

SECTION IV. GENERAL RULES CONCERNING THE FULFILMENT OF OBLIGATIONS TO PAY TAXES, LEVIES AND INSURANCE CONTRIBUTIONS

[as amended by Federal Law No. 243-FZ of 03.07.2016]

CHAPTER 7. TAXABLE OBJECTS

Article 38. Taxable Object

1. Taxable objects shall be sales of goods (work and services), property, profit, income, expenditure or any other circumstance possessing value, quantitative or physical characteristics that gives rise in accordance with tax and levy legislation to an obligation for a taxpayer to pay tax. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

Each tax shall have its own taxable object which shall be determined in accordance with Part Two of this Code with account taken of the provisions of this Article.

2. In this Code, except as otherwise provided by this clause, property shall be understood to mean types of objects of civil rights that are classed as property in accordance with the Civil Code of the Russian Federation.

Property rights, other than non-cash funds and uncertified securities, shall not be classed as property for the purposes of this Code.

[clause 2 as reworded by Federal Law No. 219-FZ of 20.07.2020]

3. For the purposes of this Code, a “good” is any property that is sold or is intended for sale. For the purposes of the regulation of relations associated with the collection of customs payments, goods shall also include other property as defined in accordance with the customs legislation of the Customs Union and customs-related legislation of the Russian Federation.

[as amended by Federal Law No. 306-FZ of 27.11.2010]

4. For taxation purposes “work” shall be any activity the results of which have a tangible form and may be sold in order to satisfy the needs of an organization and (or) physical persons.

5. For taxation purposes a “service” shall be any activity the results of which do not have a tangible form and are sold and consumed in the process of the performance of that activity.

6. For the purposes of this Code, identical goods (work and services) shall be goods (work and services) that have the same basic characteristic attributes. In determining whether goods are identical, minor differences in the external appearance of such goods may be disregarded.

In determining whether goods are identical, account shall be taken of their physical characteristics, quality, designated function and country of origin and of the manufacturer, its business reputation on the market and any trademark used.

Factors to be taken into account in determining whether work (services) is (are) identical shall include characteristics of the contractor (service provider), its business reputation on the market and any trademark used.

[clause 6 inserted by Federal Law No. 227-FZ of 18.07.2011]

7. For the purposes of this Code, similar goods shall be goods which, although not identical, have like characteristics and consist of like components, which enables them to perform the same functions and (or) to be commercially interchangeable. In determining whether goods are similar, account shall be taken of their quality, market reputation, trademark and country of origin.

Similar work (services) shall be work (services) which, although not identical, has (have) like characteristics, enabling it (them) to be commercially and (or) functionally interchangeable. In determining whether work (services) is (are) similar, account shall be taken of the quality, trademark and market reputation and of the type, volume, uniqueness and commercial interchangeability of the work (services). *[clause 7 inserted by Federal Law No. 227-FZ of 18.07.2011]*

Article 39. Sale of Goods, Work and Services

1. The sale of goods, work or services by an organization or a private entrepreneur shall be understood to mean, accordingly, the transfer of ownership of goods or of the results of work performed by one person for another person in return for a consideration (including the exchange of goods, work or services) or the rendering of services by one person to another person in return for a consideration or, in cases provided for in this Code, the transfer of ownership of goods or of the results of work performed by one person for another person or the rendering of services by one person to another person without consideration. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

2. The place and time of actual sale of goods, work and services shall be determined in accordance with Part Two of this Code.

3. The following shall not be deemed to constitute the sale of goods, work or services:

1) the performance of operations associated with the circulation of Russian or foreign currency (except for numismatic purposes);

2) the transfer of fixed assets, intangible assets and (or) other property of an organization to its legal successor (legal successors) upon the re-organization of that organization;

3) the transfer of fixed assets, intangible assets and (or) other property to non-commercial organizations for use in carrying out their main statutory activities which are not connected with entrepreneurial activities;

[subsection 3 inserted by Federal Law No. 154-FZ of 09.07.1999]

4) the transfer of property where such transfer has the nature of an investment (in particular, contributions to the charter (pooled) capital of companies and partnerships, contributions made under a simple partnership agreement (joint activity agreement) or investment partnership agreement, share contributions to the mutual funds of co-operatives); *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 336-FZ of 28.11.2011]*

