

# Legislative Tracking



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**16 October 2015**

**ConsultantPlus**

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=186673>

### **Procedure for foreign organisations reflecting trade levy in corporate profit tax declarations**

In this Letter the procedure for foreign organisations' reflection of trade levy in the corporate profit tax return is clarified. In particular, when reflecting trade levy, foreign organisations are recommended to use line 230 in Section 7, intended for the reflection of accrued corporate profit tax for the RF budget. The Federal Tax Service has furthermore introduced examples of filled-in corporate profit tax return for foreign organisations and has clarified the procedure for correcting the amounts of accrued advance payments to avoid the double accounting of trade levy.

Federal Tax Service Letter No. GD-4-3/16910@ of 28 September 2015

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=150771>

### **Deducting operations related to receivables assignment for corporate profit tax purposes**

It is reported in this Letter that for corporate profit tax purposes receivables assignment is considered to be the acquisition of property rights in accordance with Articles 268 and 279 of the RF Tax Code. The RF Ministry of Finance has additionally indicated that item 1, Article 279 of the RF Tax Code stipulates that a tax loss from this transaction may not exceed the amount of maximum interest established for the relevant currency by item 1.2, Article 269 of the RF Tax Code. Alternatively, at the choice of the taxpayer, the tax loss may not exceed the maximum interest rate based on the methods established by Section V.1 of the RF Tax Code for debts equal to the income from the assignment of the receivable for the period from the date of assignment to the date of payment envisaged by the agreement on the sale of goods/work/services. These regulations also apply to taxpayers who are creditors. The procedure for deducting the loss should be stipulated in the accounting policy.

RF Ministry of Finance Letter No. 03-03-06/2/53684 of 18 September 2015

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=150772>

### **Recognition of payments received by shareholders upon the distribution of the assets of an organisation being liquidated as dividends**

It is reported in this Letter that considering the distribution of an organisation's assets between the shareholders (participants) during its liquidation is carried out after the satisfaction of the demands of all creditors, i.e. after the payment of all tax and duty liabilities, such payments are effectively aimed at distributing the net profits of the organisation and satisfy the definition of dividends as set out by item 1, Article 43 of the RF Tax Code. Therefore, if the value of an asset received by the shareholders (participants) upon the distribution of the assets of an organisation being liquidated exceeds their contribution to the equity capital of the organisation being liquidated, then this excess is recognised as dividends.

RF Ministry of Finance Letter No. 03-03-06/1/41682 of 21 July 2015

**16 October 2015**

**Garant: Prime**

<http://www.garant.ru/products/ipo/prime/doc/71118688/>

### **Federal Tax Service clarifications concerning the procedure for paying trade levy**

The procedure for the payment of trade levy is clarified in this Letter. In particular, for Russian organisations, the field "KPP" at the top of each page of the notification on registering as a trade levy payer is to be filled in with the taxpayer classification code (KPP) assigned according to the location, and for international organisations – with the KPP determined according to the location of the branch office on the territory of the municipal district. Furthermore, the Federal Tax Service has indicated the specifics of filling in the payment document for the payment of trade levy for the city of Moscow. For example, when paying trade levy at the location of property items, the personal tax reference number (INN), KPP of Federal Tax Agency Inspectorate in Moscow at the location of registration, accounting number, name of the Federal Treasury Department for Moscow are to be indicated, the Federal Tax Agency Inspectorate's name and Russian National Classification of Municipal Territories code for Moscow should be indicated in brackets.

Federal Tax Service Letter No. SD-4-3/17948@ of 14 October 2015

**16 October 2015**

**Official website of the RF State Duma**

[http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/C2CB31057B6654D343257EE0004922E1/\\$FILE/905095-6.PDF?OpenElement](http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/C2CB31057B6654D343257EE0004922E1/$FILE/905095-6.PDF?OpenElement)

### **Possible introduction of multipliers for the calculation of transport tax**

It is reported that draft law No. 905095-6 "On the Introduction of Amendments to Article 362, Part Two of the RF Tax Code" has been introduced to the RF State Duma for consideration. In accordance with the draft law, it is proposed that multipliers for buses and lorries used for over ten years to be introduced for the purposes of calculating transport tax. In particular, the multiplier in relation to any kind of bus or lorry whose production year was over ten years ago is 1.2, over fifteen years ago – 1.5,

over 20 years ago – 2, over thirty years ago – 3. If adopted, the federal law will enter into force on 1 January 2016, but no earlier than one month from the date of its official publication and no earlier than the first day of the next transport tax period.

