**Non-profit organization "Fund for the Development of Economics and Direct Investments of the Chukotka Autonomous Region"**

|  |
| --- |
| **APPROVED**  by the Fund Council Minutes  of the meeting No. 3  dated February 20, 2017 |

**The procedure for selecting subjects of SMEs, organizations that form the infrastructure for supporting SMEs, as well as the requirements for them and the conditions for the Fund's interaction with them when providing guarantees**

Anadyr

2017

1. GENERAL PROVISIONS

1.1. This Procedure determines the procedure for selecting subjects of SMEs, organizations that form the infrastructure for supporting SME entities, as well as the requirements for them and the conditions for the Fund's interaction with them when providing guarantees.

The procedure is formed in accordance with the Civil Code of the Russian Federation, Federal Law No. 209-FZ of July 24, 2007 "On the Development of Small and Medium-Sized Enterprises in the Russian Federation", Order No. 763 of the Ministry of Economic Development of the Russian Federation of November 28, 2016 "On Approving Fund Requirements Lending assistance (guarantee funds, guarantee funds) and their activities ".

1.2. The following terms are used in this Procedure:

Financing agreement - loan agreement, loan or leasing agreement concluded between a borrower and a financial institution;

The Borrower is an SME entity or an infrastructure organization supporting SME entities that have concluded or intend to conclude a loan agreement with a financial institution, an agreement on the provision of a bank guarantee, under the guarantee of the Fund;

The organizations of the infrastructure for supporting SME entities are commercial and non-profit organizations whose activities are aimed at providing conditions for the creation and development of small and medium-sized businesses and providing them with support;

Suretyship is a written commitment of the Fund ensuring the fulfillment of obligations under a loan agreement, an agreement on granting a bank guarantee to an SME entity or organizing an infrastructure for supporting SME entities at the expense of a guarantee fund, executed by a suretyship agreement;

The Board of the Fund is the supreme collegiate governing body of the Fund;

The subject of SMEs are legal entities, peasant (farm) households and individual entrepreneurs, referred to small and medium-sized businesses in accordance with the conditions established by Federal Law No. 209-FZ of July 24, 2007 "On the Development of Small and Medium-Sized Enterprises in the Russian Federation"; A financial institution is a credit organization, a leasing company or a microfinance organization that has concluded an agreement with the Fund on cooperation in providing guarantees from the funds of the guarantee fund (hereinafter - the Cooperation Agreement);

Fund - Non-profit organization "Fund for the Development of Economics and Direct Investments of the Chukotka Autonomous Region".

Other concepts and terms used in this Procedure are applied in the values defined by federal legislation and regulatory legal acts of the Chukotka Autonomous Region.

1.3. This procedure applies to the activities of the Fund as a regional guarantee organization..

1. PROCEDURE FOR SELECTING SUBJECTS OF SME AND ORGANIZATIONS FORMING INFRASTRUCTURE FOR SUPPORT OF SME SUBJECTS

2.1. The Borrower independently applies to the Financial Institution with an application for the provision of cash in the form of a loan, a lease or a bank guarantee.

2.2. The financial institution independently, in accordance with the procedure established by its internal regulatory documents, considers the application of the Borrower, analyzes the documents submitted to it, the financial condition of the Borrower, decides on the possibility of its financing, and determines the amount of necessary security under this financing agreement. 2.3. If the security provided by the Borrower and / or third parties for it is not sufficient, the Financial Institution shall determine the compliance of the Borrower with the requirements of the Fund specified in Section 3 of this Procedure. If the Borrower complies with the requirements set forth in Section 3 of this Procedure, the Financial Institution shall inform the Borrower of the possibility of attracting the guarantee of the Fund to ensure fulfillment of obligations to the Financial Institution and the main conditions for the provision of such a guarantee.

2.4. If the Borrower agrees to use the Guarantee of the Fund, the Financial Organization shall, within 3 (three) working days from the moment of such consent, send the application for the guarantee and the set of documents established by the internal regulatory documents of the Fund to the Fund.

2.5. Within 3 (three) business days from the receipt of the application and the full package of documents specified in the "Procedure and conditions for providing guarantees to SMEs and organizations that form the infrastructure for the support of SME entities", The Fund's Board, Protocol No. 3 dated February 20, 2017, the Fund checks the Borrower for compliance with the requirements specified in Section 3 of this Procedure, assesses the Borrower's legal capacity, checks the business reputation, assesses the risks of the Fund arising from non-execution, or not the Borrower's full performance of its obligations.

If the decision on the results of the audit is positive, the package of documents should be submitted to the Board of the Fund not later than the 3rd working day from the moment of receipt of the application and the full package of documents to it, which makes a decision on the possibility of providing a guarantee on the loan obligations of the Borrower to the Financial Organization.

