**RYAZAN REGION GOVERNMENT**

**RESOLUTION № 236**

**of 30 September, 2008.**

**ON DETERMINation of A LIST OF DOCUMENTS THAT ARE required FOR**

**CONSIDERING AN APPLICATION (request) for**

**STATE GUARANTEE of the RYAZAN REGION**

In accordance with the Budget Code of the Russian Federation, Law of the Ryazan Region № 83-OZ of 06.08.2008, "On Granting of state guarantees of the Ryazan Region", the Government of the Ryazan Region decrees the following:

1. To determine a [list](#Par26) of documents that are required for considering an application (request) being granted state guarantee of the Ryazan Region, in accordance with the Appendix hereto.

2. To appoint First Deputy Governor of the Ryazan Region, A.V. Revyakin as the officer in charge of monitoring the enforcement of the present Resolution.

Governor of the Ryazan Region

O.I. KOVALYOV

Appendix

to Resolution № 236

of the Government of the Ryazan Region

of 30 September, 2008.

**list**

**of documents that are required for CONSIDERING AN APPLICATION (request)**

**for STATE GUARANTEE OF THE RYAZAN REGION**

1. An entity that applies for such guarantee (hereinafter referred to as The Applicant) is to submit the following documents to the Government of the Ryazan Region:

1) an application for being granted state guarantee of the Ryazan Region (hereinafter referred to as The Guarantee), with statement of the proposed time of the Guarantee, the scope of the Guarantor’s responsibility under such a Guarantee, and the purpose of receiving the Guarantee (name of the project);

2) the Applicant’s questionnaire, containing information about the Applicant’s full title, the number and date of issue of the Applicant’s state registration certificate, name of the registering agency, the location and postal address of the Applicant, telephone numbers, fax number, and e-mail address;

3) data about the lender, in the form of an official annual statement;

4) notary-certified copies of the Company’s Statute (Provisions), as well as all amendments and appendices thereto, articles of incorporation or a resolution of an authorized body to create such a legal entity;

5) notary-certified copy of the document, certifying the entry of the Applicant as a legal entity into the Unified State Registry of Legal Entities;

6) notary-certified copy of the Applicant’s registration with taxation authorities;

7) documents (notary-certified copies or original documents) confirming the powers of the sole single-manager executive body of the Applicant (or another authorized body) to conclude agreements on behalf of the Applicant and the Applicant’s chief accountant (a resolution to elect, or an order to appoint, to assume office, a contract, a power of attorney, et al.), as well as notary-certified samples of signatures of the persons stated, and an impress of the Applicant’s seal;

8) notary-certified copy of a document to certify the agreement of the Applicant’s authorized body to conclude deals on loan-making for implementation of project (if required by Laws of the Russian Federation, the Company’s constitutive documents, or other documents from the Applicant);

9) data about the Company’s authorized (reserve) capital, principal shareholders (proprietors of over 5% of the stock), share fraction owned by state or municipality (required for joint-stock companies), membership in a holding company or other affiliation or dependence;

10) reference from the Regional Office of the Federal Tax Service of Russia to certify absence of overdue debt of the Applicant on payments to the budgetary system of the Russian Federation, and to non-budgetary state funds, as of the first day of the current month;

11) reference from the Regional Office of the Federal Tax Service of Russia or another authorized body, to certify that there are no proceedings initiated against the Applicant to adjudicate the latter’s insolvency (bankruptcy), and bankruptcy procedures are not initiated, in accordance with Laws of the Russian Federation on insolvency (bankruptcy);

12) notary-certified copy of license to conduct economic activities in cases that require special treatment, according to Federal laws;

13) bank statement on the Applicant’s current accounts in loan agencies, certified by the Regional Branch of Federal Tax Service of Russia;

