 51, 53 and 54. The manner of completing the report is the one established in Annex No 4 and Annex No 5.

Chapter VI

Duplicate of notification/Annex to notification on paper

58. If, after the recording date of the external commitment on paper, the notification/Annex to the notification has been lost or significantly damaged, the resident responsible for the notification may request the issuance by the National Bank of a duplicate of the notification/Annex to the notification.

59. In order to obtain a duplicate of the notification, the resident responsible for the notification submits a written request to the National Bank of Moldova, justifying the reason for requesting the duplicate, with the attachment of the following:

a) the notification form on paper, completed according to the requirements specified in items 16, 22-23, in two original copies;

b) photocopy of the excerpt from the State Register indicated in item 3 of Annex No 1;

c) in case of significantly damaged notification - the original of the notification.

60. After verifying the completeness and correctness of the information in the documents specified in item 59, the National Bank of Moldova, within 10 working days from the registration date of the request, shall return to the resident one original copy of the notification, with the entries made by the responsible person from the National Bank of Moldova in section I of the notification form and certificates with his/her handwritten signature and the stamp of the National Bank of Moldova. The stamp with the text "DUPLICATE" shall be applied to the notification and the date of issue of the duplicate shall be indicated.

61. In order to obtain the duplicate of the Annex to the notification, the resident responsible for the notification submits a written request to the National Bank of Moldova, justifying the reason for requesting the duplicate. In the case of a significantly damaged Annex, the original of the damaged Annex shall be attached to the request. Within no more than 10 working days from the date of receipt of the application, the National Bank of Moldova shall issue a new Annex, indicating the text "DUPLICATE" and the date of duplicate issuance.

62. If both the notification and the Annex to the notification have been lost, only one written request may be submitted to the National Bank of Moldova, in compliance with the requirements set out in items 59 and 61.

63. The resident responsible for the notification shall ensure that the information on operations carried out within the recorded external commitment, including the information contained in the lost Annex to the notification, is included in the Annex to the notification, issued in compliance with item 61,

and not later than 30 working days from the date of its issuance, shall submit a photocopy of the completed Annex to the National Bank of Moldova.

Chapter VII

Special provisions

64. Notwithstanding item 8 of this Instruction, the loan/credit within operations related to direct investment contracted by the resident from the non-resident before 10 December 2016, shall be subject to notification to the National Bank of Moldova and reporting in compliance with this Instruction, if after that date contracts are concluded amending those legal relationships, resulting in the granting of a loan/credit within operations related to direct investment in the amount over 50 000 EURO (or their equivalent).

If, according to the mentioned commitment, operations have been carried out before the date of recording by the National Bank of Moldova, they shall be reported according to the provisions of Chapter V.

65. Residents, whose external commitments have been recorded on paper, may request from the National Bank of Moldova the opportunity to submit, in electronic form, the amended notifications and to report to the National Bank of Moldova in electronic form on operations carried out in accordance with the recorded external commitment.

66. In the case indicated in item 65, the resident submits a written application to the National Bank of Moldova, requesting the possibility of notification in electronic form of amendments/completions related to external commitments previously recorded on paper, as well as, reporting in electronic form on the operations performed within them. In the request, the resident must indicate the state identification number (IDNO/IDNP) or its fiscal code, the number and registration date of the external commitments, for which the possibility of notification (amendments) and reporting in electronic form is requested, phone number and other contact details. The application shall have attached the photocopies of the Annexes to the notifications for which the possibility of notification (amendments) and reporting in electronic form is requested.

67. The National Bank of Moldova, within no more than 15 working days from the date of registration of the application specified in item 66, shall take the necessary actions to enable notification and reporting in electronic form within external commitments previously recorded on paper, and for which the notification and reporting in electronic form is requested. The deadline may be extended by 15 working days, if the right to notify and report in electronic form is requested for more than five external commitments.

The National Bank of Moldova shall communicate, by telephone or other means indicated by the resident, about the date from which the notifications related to the external commitments previously recorded on paper are available within the WEB portal of NBM, to be modified and/or to report, if necessary, in electronic form on the operations performed within these external commitments to the National Bank of Moldova.

