



LT In Focus

Review of amendments to Article 15.25 of the Russian Code of Administrative Offenses

On 26 February 2016, amendments to Art. 15.25 of the Russian Code of Administrative Offenses (hereinafter, the RCAO), enacted by Federal Law No 30-FZ of 15 February 2016, will come into effect. The changes will increase sanctions for Russian tax residents that violate currency control requirements on the repatriation of monetary funds to Russia in the course of foreign trade operations.

Under the new amendments, an additional penalty will be introduced for the untimely repatriation of funds in the amount of 1/150 of the refinancing rate of the Central Bank of Russia for each day the repatriation is delayed (item 5 Art. 15.25 of the RCAO). This penalty is in addition to the penalty that already exists in the amount of 75% to 100 % of the non-repatriated monetary funds for non-imported goods, unperformed services and works, and non-transferred information or intellectual property (including exclusive rights thereto) during the course of foreign trade.

Due to the introduction of the above penalty, the note to Art.15.25 of the RCAO was extended with item 6, which clarifies that the calculation of the new penalty will be based on the refinancing rate of the Central Bank of Russia as of the period in arrears.

Please note that the new penalty may be applied in addition to the existing penalty to both the legal entity and its officers.

A similar "double" responsibility was introduced in 2011 in relation to the failure of residents to obtain monetary funds for transferred goods, performed works, rendered services, transferred information and intellectual property (including exclusive rights thereto) (item 4 Art. 15.25 of the RCAO).

With the new amendments, the legislative authority is acting in line with the practice initiated in 2011 by strengthening penalties for residents that carry out foreign trade operations.

We hope that you will find the information in this edition interesting and informative. Please feel free to contact our experts on any topics related to this subject.

Best regards,

Partners of Deloitte CIS

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