4.1) the transfer of property and (or) property rights under a concession agreement, a state-private partnership agreement or a municipal-private partnership agreement in accordance with the legislation of the Russian Federation;

[subsection 4.1 inserted by Federal Law No. 108-FZ of 30.06.2008; as amended by Federal Law No. 493-FZ of 25.12.2018]

5) the transfer of property within the limits of the original contribution to a participant in a company or partnership (or the legal successor or heir of such participant) upon the withdrawal (departure) of such participant from the company or partnership and where the property of a liquidated company or partnership is divided among its participants; *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

6) the transfer of property within the limits of the original contribution to a participant in a simple partnership agreement (joint activity agreement) or investment partnership agreement or the legal successor of such participant in the event of the apportionment of his share from the property which is in the common ownership of the participants in the agreement, or the division of such property; *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 336-FZ of 28.11.2011]*

7) the transfer of living accommodation to physical persons in buildings of the state or municipal housing stock in the process of privatization; *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

8) the appropriation of property by means of confiscation, the inheritance of property and the assignment to other persons of ownership of ownerless and abandoned goods, ownerless animals, finds and treasure-trove in accordance with the norms of the Civil Code of the Russian Federation; *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

[8.1) Lost force from 01.01.2017 – Federal Law No. 242-FZ of 30.07.2010]

8.2) the transfer of property by a nominal owner to the actual owner where the property and the nominal owner thereof are indicated in a special declaration submitted in accordance with the Federal Law “Concerning the Voluntary Declaration of Assets and Bank Accounts (Deposits) by Physical Persons and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”;

[subsection 8.2 inserted by Federal Law No. 150-FZ of 08.06.2015]

9) other operations in cases provided for in this Code. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Article 40. Principles of Determining the Price of Goods, Work or Services for Taxation Purposes

1. Unless otherwise stipulated by this Article, the price of goods, work or services which is specified by the parties to a transaction shall be taken for taxation purposes. Unless proven otherwise, that price shall be assumed to be consistent with the level of market prices.

2. In checking whether taxes have been calculated in full, tax authorities shall have the right to check the proper use of prices in transactions only in the following cases: *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

1) between interdependent persons;

2) in commodity exchange (barter) transactions;

3) in the case of foreign trade transactions;

[subsection 3 inserted by Federal Law No. 154-FZ of 09.07.1999]

4) where there is an upward or downward deviation of more than 20 per cent against the level of prices used by a taxpayer in respect of identical (similar) goods (work and services) within a short period of time.

[subsection 4 as amended by Federal Law No. 154-FZ of 09.07.1999]

3. In the cases provided for in clause 2 of this Article where the prices of goods, work or services applied by the parties to a transaction deviate upwards or downwards by more than 20 per cent against the market price of identical (similar) goods (work and services), the tax authority shall have the right to issue a substantiated decision to charge additional tax and penalties calculated as if the results of that transaction had been assessed on the basis of market prices for the goods, work or services in question.

The market price shall be determined with account taken of the provisions of clauses 4 to 11 of this Article. In this respect, the price mark-ups or discounts which ordinarily apply in transactions between non-interdependent persons shall be taken into account. In particular, account shall be taken of discounts which are brought about by:

- seasonal and other fluctuations in consumer demand for goods (work and services);
- the loss by goods of their quality or other consumer characteristics;
- the expiry (nearing of the expiry) of the storage life or sell-by date of goods;
- marketing policies, including those associated with the promotion of new goods for which there are no equivalents and the introduction of goods (work and services) onto new markets;
- the sale of test models and samples of goods for the purpose of making them known to consumers.

[clause 3 as reworded by Federal Law No. 154-FZ of 09.07.1999]

4. The market price of a good (work, service) shall be understood to be the price prevailing on the basis of the interaction of supply and demand on the market for identical (or, where these do not exist, similar) goods (work, services) under comparable economic (commercial) conditions.