68. If the resident has been given, in accordance with items 66 and 67, the possibility of notification and reporting in electronic form within the external commitments previously recorded on paper, reverting to notification and reporting on paper within these external commitments shall not be allowed.

**List of documents
necessary for the notification of the external commitment**

A. Documents identifying the resident

1. Identity card of the individual .
2. The document that allows practicing of a certain type of activity by the resident individual (e.g., entrepreneur's license, license for notarial activity, license for practicing the lawyer profession).
3. Excerpt from the State Register issued by the body empowered with the state registration right, which corresponds to the current situation and which includes, depending on the resident's category, information on name /name and surname, legal form of organization, state identification number/fiscal code, date of registration, headquarters/domicile, administrator, size of share capital, founders (associates), participation shares of founders (associates), types of activity. The validity of the mentioned excerpt shall not exceed six months from the date of its issue.
4. Excerpt from the Register of shareholders of the joint stock company, which contains the name of the shareholders holding 10% or more of the share capital of the joint stock company, the number of shares held and the share of each mentioned shareholder of this joint stock company - only for the joint stock company.
5. Certificate of assignment of the tax code of the resident legal entity - only for persons to whom this document is issued according to the legislation and to whom the document indicated in item 3 is not issued.
6. Other documents that the resident deems necessary to submit and that identify him/her.

B. Documents related to the external commitment that are notified to the National Bank of Moldova

7. The contract or other document under which the external loan/credit relations appears (with amendments and completions, if any).
8. The document under which the external guarantee relation appears (with amendments and completions, if any).
9. The contract under which the obligations of the debtor to the creditor have appeared and which execution is secured by issuing the external guarantee (e.g., credit contract, sale-purchase contract).
10. The contract between the guarantor and the guarantee principal (if any).
11. The contract between the guarantor and the guarantee beneficiary (if any).
12. Other documents that the resident deems necessary to submit for notification of the external commitment.

General requirements for documents submitted to the National Bank of Moldova

At the request of the National Bank of Moldova, the documents prepared in foreign languages are to be submitted together with their translations into Romanian, certified by a notary.

Specific requirements for documents to be submitted in case of notification on paper

The documents are submitted in photocopies, ensuring their integrity and quality (so that the document contains all the information and is legible), as well as the sequence of pages. The compliance of photocopies of the documents submitted with their originals shall be certified by the resident responsible for notification. The certification is made by writing on the photocopy of the document the following text *"I declare on my own responsibility that the photocopy corresponds to the original"*. In the case of the resident legal entity, the respective registration is certified by the signature of the manager/administrator (his/her empowered person). In the case of the individual and individual practicing a certain type of activity, this registration is certified by the signature of the respective individual.

The photocopies of the submitted documents shall remain with the National Bank of Moldova.

At the discretion of the resident, instead of photocopies, the documents can be submitted in original or in copies certified by a notary, which shall remain at the National Bank of Moldova.

Specific requirements for documents to be submitted in the case of notification in electronic form

Documents in electronic form shall be submitted in electronic form. The documents on paper shall be submitted in scanned form in PDF format, ensuring the integrity and quality of the scanned documents (so that the document contains all the information and is legible), as well as, the sequence of pages. The documents in electronic form or the scanned documents shall be signed by the authorized person with qualified advanced electronic signature in compliance with Law No 91/2014 on electronic signature and electronic document and shall be kept in electronic form at the National Bank of Moldova.

Notification on external loan/credit

I. Data on the recording of the external loan/credit

<p>The external loan/credit was recorded by the National Bank of Moldova under No _____ from _____</p> <p>Modified notification: No _____ from _____</p> <p>Responsible person of the National Bank of Moldova:</p> <p>_____ (signature) _____ (name and surname)</p> <p style="text-align: center;"><i>P.S.</i></p>	<p><i>The recording of the external commitment does not imply the assumption by the National Bank of Moldova of the obligations related to this external commitment and does not imply the approval or authorization by the National Bank of Moldova of such operations, as well as does not exempt the resident payment service providers, through which the foreign exchange operation is performed within the notified external commitment, from the application of the measures in accordance with the requirements of the legislation in the field of preventing and combating money laundering and terrorist financing.</i></p> <p><i>The notification shall lose its validity upon settlement of obligations according to the external commitment.</i></p>
--	---