1. REQUIREMENTS TO SME SUBJECTS AND ORGANIZATIONS FOR INFRASTRUCTURE OF SUPPORT OF SME SUBJECTS

3.1. A guarantee is guaranteed by the Fund if the SME subject and / or the organization of the SME support infrastructure meets the following criteria:

1) the borrower is a subject of small or medium-sized business in accordance with the requirements of section 4 of the Federal Law of July 24, 2007 No. 209-FZ "On the development of small and medium-sized businesses in the Russian Federation";

2) it is registered and (or) carries out the activity in territory of the Chukotka Autonomous Region;

3) as of the date of filing an application for the provision of a guarantee, there is no overdue debt on accrued taxes, fees, corresponding penalties, fines;

4) in respect of an SME entity and / or the organization of a support infrastructure, insolvency (bankruptcy) procedures are not applied, including supervision, financial recovery, external management, bankruptcy proceedings, or sanctions in the form of cancellation or suspension of a license (if the activity is subject to licensing);

5) the borrower provided security for the return of funding and payment of interest in a part not provided by the Fund's guarantee;

6) paid the Fund, in accordance with the procedure established by the contract of guarantee, the remuneration for receiving the Fund's guarantee, if such is provided for by the internal regulatory documents of the Fund;

7) attracts funds under a financing agreement for the implementation of priority activities classified in the following sections of the All-Russian Classifier of Economic Activities OK 029-2014 and are the main ones:

Section A. Agriculture, Forestry, Hunting, Fishing and Fisheries

Section B. Mining, Taking into account the requirements of clauses 3 of paragraph 3.2 of this Procedure

Section C. Processing industries

Section D. Provision of electricity, gas and steam; Air conditioning

Section E. Water supply; Water disposal, organization of waste collection and disposal, pollution control activities

Section F. Construction

Section G. Wholesale and retail trade; Repair of motor vehicles and motorcycles

Section H. Transportation and storage

Section I. Activities of hotels and public catering establishments

Section J. Information and communication activities

Section L. Activities in real property transactions, excluding intermediary services

Section M. Professional, scientific and technical activities

Section P. Education

Section Q. Activities in the field of health and social services

Section R. Activities in the field of culture, sports, leisure and entertainment

Section S. Provision of other types of services, except for 94 Activities of public organizations

At the same time, the total amount of guarantees given for the development of priority economic activities provided for in Section G "Wholesale and retail trade; repair of motor vehicles and motorcycles "within the framework of this Procedure may not exceed 50% of the total amount of guarantees provided at the expense of the funds of the guarantee fund in the current year.

3.2. The Guarantee of the Fund is not provided to SME entities and / or organizations of the infrastructure for supporting SMEs:

1) if the full package of documents specified in the Fund's internal regulations is not submitted or if false information and documents are provided;

2) when in liquidation, reorganization, or in the event of insolvency (bankruptcy) procedures, including surveillance, financial recovery, external management, bankruptcy proceedings or the threat of insolvency (bankruptcy);

3) when carrying out entrepreneurial activities in the field of gambling, production and (or) sale of excisable goods, extraction and (or) sale of minerals, with the exception of common mineral resources;

4) being participants in the production sharing agreement, credit organizations, insurance organizations (excluding consumer cooperatives), investment funds, non-state pension funds, professional securities market participants, pawnshops.

5) borrowers who are non-residents of the Russian Federation in accordance with the legislation of the Russian Federation on currency regulation and foreign exchange control.

1. TERMS OF INTERACTION OF THE FUND WITH SME SUBJECTS AND ORGANIZATIONS FORMING INFRASTRUCTURE OF SUPPORT OF SME SUBJECTS

4.1. During the period of the Guarantee of the Fund, the interaction of the parties is carried out in accordance with the contract of guarantee, the current regulatory and local acts.

4.2. During the guarantee period of the Fund, the Borrower shall:

- in writing not later than 3 (Three) business days in writing, notify the Fund in writing of all violations of the financing contract, including the delay in repayment (repayment) of the principal and interest on it, as well as all other circumstances affecting the performance by the Borrower of its obligations under the financing agreement;

- upon receipt of a written request from the Fund to provide information on the performance of obligations under the financing agreement within a period of not less than five (5) business days from the date of receipt thereof, provides the Fund with written information the information and / or documents specified in the request;

- in writing notifies the Fund of all circumstances that may lead to insolvency, bankruptcy, revocation of license, etc.

4.3. During the guarantee period, the Fund:

- within 3 (three) business days from the date of receipt of the request of the Financial Institution on the execution of the obligations under the guarantee agreement by the Fund, shall notify the Borrower in writing of receipt of such demand;

- if necessary, sends requests to the Borrower for information and documents confirming the stable financial position of the Borrower and timely fulfillment by the Borrower of its obligations to the Financial Institution;

- renders the necessary information and consulting support to the Borrower within the framework of the concluded guarantee agreement.

4.4. For the rapid exchange of information between the Fund, the Financial Organization and the Borrowers, electronic document circulation is allowed with the subsequent sending of originals. When concluding a contract of guarantee in the requisites of the parties, e-mail addresses (mail boxes) of the parties are indicated, information received or directed from is considered official.