14) copies of the Applicant’s accounting reports for the last 2 years before the year of application for state guarantee, and for the most recent date of such reporting, in accordance with forms established by the Ministry of Finance of the Russian Federation, with additional explanatory notes thereto, certified as accepted by the Regional Branch of Federal Tax Service of Russia, with attached copies of resolutions or other acts concerning the Applicant’s accounting policy for each year, and commentary on balance sheet entries that concern capital assets, construction-in-progress, income-bearing investment in material valuables, long-term financial investments, short-term financial investments, accounts receivable, long-term liabilities, short-term and other loans, as well as accounts payable (on each type of debt);

15) explication of debts on loans from banks and from other legal entities, attached to the balance sheet submitted for the last financial year, for the most recent date of reporting, and for the date of submitting the application, with explication of creditors, amount of debt, date of receiving the loan, and loan repayment term, loan security, interest rate, intervals of repayment, amount of overdue liabilities, including accrued interest and penalties;

16) copies of auditors’ reports about integrity of the Applicant’s financial statements for the last 2 years before applying for state guarantee (for legal entities that are required to conduct auditing annually, in accordance with effective laws);

17) data about officers involved in implementation of the investment project (full name), copy of document to certify specific rights (if such guarantees are to be granted to a specific investment project);

18) investment project (business plan), approved by the Ryazan Regional Council for Investments (within the Governor’s administration) in accordance with Law of the Ryazan Region № 119-OZ, of 24 December, 2004, "On State Support of Investment Activities on the Territory of the Ryazan Region" (if such guarantees are to be granted to a specific investment project);

19) resolution (denial of resolution) of a municipal body about the submitted investment project that is to be implemented (proposed for implementation) on the territory of the municipal unit of the Ryazan Region (if such guarantees are to be granted to a specific investment project);

20) the Applicant’s reasoned suggestions concerning security to provide, should the Guarantor raise regressive claims to the Applicant that are related to performance or partial performance of such guarantee;

21) documents providing security against such guarantees, made in accordance with effective laws that are stated in [Appendices № 1](#Par82) - [3](#Par164) to the present List (depending on the security that ensures performance of obligations).

2. If the Applicant is a municipal unit of the Ryazan Region (hereinafter referred to as the Municipal unit), the following documents are required:

1) an application for being granted guarantee, stating the proposed period of guarantee, the amount of the Guarantor’s liability, and the goal of the guarantee;

2) filled questionnaire from the Applicant, with information on the following:

full name of the municipal unit;

full name of the head of the municipal unit, his/her deputies, head of the local administration and his/her deputies, head of the financial department in the municipal unit and his/her deputies;

scope (amount) of the treasury in the municipal unit;

3) data about the creditor in the form of an officially published annual report;

4) duly certified copies of the Statute of the municipal unit, and all modifications and amendments thereto, officially certified by legal bodies;

5) duly certified samples of signatures of officers of the local administration of the municipal unit, authorized to make deals on behalf of the municipal unit;

6) duly certified copies of resolutions of a representative body of the municipal unit on the budget for the corresponding financial year, and all amendments thereto;

7) extract from the municipal debt book of the municipal unit, certifying the amount of debt for the previous two financial years, and on the most recent date of reporting in the current year;

8) duly certified copy of a resolution of the representative body of the municipal unit on approval of the administration of the municipal unit’s budget for the previous two financial years, and on the most recent date of reporting in the current year;

9) explication of the accounts receivable, and accounts payable (including overdue debt) to the reports submitted on the execution of the budget in the previous two financial years, and on the most recent date of reporting in the current year;

10) duly certified copy of a municipal legal regulation on the budget proceedings in the municipal unit;

11) information about any legal action initiated against the municipal unit;

12) data on the intended performance of the Applicant’s liabilities in case of recourse claims from the Guarantor to the Applicant related to performance or partial performance of guarantee, and in cases established by the Budget Code of the Russian Federation and Law of the Ryazan Region № 83-OZ, of 06.08.2008, "On Granting of state guarantees of the Ryazan Region", state guarantee of the Ryazan Region can also be granted to a municipal unit without a collateral.