II. Data on external loan/credit

Hereby, _____
(name /name and surname of the debtor resident)

the state identification number/fiscal code of the debtor _____

notifies the National Bank of Moldova about the external loan/credit granted by _____
(name /name and surname of the non-resident creditor)

_____ (headquarters/domicile of the non-resident creditor)

under the contract _____
(name of the contract, number and date of its conclusion)

in amount _____
(amount in figures (in units and decimals) and in letters, name of the currency)

maturity _____

interest _____
(in figures (in units and decimals) and in letters)

<p>The share held by the creditor in the debtor's capital</p> <p><input type="checkbox"/> does not hold/does not apply</p> <p><input type="checkbox"/> holds up to 10%</p> <p><input type="checkbox"/> holds 10% or more</p>	<p>The share held by the debtor in the creditor's capital</p> <p><input type="checkbox"/> does not hold/does not apply</p> <p><input type="checkbox"/> holds up to 10%</p> <p><input type="checkbox"/> holds 10% or more</p>
--	--

Responsibility for the compliance of the external commitment with the provisions of the legislation of the Republic of Moldova, including the provisions of Law No 62/2008 on foreign exchange regulation, for the correctness, veracity, and currentness of information presented, as well as for the signing of the documents (submitted to the National Bank of Moldova) by the person empowered with this right according to the legislation of the Republic of Moldova, is borne by the resident responsible for notification. At the same time, the resident is responsible for reporting the operations performed according to the notified external commitment and fulfilling other obligations established in the Instruction on notification of external commitments, approved by Decision of the Executive Committee of the National Bank of Moldova No 12/2020.

Administrator/Individual _____

(signature)

(name and surname)

Date of notification compiling _____

Contact details: _____

Contact person: _____

Procedure of compiling of the Notification on external loan/credit

Section I. "Data on the recording of the external loan/credit" shall be completed by the National Bank of Moldova.

Section II. "Data on external loan/credit" and section III. "Data on documents submitted to the National Bank of Moldova" shall be completed by the resident debtor as follows:

In the space for data on:

- 1) resident debtor - it shall be indicated his/her name and surname;
- 2) state identification number/fiscal code of the debtor (to be underlined as appropriate) - it shall be indicated the state identification number (IDNO/IDNP) or fiscal code of the resident debtor assigned according to the legislation of the Republic of Moldova;
- 3) name/name and surname of the non-resident creditor – it shall be indicated full name/his/her name and surname ;
- 4) headquarters/domicile of the non-resident creditor - it shall be indicated headquarters or his/her domicile, including the country;
- 5) contract - it shall be indicated the name, number and date of conclusion of the contract based on which the external commitment subject to notification is formed. If there are amendments/additions to the contract, only the data related to the initial contract are indicated. If the contract is amended by other contracts (e.g., contract for the assignment of the debt, debt assumption, novation, etc.), the data relating to these contracts shall also be indicated;
- 6) amount – it shall be indicated the amount in figures (in units and decimals) and in letters of the external loan/credit, as well as the name of the currency indicated in the contract. If the loan/external credit agreement stipulates several amounts in various currencies, each amount in the respective currency shall be indicated. If an external commitment deriving from financial leasing or a commercial loan/credit is notified, which requires the debtor to make advance payments, the amount of the external commitment shall be indicated, which shall be determined by deducting the amount of the advance from the purchase price of the object of the financial leasing or loan/commercial credit contract. If two or more resident debtors are nominated in the external loan/credit agreement, the resident debtor, designated as the administrator of the loan/credit, shall indicate the total amount of the external loan/credit, and if the above-mentioned contract divides the part that belongs to each debtor and does not designate an administrator of the external loan/credit, each of the resident debtors shall indicate the amount that belongs to him/her;
- 7) maturity - the date on which the period for payment by the resident debtor expires according to the contract shall be indicated, or the method of determining the respective maturity provided by the contract shall be described. If the description of the method of determining the maturity is more complex, reference shall be made to item (s) related to the maturity of the contract;
- 8) interest – the size of the interest shall be indicated in figures (in units and decimals) and in letters, or the method of determination of the interest stipulated in the contract (e.g., LIBOR for deposits in US dollars for a period of 6 months + margin of 0.75 (zero point seventy-five) % annually) shall be described. If the description of the method of determining the interest is more complex, reference shall be made to item/items in the contract where the method of determining the interest is described. If the contract provides for the amount of interest as a fixed amount, its value (in figures and letters), as well as the currency code shall be indicated. If the contract provides for different interest rates for different tranches/periods, the interest shall be indicated separately for each tranche/period or reference shall be made to the item in the contract which describes its determination method;
- 9) the share held by the creditor in the debtor's capital – the sign “X” shall be indicated in brackets next to the indicator that corresponds to the situation regarding the direct holding of the share by the non-resident creditor in the capital of the resident debtor. If the debtor is an individual and if the creditor does not hold a share in the debtor's capital, the sign "X" shall be indicated in brackets next to the indicator "does not hold/does not apply";
- 10) the share held by the debtor in the creditor's capital - the sign “X” shall be indicated in brackets next to the indicator that corresponds to the situation regarding the direct holding of the share by the resident debtor in the capital of the non-resident creditor. If the creditor is an individual and if the debtor does not

