

# Legislative Tracking



If you would like advice with regard to any of these issues, please do not hesitate to contact the Tax and Legal Department of Deloitte CIS at +7 (495) 787 06 00 (Moscow) or + 7 (812) 703 71 06 (St. Petersburg).

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**31 July 2015**

**Garant: federal legislation monitoring**

<http://www.garant.ru/hotlaw/federal/640533/>

### **Key rate of the Central Bank of Russia lowered**

In Central Bank of Russia information of 31 July 2015 it is reported that the key rate has been lowered from 11.5% to 11%.

<http://www.garant.ru/hotlaw/federal/640531/>

### **Amendments to the Rules on Residents' Submission of Reports on Fund Movements in Banks not on RF Territory to the tax authorities**

RF Government Resolution No. 761 of 25 June 2015 has introduced amendments to the [Rules on Residents' Submission of Reports on Fund Movements between Accounts in Banks not on RF Territory](#). In particular, the scope of residents, to which these rules extend, has been adjusted. In this instance, a resident is taken to be either a legal entity or an individual entrepreneur. Furthermore, a new version of the report on resident legal entities' and individual entrepreneurs' movements of funds between accounts in banks not on RF territory has been introduced in the Resolution.

**31 July 2015**

**ConsultantPlus**

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=183718>

### **Amendments to the list of documents confirming presence on business trips**

RF Government Resolution No. 771 of 29 June 2015 has introduced amendments to the [Regulations on the Specifics of Sending Employees on Business Trips](#). In particular, the list of documents that confirm the presence of an employee on a business trip has been adjusted. The Resolution stipulates that it is possible to confirm the period of stay at the location of the business trip with documents related to accommodation (a receipt from the hotel or related service agreement) if, for some reason, the employee lacks travel documents. In the absence of travel documents and accommodation rental documents, employees should provide a memorandum and/or other document containing confirmation from the host party of the period of the employee's arrival/departure at/from the location of the business trip.

<http://www.consultant.ru/law/hotdocs/43802.html>

### **Procedure for state control and supervision of the compliance of personal data processing with the requirements of RF legislation**

It is reported that a draft Regulation on state control and supervision of the compliance of personal data processing with the requirements of RF legislation. In particular, the control and regulation functions in this sphere are to be assigned to the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications. In accordance with the draft, scheduled and unscheduled systematic monitoring measures will be undertaken without communication with state bodies, legal entities or individuals processing personal data and their authorised representatives.

**31 July 2015**

**Official website of the Federal Tax Service**

[http://www.nalog.ru/rn77/news/tax\\_doc\\_news/5680210/](http://www.nalog.ru/rn77/news/tax_doc_news/5680210/)

### **Federal Tax Service clarifications on imposing property tax on corporate residential buildings and accommodation**

In Federal Tax Service information of 30 July 2015 the procedure for the imposition of property tax on corporate residential buildings and accommodation has been clarified. In particular, from 2015, residential buildings and accommodation not booked on the organisation's balance as fixed assets are subject to property tax. The tax base in relation to these items is determined based on their cadastral value if the federal subject has adopted a law establishing the specifics of the determination of the tax base based on cadastral value.

**30 July 2015**

**Official website of the RF State Duma**

[http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=851098-6](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=851098-6)

### **New initiatives on the introduction of progressive personal income tax**

It is reported that draft law No. 851098-6 "On the Introduction of Amendments to Chapter 23 of the RF Tax Code as Regards the Introduction of Progressive Personal Income Tax" has been introduced to the RF State Duma. In particular, the draft law envisages the introduction of the following rates in relation to income subject to personal income tax: on income up to RUB 24 million inclusive – 13%; on income greater than RUB 24 million, but no greater than RUB 100 million – 25%; on income greater than RUB 100 million, but no greater than RUB 200 million – 35%, on income greater than RUB 200 million – 50%. Please note that similar draft laws, e.g. № [753660-6](#), № [829527-6](#), № [795877-6](#), № [745963-6](#) were introduced to the RF State Duma. If the draft law is adopted, it will enter into force no earlier than one

month from the day of its official publication and no earlier than the first day of the next personal income tax period.

**31 July 2015**

**Federal portal for legal regulations**

<http://regulation.gov.ru/projects#npa=38448>

### **Introduction of the taxpayer consent form for the recognition of tax secrets as publically available and the procedure for filling it in**

It is reported that the Federal Tax Service is preparing a draft departmental order “On the Confirmation of the Forms, Format, Procedure for Filling in and Procedure for Filing Taxpayer Consent for the Recognition of Tax Secrets as Publically Available”. It is proposed that the confirmed consent form will pertain to all taxpayers, levy payers and tax agents.