**16 October 2015**

**Federal portal for draft legal regulations**

<http://regulation.gov.ru/projects#npa=41033>

### **RF Ministry of Finance amendments to the draft law on lowering the corporate profit tax rate for participants in regional investment projects**

It is reported that the RF Ministry of Finance is preparing amendments to draft law No. [801288-6](#) “On the Introduction of Amendments to the RF Tax Code (on Lowering the Corporate Profit Tax Rate for Participants in Regional Investment Projects)”. In particular, it is proposed that regulations be added to the RF Tax Code governing the specifics of activities over the course of legislative acts on tax and duties establishing and/or cancelling tax benefits for participants in regional investment projects. Furthermore, the introduction of amendments to the regulations concerning the specifics of applying tax rates to the tax base determined by the taxpayers participating in regional investment projects is expected. Please note that the draft law was adopted by the RF State Duma at its first reading on 22 September 2015.

<http://regulation.gov.ru/projects#npa=40988>

### **Possible switch from the refinancing rate to the key rate of the Central Bank of Russia for tax legal matters**

It is reported that the RF Ministry of Finance has begun developing a draft Federal Law “On the Introduction of Amendments to Parts One and Two of the RF Tax Code”. In particular, it is proposed that amendments regarding the use of the key rate of the Central Bank of Russia be used instead of the refinancing rate be introduced to the RF Tax Code. It is planned that amendments will enter into force in January 2016. Please note that draft law No. [788729-6](#) “On the Introduction of Amendments to Part One of the RF Tax Code (On Increasing the Size of Penalties)” is currently being considered by the RF State Duma, which proposes to establish a penalty interest rate of 1/300 of the key rate of the Central Bank of Russia.

<http://regulation.gov.ru/projects#npa=41011>

### **Possible amendment of the legal regulation of listing securities at exchanges**

It is reported that the Central Bank of Russia is developing a draft Regulation “On Listing Securities at Exchanges”. In particular, the regulations for the listing of securities for public offering and exchange are to be established, as are the requirements for the rules on including securities in quotation lists and excluding them therefrom, the rules, structure, procedure and time periods for market operators to disclose (submit) information and the

requirements for the storage and protection of information and documents related to the operation of securities exchanges. If the Regulation is adopted, it will enter into force ten days from the date of its official publication in *Vestnik of the Central Bank of Russia*. Please note that at present the listing of securities at exchanges is regulated by Federal Service for Financial Markets Order No. 13-62/pz-n of 20 July 2013.

**19 October 2015**

**RBC Daily**

<http://www.rbcdaily.ru/economy/562949997729399>

### **Draft law on state cadastral valuation**

It is reported that the RF Ministry of Economic Development is preparing a [draft](#) Federal Law “On State Cadastral Valuation” establishing the bases for carrying out cadastral valuation on RF territory. The main aim of the development of this draft law is the development of the procedure for conducting state cadastral valuation and for the consideration of claims related to the results of the determination of cadastral value. In particular, it is proposed that state cadastral valuation will be performed by state-financed institutions. If adopted, the federal law will enter into power 365 days from the date of its official publication.

**19 October 2015**

**Vedomosti**

<http://www.vedomosti.ru/auto/articles/2015/10/19/613282-verhovnii-sud-otkazal-rossiiskomu-podrazdeleniyu-mazda-peresmotre-dela>

### **Determination of market prices in transactions between related parties**

It is reported that RF Supreme Court Ruling No. [305-KG15-12240](#) of 14 October 2015 on Case No. A40-4381/2013 has resolved a dispute between Mazda Motor Rus LLC and the tax inspectorate regarding the determination of prices upon the conclusion of transactions with foreign affiliated organisation. The RF Supreme Court supported the decisions of the inferior courts, which ruled in favour of the tax inspectorate upon a reconsideration of the case and refused to pass Mazda Motor Rus LLC’s claim to the Chamber for Commercial Disputes of the RF Supreme Court for consideration.

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