hold a share in the creditor's capital, the sign "X" shall be indicated in brackets next to the indicator "does not hold/does not apply".

On the reverse side of the notification, in section III. "Data on documents submitted to the National Bank of Moldova", the resident debtor shall indicate data on documents submitted to the National Bank of Moldova, specifying for each document - its name, number and date, number of pages in the document. If the submitted documents have been amended/completed, the amending documents shall also be included in the list.

In the case of the amended notification, only the new documents submitted shall be indicated, without indicating the previous notification and the Annex thereto.

The data indicated in the notification must correspond to the data in the documents on the basis of which the notification is completed.

All spaces for the notification data are to be filled in. In case of missing data, a hyphen shall be inserted.

The notification is signed by the resident debtor (the resident's empowered person) and must contain the date of its compiling. The notification in electronic form is signed through the WEB Portal of NBM by the authorized person of the resident debtor (which is kept in electronic form at the National Bank of Moldova).

The notification shall indicate the full name, of the contact person, as well as the contact details - the methods in which the resident wishes to provide/receive information regarding the external commitment (resident's postal address, telephone, e-mail, etc.).

Deletions and corrections in the notification are not allowed.

[Annex No 2 supplemented by the NBM Decision No 45 of 11.03.2022, in force since 01.05.2022]

Notification on the external guarantee**I. Data on the recording of the external guarantee**

<p>The external guarantee was recorded by the National Bank of Moldova under No _____ from _____</p> <p>Modified notification: No _____ from _____</p> <p>Responsible person of the National Bank of Moldova _____ (signature) _____ (name and surname) P.S.</p>	<p><i>The recording of the external commitment does not imply the assumption by the National Bank of Moldova of the obligations related to this external commitment and does not imply the approval or authorization by the National Bank of Moldova of such operations, as well as does not exempt the resident payment service providers, through which the foreign exchange operation is performed within the notified external commitment, from the application of measures in accordance with the requirements of the legislation in the field of preventing and combating money laundering and terrorist financing.</i></p> <p><i>The notification is valid until: _____</i></p> <p>_____</p> <p>_____</p> <p>_____</p>
--	---

II. Data on the external guarantee

Hereby,

(name /name and surname of the resident guarantee principal)

the state identification number/fiscal code of the guarantee principal _____

notifies the National Bank of Moldova about the external
guarantee_____
(name, number and date of issue of the guarantee)

issued by the guarantor _____

(name /name and surname of the non-resident guarantor)_____
(headquarters/domicile of the non-resident guarantor)in favour of the beneficiary of the
guarantee_____
(name /name and surname of the resident guarantee beneficiary)

in amount _____

(amount in figures (units and decimals) and in letters , name of the currency)the validity of the guarantee
according to the underlying
contract_____
(name of the contract, its number and date of conclusion)

<p>The share held by the guarantor in the principal's capital</p> <p><input type="checkbox"/> does not hold/does not apply</p> <p><input type="checkbox"/> holds up to 10%</p> <p><input type="checkbox"/> holds 10% or more</p>	<p>The share held by the principal in the guarantor's capital</p> <p><input type="checkbox"/> does not hold/does not apply</p> <p><input type="checkbox"/> holds up to 10%</p> <p><input type="checkbox"/> holds 10% or more</p>
--	--