<http://regulation.gov.ru/projects#npa=34121>

### **Introduction of forms for foreign organisations’ notifications on recognizing themselves as RF tax residents**

It is reported that the Federal Tax Service has published a draft departmental order “On Confirming the Forms for Foreign Organisations’ Notifications on Recognising Themselves as RF Tax Residents (on Rejecting the Status of RF Tax Resident)”. If the draft order is adopted, it will enter into force on 1 October 2015.

**1 August 2015**

**Official website of the RF Government**

<http://government.ru/activities/19130/>

### **RF Government conclusion on the draft law envisaging the introduction of a profit tax on sales of oil**

It is reported that the RF Government is preparing conclusions on the draft law “On the Introduction of Amendments to the first and second parts of the RF Tax Code”, which envisages the introduction of a profit tax on sales of oil. In particular, the RF Government proposes to finish the draft law by including criteria for the selection of subsoil plots in relation to which this pilot approach to the taxation of the oil industry applies, and the RF Government’s assignment of the authority to confirm the list of such subsoil plots.

**30 July 2015**

**Official website of the City of Moscow Department of Economic Policy and Development**

<http://depr.mos.ru/presscenter/news/detail/2042435.html>

### **Amendment of the list of immovable property items subject to property tax in 2015 based on cadastral value**

It is reported that the [list of items of immovable property for which the cadastral value is the tax base](#) has been amended. In particular, 21 immovable property items (buildings and non-residential buildings) have been excluded from the list. Moscow Government Resolution No. [466-PP](#) of 29 July 2015 was adopted addressing this issue.

The amendments are retrospective in effect and apply from 1 January 2015.

<http://depr.mos.ru/presscenter/news/detail/1921799.html>

### **New informational service for City of Moscow taxes**

A new [Tax Policy](#) informational service has been placed on the official website of the City of Moscow Department of Economic Policy and Development, allowing the reception of detailed information on all City of Moscow taxes and on the payment deadlines, payment procedures and benefits which are available to certain tax payers. It is possible to find out about the official documents that regulate the application of particular tax regimes and download document submission forms under the section 'Regulations'.

**30 July 2015**

**E-justice: catalogue of arbitrational cases**

[http://kad.arbitr.ru/PdfDocument/e7c2aced-0518-41ea-85c9-7c29f3f8d242/A40-140893-2013\\_20150730\\_Opredelenie.pdf](http://kad.arbitr.ru/PdfDocument/e7c2aced-0518-41ea-85c9-7c29f3f8d242/A40-140893-2013_20150730_Opredelenie.pdf)

### **VAT on the provision of passenger seats by codeshare agreements with foreign airlines**

RF Supreme Court Ruling No. 305-KG15-3206 of 30 July 2015 on Case No. A40-140893/2013 has ruled on a dispute between JSC Aeroflot-Rossiyskiye Avialinii and the tax authorities on the issue of VAT on providing passenger seats by codeshare agreements with foreign airlines. The RF Supreme Court ruled in favour of the tax payer and overturned the tax authority decision in accordance with which a zero rate of VAT could not be applied to the provision of passenger seats by codeshare agreements as these services are not considered as transportation services, but as aircraft wet lease. Please note that courts of three instances ruled in favour of the tax authorities.

[http://kad.arbitr.ru/PdfDocument/3f1a25bd-45d4-43eb-abad-0928d671e698/A40-3279-2014\\_20150729\\_Reshenija%20i%20postanovlenija.pdf](http://kad.arbitr.ru/PdfDocument/3f1a25bd-45d4-43eb-abad-0928d671e698/A40-3279-2014_20150729_Reshenija%20i%20postanovlenija.pdf)

### **Deducting expenses transferred from organisations' head offices for the purposes of profit tax**

An Arbitrational Court of the Moscow District Resolution of 29 July 2015 on Case No. A40-3279/2014 has ruled on a dispute between the foreign company Freshfield Brukhaus Deringer LLP and the tax authorities on the issue of the permanent representative deducting expenses transferred from the head office for the purposes of profit tax. The Arbitrational Court of the Moscow District supported the position of the tax authorities and pointed out impossibility to deduct expenses transferred from the head office as they are

not direct and their allocation could not be allocated .Please note that the courts of the first and appellation instances ruled in favour of the tax authorities.

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**Ekonomika i zhizn**

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### **Reporting the inability to withhold personal income tax on operations with securities**

In this letter, it is reported that tax agents must report the inability to withhold personal income tax on operations with securities using the 2-PIT form confirmed by Federal Tax Service Order No. MMV-7-3/611@ of 17 November 2010.

RF Ministry of Finance Letter No. [03-04-06/38042](#) of 1 July 2015

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