5. The market for goods (work, services) shall be understood to be the sphere of circulation of those goods (work, services), which shall be determined on the basis of the ability of the purchaser (seller) in realistic terms and without significant additional expenditure to acquire (sell) the good (work, service) in question in the area of the Russian Federation nearest to the purchaser (seller) or outside the Russian Federation. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

6. Identical goods shall be goods which have identical principal characteristics. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

In determining whether goods are identical account shall be taken, in particular, of their physical characteristics, quality and market reputation, the country of origin and the manufacturer. Minor differences in outer appearance need not be taken into account in determining whether goods are identical. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

7. Similar goods shall be goods which, without being identical, have similar characteristics and consist of similar components, which allows them to perform the same functions and (or) be commercially interchangeable. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

In determining whether goods are similar account shall be taken, in particular, of their quality, whether or not they bear a trademark, their market reputation and their country of origin.

[Paragraph excluded – Federal Law No. 154-FZ of 09.07.1999]

8. In determining the market prices of goods, work or services transactions between persons who are not interdependent shall be taken into consideration. Transactions between interdependent persons may be taken into consideration only in those cases where the interdependence of those persons did not affect the results of those transactions. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

9. In determining the market price of a good, work or service account shall be taken of information on transactions involving identical (similar) goods, work or services in comparable conditions concluded at the time of the sale of the good, work or service in question. In particular, account shall be taken of such conditions of transactions as the quantity (volume) of goods to be supplied (for example, the size of a consignment of goods), the time limits for the fulfilment of obligations, the conditions of payment which normally apply in such transactions and other reasonable conditions which may affect the prices.

In this respect, the conditions of transactions on the market for identical (or, where these do not exist, similar) goods, work or services shall be deemed comparable if the difference between those conditions either does not have a significant influence on the price of such goods, work or services or may be taken into account with the aid of adjustments.

[clause 9 as reworded by Federal Law No. 154-FZ of 09.07.1999]

10. Where, on a particular market for goods, work or services, there are no transactions involving identical (similar) goods, work or services owing to the lack of supply of such goods, work or services on that market, and where it is impossible to determine the relevant prices owing to the lack of or inaccessibility of sources of information, the market price shall be determined using the resale price method, whereby the market price of goods, work or services sold by a seller is determined as the difference between the price at which such goods, work or services were sold by the purchaser of the goods, work or services upon subsequent sale (resale) and costs ordinarily incurred in such cases by the purchaser in connection with resale (excluding the price at which the goods, work or services were acquired by that purchaser from the seller) and the promotion of the goods, work or services acquired from the purchaser and the purchaser's profit such as is normal for the area of activity concerned.

Where the resale price method cannot be used (in particular, where there is a lack of information concerning the price of goods, work or services subsequently sold by the purchaser), the cost plus method shall be used, whereby the market price of goods, work or services is determined as the sum of costs incurred and such profit as is normal for the area of activity concerned. In this respect, account should be taken of direct and indirect costs relating to the production (acquisition) and (or) sale of goods which are usual in such cases, transportation, storage and insurance costs which are usual in such cases and other similar costs.

[clause 10 as reworded by Federal Law No. 154-FZ of 09.07.1999]

11. In determining and acknowledging the market price of a good, work or service use shall be made of official sources of information concerning market prices for goods, work or services and exchange quotations. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

12. In considering a case a court shall have the right to take into account any circumstances that are of significance in determining the results of a transaction without being limited to the circumstances which are enumerated in clauses 4 to 11 of this Article. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

13. Where goods (work and services) are sold at state regulated prices (tariffs) established in accordance with the legislation of the Russian Federation, those prices (tariffs) shall be taken for taxation purposes.

[clause 13 inserted by Federal Law No. 154-FZ of 09.07.1999]

14. In determining the market prices of term transaction financial instruments and the market prices of securities, the provisions of clauses 3 and 10 of this Article shall be applied with account taken of the special considerations laid down in Chapter 23 of this Code – “Tax on Income of Physical Persons” and Chapter 25 of this Code – “Tax on the Profit of Organizations”. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 281-FZ of 25.11.2009]*

Article 41. Principles of the Determination of Income

1. For the purposes of this Code income shall be understood to be an economic gain in monetary form or in kind which is taken into account where and to the extent that it is possible to evaluate that gain, and which is determined in accordance with the “Tax on Income of Physical Persons” and “Tax on the Profit of Organizations” chapters of this Code.