Responsibility for the compliance of the external commitment with the provisions of the legislation of the Republic of Moldova, including the provisions of Law No 62/2008 on foreign exchange regulation, for the correctness, veracity, and currentness of information presented, as well as for the signing the documents (submitted to the National Bank of Moldova) by the person empowered with this right according to the legislation of the Republic of Moldova, is borne by the resident responsible for notification. At the same time, the resident is responsible for reporting the operations performed according to the notified external commitment and fulfilling other obligations established in the Instruction on notification of external commitments, approved by the Decision of the Executive Board of the National Bank of Moldova No 12/2020.

Administrator /Individual

(signature)_____
(name and surname)

Date of notification compiling _____

Contact details: _____

Contact person: _____

Procedure of compiling of the Notification on the external guarantee

Section I. "Data on the recording of the external guarantee" shall be completed by the National Bank of Moldova.

Section II. "Data on the external guarantee" and section III. "Data on documents submitted to the National Bank of Moldova" shall be completed by the resident guarantee principal as follows:

In the space for data on:

1) resident guarantee principal – it shall be indicated name/his/her name and surname. In the case specified in item 19 letter e) of the Instruction, the name of the financial intermediary shall be indicated;

2) state identification number/fiscal code of the guarantee principal (to be underlined as appropriate) - it shall be indicated the state identification number (IDNO/IDNP) or the fiscal code of the resident guarantee principal assigned according to the legislation of the Republic of Moldova;

3) guarantee - it shall be indicated the name of the external guarantee, the number and date of its issuance. If there are amendments/supplements to the guarantee, only the name of the initial guarantee is indicated. If the guarantee is modified by other contracts (e.g., contract for assignment of debt, debt assumption), the data related to these contracts are also indicated;

4) guarantor - it shall be indicated the full name /name and surname and the headquarters /domicile, including the country, of the non-resident guarantor;

5) the beneficiary of the guarantee - it shall be indicated the full name /name and surname of the resident guarantee beneficiary. In the case indicated in item 19 letter e) of the Instruction, the name of the financial intermediary shall be indicated;

6) amount - it shall be indicated the amount in figures (in units and decimals) and in letters for which the external guarantee was issued and the name of the currency indicated in the guarantee. If the external guarantee stipulates several amounts in various currencies, each amount in the respective currency shall be indicated;

7) validity of the guarantee - it shall be indicated the validity deadline of the external guarantee or it shall be described the method of determining the respective term provided under the contract;

8) the underlying contract - the name, number and date of conclusion of the contract shall be indicated, based on which the debtor's obligations towards the creditor arose/arise, the fulfilment of which is secured by establishing the external guarantee. In the case of guarantee contracts which do not relate to a specific underlying contract, but only set out the eligibility criteria, reference shall be made to the items in the guarantee contract which set out these requirements;

9) the share held by the guarantor in the capital of the principal - the sign "X" shall be indicated in brackets next to the indicator corresponding to the situation regarding the direct holding of the share by the non-resident guarantor in the capital of the resident guarantee principal . If the principal is an individual and if the guarantor does not hold a share in the capital of the principal , the sign "X" shall be indicated in brackets next to the indicator "does not hold/does not apply";

10) the share held by the principal in the capital of the guarantor - the sign "X" shall be indicated in brackets next to the indicator corresponding to the situation regarding the direct holding of the share by the resident guarantee principal in the capital of the non-resident guarantor. If the guarantor is an individual and if the principal does not hold a share in the guarantor's capital, the sign "X" shall be indicated in brackets next to the indicator "does not hold/does not apply".

On the reverse side of the notification, in section III. "Data on documents submitted to the National Bank of Moldova" the guarantee principal shall indicate data on documents submitted to the National Bank of Moldova, specifying for each document – name, number and date, number of pages of the document. If the submitted documents have been amended/completed, the amending documents shall also be included in the list.

In the case of the amended notification, only the new documents submitted shall be indicated, without indicating the previous notification and the Annex thereto.