Appendix № 1

to List of documents

required for consideration of

an application (request)

for receiving

state guarantee

of the Ryazan Region

**list**

**OF DOCUMENTS required from the APPLICANT, if the proposed**

**Security of the applicant’s performance of liabilities is to be collateral**

**of property owned by the applicant of by a third party**

1. In case of proposal of collateral of movable assets:

documents to certify the title rights of the Applicant or of the third party to the proposed assets, and absence of encumbrance thereupon;

list of the assets transferred as collateral, with stated serial and branding number, and/or production serial number, the date of entering the property in the inventory records, the historical cost, the current balance-sheet value, the accrued depreciation, the wear rate, the date and amount of revaluations performed, and the standard operation time;

a report of the evaluator on the market value and the liquidity of the assets proposed as collateral;

document (notary-certified copies or originals) to certify the insurance of the transferred collateral, valid against all risks of loss or damage, for an amount equal or exceeding its market value, including insurance contracts or policies, and copies of documents to certify the payment of insurance amounts;

a document to certify the agreement of the authorized body of the collateral pledger to the transfer of the collateral assets (in cases established by Laws of the Russian Federation, the constituent document, or other documents of the collateral pledger);

a reference from a customs body to certify that the property given as collateral has received import clearance (if the propose assets are imported).

2. In case of proposing real estate as collateral:

notary-certified copies of documents to certify state registration of title to property (economic control) of the collateral pledger (the Applicant, or a third party) to the transferred real estate property, and absence of any encumbrance thereon;

a report of the evaluator company on the market value and liquidity of the assets proposed as collateral;

document (notary-certified copies or originals) to certify the insurance of the transferred collateral, valid against all risks of loss or damage, for an amount equal or exceeding its market value, including insurance contracts or policies, and copies of documents to certify the payment of insurance amounts;

a document to certify agreement of the authorized body of the collateral pledger to the transfer of the collateral assets (in cases established by Laws of the Russian Federation, the constituent document, or other documents of the collateral pledger);

documents containing data on the technical condition and current balance-sheet value of the real-estate property;

notary-certified copies of documents to substantiate the exploitation of the land site where the property is situated, and certify state registration of the collateral pledger’s title to the land site;

a document to certify the agreement of the land owner (lessor) of the land site to transfer, as collateral, the rights to rent the said land site where the real-estate property is situated (if this is required by the lease agreement, and Laws of the Russian Federation).

3. If the collateral pledger is a third party, in addition to the documents stated in [Clauses 1](#Par87) — [2](#Par94), according to the present list, the following documents are required:

notary-certified copies of constituent documents of the collateral pledger, including Appendices, and amendments;

a notary-certified copy of the document, certifying the entry of the collateral pledger as a legal entity into the Unified State Registry of Legal Entities;

a notary-certified copy of registration for taxation, by a tax body;

documents (notary-certified copies or original documents) confirming the powers of the sole senior manager of collateral pledger's company to sign the security agreement on behalf of the chief accountant of the collateral pledger's company (a resolution to elect, or an order to appoint, to assume office, a contract, a power of attorney, et al.), as well as notary-certified samples of signatures of the persons stated, and an impress of the Applicant’s seal;

a reference from the Regional Office of the Federal Tax Service of Russia to certify absence of overdue debt of the collateral pledger on payments to the budgetary system of the Russian Federation, and to non-budgetary state funds, as of the first day of the current month;

reference from the Regional Office of the Federal Tax Service of Russia or another authorized body, to certify that there are no proceedings initiated against the collateral pledger to adjudicate the latter’s insolvency (bankruptcy), and bankruptcy procedures are not taken, in accordance with Laws of the Russian Federation on insolvency (bankruptcy)

bank statement on the collateral pledger's current banking accounts in loan agencies, certified by the Regional Branch of Federal Tax Service of Russia;

