

# Legislative Tracking



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**31 May 2016**

**Official website of the Constitutional Court of the Russian Federation**

<http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3287>

### **Russian Constitutional Court rules on road tolls**

The Constitutional Court of the Russian Federation resolved a case concerning the constitutionality of tolls on heavy goods vehicles (HGVs) driving on federal highways, and ruled as follows:

- The toll levied on heavy vehicles driving on federal highways is not a tax, does not result in double taxation when collected in parallel with transport tax and fuel excise duties, and is lawfully applied by the Russian Government;
- Unless permitted by federal laws, the established tariff may not be increased (other than indexation) or suddenly modified, and the existing tax reduction factors may not be cancelled;
- The provisions that vest the rule-making powers in the operator of the Platon Electronic Toll Collection (ETC) contradict the Russian Constitution;
- Fines for failure to observe the ETC rules shall not be imposed if there is no fault on the part of an HGV owner, who has the right to prove that the formally registered evidence of a violation arose from circumstances beyond his or her control (the traffic situation, the condition of the transport infrastructure or other similar reasons).

The text of the court resolution has not yet been officially published.

**31 May 2016**

**Federal portal for draft regulations**

<http://regulation.gov.ru/projects#npa=49336>

### **Amendments to draft law improving cost estimation and pricing standards in construction**

The Russian Ministry of Finance is preparing amendments to draft law No. [1055373-6](#) envisaging the creation of a federal register of cost estimation standards and a federal information system for construction. The amendments propose the following:

- Clarifying the terminology, particularly, introducing the concepts of “cost estimation standards” and “estimated prices”;

- Specifying the sources of information on estimated prices for construction resources (the amendments propose the use of weighted average prices for construction materials/equipment produced locally or imported into Russia under foreign trade contracts);
- Establishing a procedure for creating and operating a pricing information system for construction.

The draft law stipulates that the cost estimation standards included in the federal register shall only apply to construction activities financed by the Russian federal budget, state-controlled legal persons, constituent entities and municipalities of the Russian Federation, and other categories of person or entity listed in the draft law. In all other cases, the cost estimation standards will be used if stipulated by federal laws or a contract.

For more information, please refer to LT of [27 April 2016](#).

The Russian State Duma adopted the draft law at the first reading on 20 May 2016.

**1 June 2016**

**ConsultantPlus**

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_198515/](http://www.consultant.ru/document/cons_doc_LAW_198515/)

### **Clarification of requirements for evaluating financial position of legal entities and individuals acquiring shares (equity stakes) in credit organizations**

Central Bank of Russia Statements No. [3997-U](#) and [3999-U](#) of 15 April 2016 clarify the requirements for evaluating the financial position of legal entities and individuals acquiring shares (an equity stake) in a credit organization. Among other things, the statements concern the evaluation of an entity's financial position in case of an increase in the charter capital through share exchange or conversion of debt under subordinated loans (deposits, borrowings or bonded loans) to common stock (an equity stake) in a credit organization.

The documents will come into effect ten days after their official publication.

**1 June 2016**

**Vedomosti**

<http://www.vedomosti.ru/business/articles/2016/06/01/643150-evrosoyuz-poshlini-stali>

### **EU raises anti-dumping duties on Russian steel suppliers**

The European Commission has raised provisional anti-dumping duties on Russian cold-rolled flat steel. The new duty stands at 34.1 percent for Severstal and 36.1 percent for NLMK and other companies.

**1 June 2016**

**Kommersant**

<http://www.kommersant.ru/doc/3001560>

### **Amendments to tax and custom duty exemption for temporary aircraft importation arrangements proposed**

The Ministry of Transport and the Ministry of Industry and Trade of the Russian Federation are considering the extension of the tax- and duty-free period for the temporary importation of medium-range and turboprop aircraft. The grace period may be extended until 2023–2029 (depending on aircraft type and capacity). The new regulations are associated with the possible extension of the aircraft service life permitted in Russia from five years to twelve.

The initiative also proposes limiting the age of aircraft temporarily imported upon which customs duties or taxes were not levied to eight years. Aircraft older than eight years will be exempt from customs duties but subject to VAT.

<http://www.kommersant.ru/doc/3001565>

### **Initiatives to regulate leasing activities**

The Central Bank of Russia and the Russian Ministry of Finance plan to establish a working group that is expected to develop measures to reform the regulatory framework for leasing operations. The working group will analyze the situation on the leasing market and offer a set of reform proposals addressing various aspects, including the rationale for specific regulation, the introduction of a compulsory licensing regime, requirements towards the obligatory disclosure of reports and compliance with international reporting standards.

**31 May 2016**

**Official website of the OECD**

<http://www.oecd.org/tax/treaties/discussion-draft-beps-multilateral-instrument.htm>

### **OECD publishes draft report on BEPS action regarding the development of a multilateral instrument to implement the tax-treaty related BEPS measures**

The OECD published a Public Discussion [Draft](#) on Action 15 of the Base Erosion and Profit Shifting (BEPS) Project “Developing a Multilateral Instrument to Modify Bilateral Tax Treaties”.

This action envisages analysis of the tax and public international law issues related to the development of a multilateral instrument to enable jurisdictions to implement measures developed under the BEPS project and amend bilateral tax treaties.



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