The data indicated in the notification must correspond to the data in the documents on the basis of which the notification is completed.

All spaces for the notification data are to be filled in. In case of missing data, a hyphen shall be inserted.

The notification shall be signed by the resident guarantee principal (the resident's empowered person) and shall include the date of its compiling . The notification in electronic form shall be signed through the WEB Portal of NBM by the authorized person of the resident guarantee principal (which is kept in electronic form at the National Bank of Moldova).

The notification shall indicate the name, surname of the contact person, as well as the contact details - the methods in which the resident wishes to provide/receive information on the external commitment (resident's postal address, telephone, e-mail, etc.).

Deletions and corrections in the notification are not allowed.

[Annex No 3 supplemented by the NBM Decision No 45 of 11.03.2022, in force since 01.05.2022]

Annex No 4
to the Instruction on notification of external commitments

This Annex is the report form

Name and surname of the responsible person of the National Bank of Moldova,
his/her signature, stamp of the National Bank of Moldova

Annex to the notification on external loan/credit No _____ from _____ page No _____
issued _____

(name /name and surname of the resident debtor, state identification number/fiscal code - to be filled in by the National Bank of Moldova)

data on notification modification _____

(to be completed by the National Bank of Moldova)

No	Date of performing the operation	Type of operation	Mode of the performing the operation	The value of the operation in the currency of the operation		The value of the operation recalculated in the contract currency		Document confirming the performing of the operation (name, number and date)	Name of the RPS provider	Responsible person of the resident
				amount	currency code	amount	currency code			
A	1	2	3	4	5	6	7	8	9	10
1										
2										
3										
4										
5										
6										
...										

Procedure of compiling of the Annex to the notification on external loan/credit

The Annex to the notification on external loan/credit is completed by the resident debtor (other than the licensed bank). The Annex to the notification shall indicate the information on all operations carried out under the recorded external loan/credit, at the time of their execution, on the basis of the respective documents, including if the collection/payment/transfer according to the recorded external commitment is carried out through the account opened with the RPS provider.

If the notification was obtained after carrying out operations in accordance with the external commitment, the resident is obliged to ensure that the information on those operations is included in this Annex.

The resident debtor shall indicate and certify in the Annex to the notification the information relating to each transaction.

In the case of a financial loan/credit in factoring form in which the adherent (resident supplier) receives a loan/credit from the non-resident factor, the information on the funds received by the resident adherent from the non-resident factor/paid by the resident adherent in favour of the non-resident factor is completed by the resident debtor based on the documents obtained from the resident adherent or from the non-resident factor.

Column A "No": number of each row in the Annex shall be indicated.

Column 1 "Date of performing the operation": date of each operation carried out according to the external loan/credit shall be indicated (e.g., the date of collection of the funds in the account).

Column 2 "Type of operation": the corresponding code of the type of operation carried out according to the external loan/credit shall be indicated as follows:

code 01 - for withdrawals/disbursements;

code 02 - for the amount of commissions withheld by the creditor from the amount of the loan/credit granted (shall not be used for bank commissions);

code 03 - for the amount of capitalized interest (according to the provisions of the contract or based on the agreement of the parties);

code 21 - for the reimbursement of the principal amount of the external loan/credit;

code 22 - for interest payment;

code 23 - for the payment of penalty;

code 24a - for the payment of the commitment (granting) commission;

code 24b - for the payment of the administration commission;

code 24c - for the payment of the advance payment commission;

code 24d - for the payment of other commissions.

If the operation relates to a certain tranche, provided for in the contract, the tranche number shall be indicated separated by a slash.

Column 3 "Mode of the performing the operation": it shall be indicated the corresponding code of the mode in which the resident received the external loan/credit or the corresponding code of the method in which the debts of the resident debtor were paid (principal amount of the external loan/credit and other payments/transfers) according to the external loan/credit:

code 11 – through funds ;

code 12 – through deliveries of goods;

code 13 - through the provision of services;

code 15 - for the amounts corresponding to the income tax withheld according to the legislation of the Republic of Moldova from the value of interests/commissions calculated and paid in favour of the non-resident;

code 14 - in other forms.

Value of the operation in the currency of the operation:

Column 4 "amount": the amount (in units and decimals) of the performed operation shall be indicated.

