

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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29 September 2015

Consultant Plus

http://www.consultant.ru/document/cons_doc_LAW_186570/

Specification of clarifications regarding the procedure of paying sales levy

The letter of the Federal Tax Service of 15 September 2015 No ГД-4-3/16205 specifies clarifications regarding the procedure to pay sales levy contained in the letter of the Federal Tax Service of 26 June 2015. In particular, it is clarified that sales levy is to be paid at the location of the real estate indicating details of the receiver and the OKTMO code at the location of the sales business (earlier it was specified that the location was to be indicated of the registration as a sales levy payer).

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=150439>

Recording material benefit when adjusting liabilities of a physical person being a guarantor under a loan agreement for the purpose of personal income tax calculation

The letter of the Ministry of Finances of 8 September 2015 No 03-04-06/51636 notifies that cessation of the obligation of a physical person being a guarantor due to the partial payment of a debt will not amend the debtor's liability under the loan agreement to the bank (in terms of the debt in arrears) and the guarantor (in terms of the recourse claim to the debtor in the amount of the debt paid by the guarantor.) Unlike the case where the debt is forgiven to the debtor that has received monetary funds from the lender and consequently benefiting from the non-return, the physical person being a guarantor does not obtain any assets from the lender and derives no economic benefit from adjusting the debt amount to the lender that would be subject to taxation.

30 September 2015

Garant: Federal Legislation Monitoring

<http://www.garant.ru/hotlaw/federal/654029/>

Import customs duty rate changed for specific types of turbines and some goods for civil ships

The decision of the Board of the Eurasian Economic Commission of 28 September 2015 No 127 increases the import customs duty rate on some parts for hydraulic turbines above 25,000Wt from 7.5% to 13% of the

customs value. The import customs duty rate of 13% will enter into force upon the enactment of the decision until 31 August 2016/ Also, the decision nullify the import customs duty rate on some goods for civil ships. The decision will enter into force 30 days after its official publication.

29 September 2015

Official Website of the Russian State Duma

[http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/628CC0762B250C8A43257ECF00575424/\\$FILE/890123-6.PDF?OpenElement](http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/628CC0762B250C8A43257ECF00575424/$FILE/890123-6.PDF?OpenElement)

Potential increase of the penalty for major violations of accounting rules

The Russian State Duma is reported to have received for its review a draft law No 890123-6 "On amending articles 4.5 and 15.11 of the Russian Code of Administrative Offenses." In particular, the draft law stipulates increasing of the penalty for major violations of accounting rules from 5,000 to 10,000 rubles (the current law stipulates the penalty range from 2,000 to 3,000 rubles). Moreover, the list of offenses stipulated by article 15.11 of the Code of Administrative Offenses is extended with actions forbidden by the current accounting law: registration of non-existent business facts, ghost or fraudulent accounting objects, record keeping outside the applicable accounting registers, etc.

29 September 2015

Federal Portal of Draft Laws and Regulations

<http://regulation.gov.ru/projects#npa=39775>

Possible amendments to legal regulation of CGT

The Ministry of Finances is reported to have started to work on the draft Federal Law "On amending part 1 of the Russian Tax Code." In particular, the draft law envisions enactment of the CGT foundation agreements registered by tax authorities from 2014 till 2017 starting from 1 January 2019. The draft law stipulates that organizations will be able to voluntary termination of their participation in an CGT not sooner than after five tax periods of their joining the group. Moreover, the draft law envisions a limitation on including into a CGT organizations that used to be parts of a corresponding CGT foundation agreement and organizations founded via re-organization of such organizations within five tax periods after terminating their CGT membership. If approved, the law will enter into force on 1 January 2016.

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