Decree on the special procedure for the fulfillment by foreign buyers of obligations to Russian natural gas suppliers

... I decree:

1. Establish that from April 1, 2022:

a) payment for supplies of natural gas in a gaseous state (hereinafter referred to as natural gas) carried out after April 1, 2022 by residents participating in foreign economic activity who, in accordance with Federal Law No. 117–FZ of July 18, 2006 "On Gas Export", have the exclusive right to export natural gas in a gaseous state (hereinafter referred to as Russian suppliers), produced in roubles:

- under foreign trade contracts for the supply of natural gas (hereinafter referred to as contracts for the supply of natural gas) concluded with foreign persons, if the supply of natural gas is carried out to foreign states that commit unfriendly actions against the Russian Federation, Russian legal entities and individuals;

- under contracts for the supply of natural gas concluded with foreign persons whose place of registration is foreign states that commit unfriendly actions against the Russian Federation, Russian legal entities and individuals;

b) the further supply of natural gas by a Russian supplier to foreign persons named in paragraphs two and three of subparagraph "a" of this paragraph is prohibited (hereinafter – foreign buyers), under a contract for the supply of natural gas, if the payment period for the gas supplied under this contract has come, the payment has not been made by the foreign buyer or made in foreign currency, and (or) not in full, and (or) to an account with a bank that is not an authorized bank in accordance with paragraph 2 of this Decree, and such delivery is carried out to foreign states that commit unfriendly actions against the Russian Federation, Russian legal entities and individuals. Information on compliance with the procedure established by this Decree for payment for the supply of natural gas is submitted to the customs authority. When the customs authority receives information about a violation of this procedure, the customs authority decides to ban such delivery.

2. Gazprombank Joint Stock Company, which is an authorized bank for the purposes of this Decree (hereinafter referred to as the authorized bank), opens special rouble accounts of the "K" type and special currency accounts of the "K" type for payments for supplied natural gas on the basis of applications from foreign buyers.

3. The authorized bank has the right to open special rouble accounts of type "K" and special currency accounts of type "K" without the personal presence of a representative of a foreign buyer. The authorized bank carries out identification of a new client – a foreign buyer, his representative, beneficiary, beneficial owner in accordance with the requirements of the Federal Law of August 7, 2001. No. 115-FZ "On Countering the Legalization (Laundering) of Proceeds from Crime and the Financing of Terrorism" and regulatory acts of the Central Bank of the Russian Federation adopted in accordance with it on the basis of documents and information about these persons available in the circumstances no later than 45 days after the date of opening a special rouble account of the "K" type to such a client" and a special currency account of type "K".

4. Until amendments are made to the Tax Code of the Russian Federation and other federal laws, special rouble accounts of the "K" type and special currency accounts of the "K" type are not subject to paragraph 12 of Article 76, paragraph 1 of Article 86 of Part one of the Tax Code of the Russian Federation and part 27 of Article 77 of the Federal Law of August 3, 2018. No. 289-FZ "On Customs Regulation in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation".

5. It is not allowed to suspend operations on a special rouble account of type "K" and a special currency account of type "K", to seize or write off funds held on these accounts as part of the fulfillment of obligations of a foreign buyer not related to payment under a contract for the supply of natural gas.

6. A foreign buyer transfers funds to a special currency account of type "K" in the foreign currency specified in the contract for the supply of natural gas, and an authorized bank, on the basis of an order from a foreign buyer received in accordance with the rules of an authorized bank, sells foreign currency received from a foreign buyer to such an account at organized auctions, conducted by the public joint Stock Company "Moscow Exchange MICEX – RTS", transfers the proceeds in roubles to a special rouble account of type "K" of this foreign buyer and transfers the credited funds in roubles to a rouble account opened by a Russian supplier in an authorized bank.

7. The obligation to pay for natural gas supplies by a foreign buyer in accordance with subparagraph "a" of paragraph 1 of this Decree is considered fulfilled from the moment the funds received from the sale of foreign currency carried out in accordance with paragraph 6 or subparagraph "a" of paragraph 10 of this Decree are credited to the rouble account opened by the Russian supplier in an authorized bank.

8. If a foreign buyer has transferred the obligation to pay for the supply of natural gas to another person, it fulfills this obligation in accordance with the procedure established by this Decree.

9. Grant the Government Commission for the Control of Foreign Investments in the Russian Federation the authority to issue permits for foreign buyers to fulfill obligations to Russian suppliers to pay for natural gas supplies without observing the procedure established by this Decree.

10. Grant the following powers to the Board of Directors of the Central Bank of the Russian Federation:

a) determine a procedure for the sale of foreign currency other than that provided for in paragraph 6 of this Decree;

b) establish the regime of a special rouble account of the "K" type and the regime of a special currency account of the "K" type.

11. Within 10 days, the Government of the Russian Federation shall approve the procedure for issuing permits provided for in paragraph 9 of this Decree by the Government Commission for the Control of Foreign Investment in the Russian Federation.

12. The Board of Directors of the Central Bank of the Russian Federation shall, within 10 days, make decisions necessary for the exercise of the powers provided for in subparagraph "b" of paragraph 10 of this Decree.

13. The decisions of the Board of Directors of the Central Bank of the Russian Federation provided for by this Decree are subject to official publication in accordance with Article 7 of Federal Law No. 86-FZ of July 10, 2002 "On the Central Bank of the Russian Federation (Bank of Russia)".

14. Grant the Central Bank of the Russian Federation the right to give official explanations on the application of this Decree.

15. The Federal Customs Service, in coordination with the Central Bank of the Russian Federation and with the participation of an authorized bank, within 10 days to approve the procedure for submitting, in accordance with subparagraph "b" of paragraph 1 of this Decree, information to the customs authority on compliance with the procedure for payment for natural gas supplies.

16. Recommend to the authorized bank to determine the rules in accordance with paragraph 6 of this Decree within 10 days.

17. This Decree comes into force from the date of its official publication.