Column 5 "currency code": the alphabetical code (according to ISO 4217) of the currency in which the operation was carried out (e.g., USD, EURO, etc.) shall be indicated.

Value of the operation recalculated in the contract currency: this section is to be completed only if the operation was carried out in a currency other than the contract currency/tranche currency.

Column 6 "amount": it shall be indicated the amount of the transaction recalculated in the currency of the contract/tranche according to the foreign exchange rate established by the parties to the contract or, if the exchange rate is not provided, according to the official exchange rate of the Moldovan leu valid at the date of the transaction.

Column 7 "currency code": the alphabetical code (according to ISO 4217) of the contract/tranche currency shall be indicated.

Column 8 "Document confirming the performance of the operation (name, number and date)": the name of the document confirming the performance of the operation (e.g., payment order, assignment contract, etc.), and its number and date, shall be indicated.

Column 9 "Name of the RPS provider": it shall be indicated the name of the RPS provider (e.g., the licensed bank) through which the collections /payments/transfers of the funds related to the external commitment have been performed. In other cases, this field shall not be completed.

Column 10 "Responsible person of the resident": the name and surname of the responsible person of the resident debtor who made the respective entry in the Annex shall be indicated. In the case of the legal entity, the entry is certified by the signature of the administrator (his/her empowered person). In the case of the individual practicing a certain type of activity and in the case of the individual, the entry shall be certified by the signature of the respective individual. In the case of the Annex to the notification on paper, that signature shall be applied to each entry.

If, according to the provisions of the contract/agreement between the parties, the capitalization of the interest is carried out, the following registrations shall be made in the Annex:

a) for the amount of capitalized interest - code 03 in Column 2 "Type of operation" and code 14 in Column 3 "Mode of the performing the operation";

b) for the amount of income tax withheld (if applicable) - code 22 in Column 2 "Type of operation" and code 15 in Column 3 "Mode of the performing the operation".

If, in accordance with the provisions of the contract/agreement between the parties, the creditor has withheld, from the granted amount, the granting commission (other commissions as the case may be), in the Annex shall be indicated:

a) for the amount actually transferred by the creditor - code 01 in Column 2 "Type of operation" and code 11 in Column 3 "Mode of the performing the operation";

b) for the amount of the commission withheld (which is considered to have been granted by the creditor to the debtor) - code 02 in Column 2 "Type of operation" and code 14 in Column 3 "Mode of the performing the operation", and

c) for the amount of the commission withheld - code 24 (a, b, c or d) in Column 2 "Type of operation" and code 14 in Column 3 "Mode of the performing the operation".

If, according to the legislation of the Republic of Moldova, the resident debtor is obliged to withhold and pay income tax from the amounts of interests and commissions paid to non-residents, the following entries shall be made in the Annex (the date of the operation being the date of interest/commission):

a) for the amount of interest/commission transferred to the non-resident - code 22 or code 24 (a, b, c or d) in Column 2 "Type of operation" and code 11 in Column 3 "Mode of the performing the operation";

b) for the amount of income tax withheld from the amount of interest/commission calculated according to the contract - code 22 or code 24 (a, b, c or d) in Column 2 "Type of operation" and code 15 in Column 3 "Mode of the performing the operation".

Annex No 5
to the Instruction on notification of external commitments

This Annex is the report form

Name and surname of the responsible person of the National Bank of Moldova,
his/her signature, the stamp of the National Bank of Moldova

**Annex to the notification on the external guarantee No _____ from _____ page No _____
issued _____**

(name /name and surname of the resident guarantee principal , his/her state identification number/fiscal code - to be filled in by the National Bank of Moldova)

data on notification modification _____
(to be completed by the National Bank of Moldova)

No	Date of performing the operation	Type of payments made according to the guarantee	Refund of amounts paid according to the guarantee		The value of the operation		The value of the operation recalculated in the guarantee currency		Document confirming the performance of the operation (name, number, date)	Name of the RPS provider	Responsible person of the resident
			payments	type of payments	amount	currency code	amount	currency code			
A	1	2	3	4	5	6	7	8	9	10	11
1											
2											
3											
4											
5											
6											
...											

