



RESOLUTION 3,161, CMN, (NATIONAL MONETARY COUNCIL) DEC 18, 2003

Changes provisions under Resolution 3,024 of 2002, and its Annexes I and II, on the statute and regulation of the Fundo Garantidor de Créditos – FGC.

THE CENTRAL BANK OF BRAZIL, per article 9 of Law 4,595, dated December 31, 1964 makes it public that the NATIONAL MONETARY COUNCIL, in a meeting held on December 17, 2003 based upon article 3 item VI and article 4 item VIII of the referred to Law, article 69 of Law 7,357 dated September 2, 1985, and article 7 of Decree-law 2,291 dated November 21, 1986,

RESOLVED:

Article 1.o - To change the provisions specified below under Resolution 3,024, dated October 24, 2002 and its Annexes I and II, which enter into force with the following wording:

I - article 2.o, *caput*, of resolution:

“Article 2.o - To assess up to 0.025% (twenty-five thousandth per cent) the outstanding balances of the accounts relating to the obligations which are guaranteed, as the ordinary monthly contribution of member institutions of the FGC.

..... ”(NR);

II - article 5, paragraph 2, of Annex I:

“Article 5.o -

Paragraph 2.o - Should FGC equity becomes insufficient, at any time, to cover the guarantee set forth in the respective regulation, resources from the sources below will be used in the following order:

- I - extraordinary contributions from member institutions, in accordance with the provision under article 22, item I;
- II - advance payments, from member institutions, of up to 12 (twelve) ordinary monthly contributions;
- III - credit operations with private, official and multilateral institutions;
- IV - resources from other sources as proposed by the FGC’s board and prior approval by the Central Bank of Brazil.” (NR);



III - article 22 of Annex I:

“Article 22.o - The Board of Directors’ responsibilities are:

- I - to establish the percentage of the ordinary contributions from FGC member institutions, per specific request, duly justified, to the Central Bank of Brazil for its examination and submission to the prior authorization of the National Monetary Council, limited to the maximum percentage set forth in article 2 under this Resolution;
- II - to establish the terms of the extraordinary contributions which should be paid by member institutions for defraying the guarantee to be provided by the FGC per article 5, paragraph 2, item I, in accordance with the following criteria:
 - a) that they are limited to 50% (fifty per cent) of the rate in force for ordinary contributions;
 - b) that they are exclusively destined for covering incidental FGC equity shortages,
- III - to establish the overall guidance of FGC services, especially the policies and norms to be followed in the fulfillment of its social purposes and disbursements of resources, following the composition and diversification requirements of risks relating to its portfolio, being also authorized to contract its managerial services from third party agents;
- IV - to approve the internal by-law and define responsibilities for directing and carrying out actions and measures in the management of the FGC as legally prescribed;
- V - to appoint and dismiss members of the Executive Director’s Office;
- VI - to approve the FGC disbursement and investment budgets;
- VII - to submit to the Central Bank of Brazil for its examination and submission to the prior authorization of the National Monetary Council, proposal duly justified, for changing the maximum percentage of the ordinary monthly contribution, as set forth under article 2 of this resolution;
- VIII - to approve the salary levels to be paid to the Executive Director’s Office personnel and to the remaining staff of the FGC;
- X - to deliberate on the acts and operations which, in accordance with this statute or the internal by-law, are within its responsibilities, including the sale of permanent assets items;
- X - to decide on the hiring of independent auditors;
- XI - to examine the monthly trial balance and review and comment on FGC’s financial reports and exhibits;



XII - to deliberate on issues not covered herein.

Sole Paragraph - The FGC is hereby forbidden do disburse funds for the purchase of real estate goods, except when they are received for the settlement of credits due to the FGC, after which, they must necessarily be sold out. ” (NR);

IV - article 2, Paragraph 1, of Annex II:

“**Article 2.o**

Paragraph 1.o - The following items are not covered by the guarantee:

- I - deposits, loans or any other resources collected or raised broad;
- II - operations related to programs of governmental interest and instituted by law;
- III - judicial deposits received under the federal law jurisdiction
..... ”(NR);

V - article 3, Paragraphs 3 and 4, of Annex II:

“**Article 3.o** -

Paragraph 3.o - Whenever FGC's availability of funds reach 2% (two per cent) of the total balances of the accounts covered by the guarantee, including all member institutions, the Board of Directors, following a proposal made by the Executive Director's Office, duly justified, and submitted to the Central Bank of Brazil for its examination and submission to the prior authorization of the National Monetary Council, may decide on the temporary suspension of contributions collected from the member institutions and destined to the fund.

Paragraph 4.o - In the event that the FGC's availability of funds reaches a level of less than 2% (two per cent) of the total balances of the accounts covered by the guarantee, contributions from member institutions will be collected until such a time when the availability of funds reaches the level of 2% (two per cent) of the total balances of the accounts covered by the guarantee
..... ”(NR)

Article 2.o - This Resolution enters into force on the date of its publication.

Brasília, December 18, 2003.

Henrique de Campos Meirelles
President
Central Bank of Brazil