

Legislative Tracking

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[Ministry of Finance to support corporate property tax benefits for properties of high energy efficiency class](#)

[Switzerland votes against corporate tax unification](#)

Clarifications from government bodies

Ministry of Finance to support corporate tax benefits for properties of high energy efficiency class

In Letter No. 03-05-04-01/5599 of 2 February 2017, the Russian Ministry of Finance has for the first time supported granting the tax benefits applicable to the energy-efficient corporate property to immovable property (including buildings).

The Letter expressly sets forth that the Ministry's former position towards the applicability of tax benefits to real estate (Ministry of Finance Letter No. [03-05-04-01/21892](#) of April 15, 2016) can no longer be referred to by the tax authorities.

Challenging the applicability of the tax benefit will now be trickier for the tax authorities, and we believe that the focus of tax audits may shift towards the quality of the documents and the process of energy efficiency evaluation and validation.

The first court dispute over the applicability of the above-mentioned tax benefit has re-affirmed the legitimacy of the approach (Case [No. A26-707/2014](#)). The last instance court cited only one reason to justify the inapplicability of the tax benefit - insufficient documentation to validate the energy efficiency class of the property.

Therefore, the companies seeking to secure the application of the tax benefit must ensure well in advance that an adequate documentary validation of high energy efficiency class of the respective property is in place. They will also need to prepare an appropriate legal argument for the application of the tax benefit to the particular property that would take into account the specifics and requirements of the applicable industry laws.

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International legislation news

Switzerland votes against corporate tax unification

The Swiss have cast their [votes](#) against the corporate tax unification reform.

The Swiss Government called for abolishing the special tax rates for multinational companies set by the cantons in favour of the corporate tax unification across the country.

Should the reform have been approved, the tax burden of the multinationals enjoying the tax privileges granted by the cantons would have increased immensely.

The major Russian holdings exporting raw goods via the Swiss traders could also have been affected.

[Vedomosti](#)

Deloitte publications

Roscomnadzor clams down on personal data processing

The penalties for breaching personal data laws will be raised effective 1 July 2017. Apart from a significant increase of penalties, the new law introduces a classification of elements of the personal data offenses.

For more details please refer to LT in Focus of [13 February 2017](#)

Recent developments in environmental tax legislation and enforcement practices

"In 2017, for the first time ever the companies will be charged for recycling of their products and packaging that were either manufactured or imported in 2016. Yet, the methodology of the environmental tax calculation and preparation of statutory reporting remains a big challenge for most companies.

This issue offers an update on the planned changes and clarifications on the most disputable issues.

For more details please refer to LT in Focus of [9 February 2017](#)

Relevant real estate issues News Kit, December 2016- January 2017

The abundance of legislative tax initiatives, regulatory clarifications and landmark court cases over the period under review, makes this [News Kit issue](#) especially relevant for our readers from the real estate sector .

You will learn about:

- The approval of requirements for posting information on 214-FZ construction projects on developers' official websites;
- The Ministry of Finance clarifications of procedures for VAT reclamation in capital construction projects.
- The Ministry of Finance confirmation of absence of mechanism for charging profit tax on a foreign company's sale of shares in a subsidiary with property in Russia accounting for 50 percent of assets;
- The Ministry of Finance clarifications on accounting of liquidated construction-on-progress for corporate profit tax purposes;
- The released review of the Supreme Court's cases on disputes over rejected cadastral registration;
- The tax authorities attempt to treat an investment agreement as a general partnership agreement.

We hope that you will find this edition interesting and informative. Should you have any questions on this subject, please do not hesitate to contact us.

Best regards,

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TaxSmart app



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