Procedure of compiling of the Annex to the notification on the external guarantee

The Annex to the notification on the external guarantee shall be completed by the resident guarantee principal (the debtor in the underlying transaction) (other than the licensed bank).

The Annex to the notification shall indicate the information on all operations performed within the notified external guarantee, at the time of their performance, on the basis of the respective documents, including if the collection/payment/transfer according to the recorded external commitment is performed through the account opened with the RPS provider.

If the notification was obtained after carrying out operations in accordance with the external commitment, the resident is obliged to ensure that the information on those operations is included in the Annex to the notification.

The resident is to indicate and certify in the Annex to the notification the information related to each transaction.

The information on the payments made by the non-resident guarantor shall be completed by the resident guarantee principal on the basis of documents received from the resident guarantee beneficiary or from the non-resident guarantor.

Column A "No": the number of each row in the Annex shall be indicated.

Column 1 "Date of performing the operation": the date of each operation carried out following the occurrence of the guaranteed case shall be indicated.

Column 2 "Type of payment made according to the guarantee": the corresponding code of the type of payment/transfer made by the non-resident guarantor in favour of the resident guarantee beneficiary according to the notified external guarantee shall be indicated. If the guaranteed transaction represents the granting of a loan/credit, the following codes are indicated: code 31 – reimbursement of the principal, code 32 - payment of interest, code 33 - payment of the penalty, code 34 - payment of the commission. If the guaranteed transaction represents a transaction of sale-purchase of goods, provision of services, etc., code 35 is indicated.

Repayment of amounts paid according to the guarantee:

Column 3 "Payments": the mode by which the resident guarantee principal returns to the non-resident guarantor the amounts paid under the notified external guarantee shall be indicated: code 41 - by funds, code 42 - by delivery of goods, code 43 - by provision of services, code 44 - in other forms.

Column 4 "Type of payment": it shall be indicated the corresponding code of the type of payment/transfer made by the resident guarantee principal in favour of the non-resident guarantor on the returning the amounts paid by the guarantor according to the notified external guarantee.

If the guaranteed transaction represents the granting of a loan/credit, the following codes are indicated: code 51 - return of the amounts paid by the non-resident guarantor as reimbursement of the principal of the loan/credit, code 52 - of the interest amount, code 53 - the amount of the penalty, code 54 - the amount of the commission. If the guaranteed transaction represents a transaction of sale-purchase of goods, provision of services, etc., in case of returning the amounts paid by the guarantor, code 55 is indicated.

Depending on the type of operation (payments made according to the guarantee, return of amounts paid according to the guarantee), column 2 or columns 3 and 4 shall be filled in. The simultaneous completion of column 2 and columns 3 and 4 is not allowed.

The value of the operation:

Column 5 "amount": the amount (in units and decimals) of the operation performed shall be indicated.

Column 6 "currency code": the alphabetical code (according to ISO 4217) of the currency in which the operation was carried out (e.g., USD, EUR, etc.) shall be indicated.

Value of the transaction recalculated in the guarantee currency: this section is completed if the operation was carried out in a currency other than the guarantee currency.

Column 7 "amount": it shall be indicated the amount of the transaction recalculated in the guarantee currency according to the exchange rate established by the parties to the contract or, if the exchange rate is not provided, according to the official exchange rate of the Moldovan leu valid at the date of the performing operation.

Column 8 "currency code": the alphabetical code (according to ISO 4217) of the guarantee currency shall be indicated.

Column 9 "Document confirming the performance of the operation (name, number, date)": the name of the document confirming the performance of the operation (e.g., payment order), and its number and date, shall be indicated.

Column 10 "Name of the RPS provider": it shall be indicated the name of the RPS provider (e.g., licensed bank) through which the collections /payments/transfers of the funds related to the external commitment have been performed. In other cases, this field shall not be completed.

Column 11 "Responsible person of the resident": the name and surname of the responsible person of the resident guarantee principal who made the respective entry in the Annex shall be indicated.

In the case of the legal entity, the entry is certified by the signature of the administrator (his/her empowered person). In the case of the individual practicing a certain type of activity and in the case of the individual, the entry shall be certified by the signature of the respective individual. In case of the Annex to the notification on paper, that signature shall be applied to each entry.