[as amended by Federal Laws No. 118-FZ of 05.08.2000 (Rev. 24.03.2001), No. 137-FZ of 27.07.2006]

2. The receipt of property by its actual owner from a nominal owner shall not be deemed to be income (economic gain) for the purposes of this Code if that property and the nominal owner thereof are indicated in a special declaration submitted in accordance with the Federal Law “Concerning the Voluntary Declaration of Assets and Bank Accounts (Deposits) by Physical Persons and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”.

[clause 2 inserted by Federal Law No. 150-FZ of 08.06.2015]

Article 42. Income from Sources in the Russian Federation and from Sources Outside the Russian Federation

1. Income of a taxpayer may be classed as income from sources in the Russian Federation or as income from sources outside the Russian Federation in accordance with the “Tax on the Profit of Organizations” and “Tax on Income of Physical Persons” chapters of this Code.

[clause 1 as reworded by Federal Law No. 58-FZ of 29.06.2004]

2. Where the provisions of this Code do not make it possible to class income received by taxpayers unequivocally as income from sources within the Russian Federation or as income from sources outside the Russian Federation, income shall be classed in terms of its source by the federal executive body in charge of control and supervision in the area of taxes and levies. The proportion of such income that may be classed as income from sources within the Russian Federation and the proportion that may be classed as income from sources outside the Russian Federation shall be determined in similar fashion. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004]*

Article 43. Dividends and Interest

1. A dividend shall be understood to be any income received by a shareholder (participant) from an organization upon a distribution of profit remaining after taxation (including in the form of interest on preference shares) on shares (holdings) belonging to the shareholder (participant) in proportion to the shares held by the shareholders (participants) in the charter (pooled) capital of that organization. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Dividends shall also include any income that is received from sources outside the Russian Federation and is classed as dividends in accordance with the legislation of foreign states.

[paragraph inserted by Federal Law No. 154-FZ of 09.07.1999]

2. The following shall not be regarded as dividends:

1) payments made upon the liquidation of an organization to a shareholder (participant) in that organization in monetary form or in kind, not exceeding the contribution made by that shareholder (participant) to the charter (pooled) capital of the organization; *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

2) payments made to shareholders (participants) in an organization in the form of the transfer of ownership of shares in that organization;

3) payments made to a non-commercial organization to fund its main statutory activities (not connected with entrepreneurial activities) by companies whose charter capital consists wholly of contributions made by that non-commercial organization.

[subsection 3 inserted by Federal Law No. 154-FZ of 09.07.1999]

3. Interest shall be understood to be any income declared (established) in advance, including in the form of a discount, which is received in respect of a debt obligation of any kind (irrespective of the form in which it is executed). In this respect, interest shall be understood to include, in particular, income received on monetary deposits and debt obligations.

CHAPTER 8. FULFILMENT OF OBLIGATIONS TO PAY TAXES, LEVIES AND INSURANCE CONTRIBUTIONS

[as amended by Federal Law No. 243-FZ of 03.07.2016]

Article 44. Grounds on Which an Obligation to Pay a Tax, a Levy or Insurance Contributions Arises, Changes or is Terminated *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

1. An obligation to pay a tax or levy shall arise, change and be terminated on the grounds established by this Code or another act of tax and levy legislation.

2. The obligation to pay a specific tax or levy shall be placed on a taxpayer or levy payer from the time when circumstances established by tax and levy legislation arise which require that tax or levy to be paid.

3. The obligation to pay a tax and (or) levy shall be terminated:

1) with the payment of the tax and (or) levy in cases provided for in this Code; *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 401-FZ of 30.11.2016]*

[2) Lost force from 01.01.2007 – Federal Law No. 137-FZ of 27.07.2006]

3) when a taxpayer physical person dies or is declared deceased in accordance with the procedure established by the civil procedure legislation of the Russian Federation. Outstanding balances of a deceased person or a person declared deceased in respect of the taxes referred to in clause 3 of Article 14 and clauses 1 and 2 of Article 15 of this Code shall be settled by heirs within the limits of the value of the inherited estate in accordance with the procedure established by the civil legislation of the Russian Federation for the settlement of a testator's debts by heirs; *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 335-FZ of 27.11.2017]*

4) with the liquidation of a taxpayer organization – after all necessary settlements with the budget system of the Russian Federation have been effected in accordance with Article 49 of this Code; *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

5) with the occurrence of other circumstances specified by tax and levy legislation as causing the obligation to pay a particular tax or levy to be terminated.