copies of accounting reports of the collateral pledger for the recent 2 years before the Applicant (principal) requests state guarantee, and on the most recent date of reporting, in accordance with forms established by the Ministry of Finance of the Russian Federation, with explications to such documents and with additional explanatory notes thereto, certified as accepted by a tax body, with attached copies of resolutions or other acts concerning the collateral pledger's accounting policy for each year, and commentary on balance sheet entries that concern capital assets, construction-in-progress, income-bearing investment in material valuables, long-term financial investments, short-term financial investments, accounts receivable, long-term liabilities, short-term and other loans, as well as accounts payable (on each type of debt);

explication of debts on loans from banks and from other legal entities, attached to the balance sheet submitted for the last financial year, for the most recent date of reporting, and for the date of submitting the application, with explication of creditors, amount of debt, date of receiving the loan, and loan repayment term, loan security, interest rate, intervals of repayment, amount of overdue liabilities, including accrued interest and penalties;

copies of auditors’ reports about integrity of the collateral pledger's financial statements for the last 2 years before applying for state guarantee (for legal entities that are required to conduct auditing annually, in accordance with effective laws).

Appendix № 2

to List of documents

required for consideration of

an application (request)

for receiving

state guarantee

of the Ryazan Region

**list**

**OF DOCUMENTS required from the APPLICANT, if the proposed**

**Security of the applicant’s performance of liabilities is to be**

**a bank guarantee or obligation**

1. A written agreement of a loan agency or a pledger to act as a guarantor or pledger of the liabilities of the Applicant, with attached notary-certified copies of documents to certify the agreement of an authorized managerial body of the loan agency (pledger) to conclude deals on issuing of bank guarantee (pledge) for the purpose of performing the Applicant’s liabilities (in cases established by Laws of the Russian Federation, constituent or other documents of the loan agency (pledger).

2. Notary-certified copies of constituent documents of the loan agency (pledger), including appendices and amendments.

3. Notary-certified copy of the document, certifying the entry of the loan agency (Pledger) as a legal entity into the Unified State Registry of Legal Entities.

4. Notary-certified copy of certificate of registration in a tax body.

5. Documents (notary-certified copies or originals), to certify the authority of the single-owner executive body of the loan agency (pledger) or another authorized body to conclude deals on behalf of the loan agency (pledger), and the chief accountant of the loan agency (pledger) (a resolution to elect, or an order to appoint, to assume office, a contract, a power of attorney, et al.), as well as notary-certified samples of signatures of the persons stated, and an impress of the seal of the loan agency (pledger).

6. A reference from the Regional Office of the Federal Tax Service of Russia to certify absence of overdue debt of the loan agency (pledger) on payments to the budget system of the Russian Federation, and to non-budgetary state funds, as of the first day of the current month;

7. A reference from the Regional Office of the Federal Tax Service of Russia or another authorized body, to certify that there are no proceedings initiated against the loan agency (pledger) to adjudicate the latter’s insolvency (bankruptcy), and bankruptcy procedures are not taken, in accordance with Laws of the Russian Federation on insolvency (bankruptcy).

8. A loan agency that issues a bank guarantee is also to submit, in addition to the documents stated in [Clauses 1](#Par131) - [7](#Par137) of the present List, the following:

notary-certified copy of the license of the Central Bank of the Russian Federation to conduct banking operations;

balance-sheet of the loan agency (turnover balance-sheet based on the book-keeping accounts), and an income/loss statement for the two years prior to the year of the Applicant's request for guarantees (for each reporting date (quarterly reports)), and the most recent date of reporting;

copies of audit reports on the reliability of the loan agency's accounting during the previous two years prior to the year of the Applicant's request for guarantees;

calculation of the equity funds (own capital) of the loan agency, and indicators of conformity to mandatory economic requirements, including the bank's liquidity ratio, during the previous two years prior to the year of the Applicant's request for guarantees (quarterly calculations during the last year), quoting the maximum allowed limits;

reference from the Central Bank of the Russian Federation concerning the conformity of the loan agency during the recent six months to mandatory reserve requirements made by the Central Bank of the Russian Federation, absence of delayed payments upon accounting documents, with confirmation that the loan agency is not subjected to procedures of financial recovery or restructuring, and no provisional administration is appointed;

documents that confirm agreement with the Central Bank of the Russian Federation concerning the candidates for the positions of authorized officers.

9. In addition to the documents stated in [Clauses 1](#Par131) - [7](#Par137) of the present List, the pledger is to submit the following:

notary-certified copy of a license for the pledger to conduct economic activity in cases envisaged by the Federal Laws;

reference about the Pledger's current accounts in loan agencies, certified by the Regional Branch of Federal Tax Service of Russia;

copies of accounting balance-sheets of the pledger during the previous two years prior to the year of the Applicant's request for guarantees, and on the most recent reporting date, in accordance with the forms approved by the Ministry of Finance of the Russian Federation, with explications thereto and with confirmation of a tax body concerning acceptance of such payments, with attached copies or orders or other acts on the pledger's book-keeping for each year, and with commentary on the balance items that discuss the capital assets, construction-in-progress, income-bearing investment in material valuables, long-term financial investments, short-term financial investments, accounts receivable, long-term liabilities, short-term and other loans, as well as accounts payable (on each type of debt);

 explication of debts on loans from banks and from other legal entities, attached to the balance sheet submitted for the last financial year, for the most recent date of reporting, and for the date of submitting the application, with explication of creditors, amount of debt, date of receiving the loan, and loan repayment term, loan security, interest rate, intervals of repayment, amount of overdue liabilities, including accrued interest and penalties;

copies of audit reports on the reliability of the Pledger's accounting during the previous two years prior to the year of the Applicant's request for guarantees (for legal entities that are subject to audit checks annually, in accordance with Laws of the Russian Federation).

Appendix № 3

to List of documents

required for consideration of

an application (request)

for receiving

state guarantee

of the Ryazan Region

**LIST**

**OF DOCUMENTS required from the APPLICANTОМ, if security**

**for performance of obligations is proposed as**

**MUNICIPAL guarantee**

1. Duly certified copies of the Statute of the municipal unit, as well as all modifications and amendments thereto, with certification of their registration by legal bodies.

2. Duly certified copies of municipal legal regulations of the municipal unit, and other documents to certify the right of local administration bodies in the municipal unit, and of the officers of the local administration of the municipal unit to conclude agreements on behalf of the municipal unit.

3. Duly certified signature samples of the officers of the local administration of the municipal unit, authorized to make deals on behalf of the municipal unit.

4. Duly certified copies of an effective legal act adopted by the representative body of the municipal unit on the budget for the following year, with all amendments thereto, to confirm the inclusion of the municipal unit's responsibilities in due form and in full amount, into the municipal programme of such guarantees, and also allocation of funds to ensure implementation of such obligations related to the programme.

5. A duly certified copy of analysis of the Applicant's financial condition, conducted by a financial body within the municipal unit.

6. An excerpt from the municipal debt book of the municipal unit, certifying the amount of debt for the previous two financial years, and on the most recent date of reporting in the current year .

7. A duly certified copy of a resolution of the representative body of the municipal unit on approval of the administration of the municipal unit’s budget for the previous two financial years, and on the most recent date of reporting in the current year.

8. An explication of the accounts receivable, and accounts payable (including overdue debt) to the reports submitted on the execution of the budget in the two previous financial years, and on the most recent date of reporting in the current year.

10) A duly certified copy of a municipal legal regulation on the budget proceedings in the municipal unit.

10. A reference issued by the Ministry of Finance of the Ryazan Region on conformity of the budget parameters of the municipal unit, related to the granting of municipal guarantees of municipal unit, and to the requirements of the budget laws of the Russian Federation.