[subsection 5 inserted by Federal Law No. 137-FZ of 27.07.2006]

4. The provisions laid down in this Article shall also apply in relation to insurance contributions and shall extend to payers of insurance contributions.

[clause 4 inserted by Federal Law No. 243-FZ of 03.07.2016]

Article 45. Fulfilment of an Obligation to Pay a Tax, a Levy or Insurance Contributions

[title as amended by Federal Law No. 243-FZ of 03.07.2016] [article as reworded by Federal Law No. 137-FZ of 27.07.2006]

1. A taxpayer shall be obliged to fulfil a tax payment obligation independently, except as otherwise provided by tax and levy legislation. The obligation to pay tax on profit of organizations for a consolidated group of taxpayers shall be fulfilled by the responsible

member of that group, except as otherwise provided by this Code. *[as amended by Federal Law No. 321-FZ of 16.11.2011]*

A tax payment obligation must be fulfilled within the time limit established in accordance with this Code. A taxpayer shall have the right to fulfil a tax payment obligation early. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 401-FZ of 30.11.2016, No. 102-FZ of 01.04.2020]*

The non-fulfilment or improper fulfilment of a tax payment obligation shall constitute grounds for a tax authority or a customs authority to send a tax payment demand to the taxpayer. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 401-FZ of 30.11.2016]*

Tax may be paid on behalf of a taxpayer by another person. *[paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]*

Another person shall not have the right to claim a refund from the budget system of the Russian Federation of tax paid on behalf of a taxpayer. *[paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]*

2. Except as otherwise provided by clause 2.1 of this Article, where tax is not paid or is not paid in full within the established time limit, tax shall be recovered in accordance with the procedure prescribed by this Code. *[as amended by Federal Law No. 150-FZ of 08.06.2015]*

The recovery of tax from an organization or a private entrepreneur shall take place in accordance with the procedure prescribed by Articles 46 and 47 of this Code. The recovery of tax from a physical person who is not a private entrepreneur shall take place in accordance with the procedure prescribed by Article 48 of this Code.

Tax shall be recovered by judicial process:

1) from ledger accounts of organizations where the amount to be recovered exceeds five million roubles;

[subsection 1 as reworded by Federal Law No. 347-FZ of 04.11.2014]

2) for the purpose of recovering arrears revealed by the results of a tax audit which have been owed for more than three months:

- by organizations which are dependent (subsidiary) companies (enterprises) in accordance with the civil legislation of the Russian Federation – from the corresponding parent (dominant, participating) companies (enterprises) when their bank accounts are credited with receipts from sales of goods (work and services) of the dependent (subsidiary) companies (enterprises);

- by organizations which are parent (dominant, participating) companies (enterprises) in accordance with the civil legislation of the Russian Federation – from dependent (subsidiary) companies (enterprises) when their bank accounts are credited with receipts from sales of goods (work and services) of the parent (dominant, participating) companies (enterprises);

- by organizations which are dependent (subsidiary) companies (enterprises) in accordance with the civil legislation of the Russian Federation – from the corresponding parent

(dominant, participating) companies (enterprises) if, since the moment when the organization which owes the arrears became aware or should have become aware of the ordering of an on-site tax audit or of the commencement of an in-house tax audit, monetary resources or other property have been transferred to the parent (dominant, participating) company (enterprise) and that transfer has made it impossible for the arrears to be recovered;

- by organizations which are parent (dominant, participating) companies (enterprises) in accordance with the civil legislation of the Russian Federation – from dependent (subsidiary) companies (enterprises) if, since the moment when the organization which owes the arrears became aware or should have become aware of the ordering of an on-site tax audit or of the commencement of an in-house tax audit, monetary resources or other property have been transferred to a dependent (subsidiary) company (enterprise) and that transfer has made it impossible for the arrears to be recovered.

Should a tax authority establish in the above-mentioned cases that receipts for goods (work and services) sold are credited to accounts of multiple organizations or that monetary resources or other property have been transferred to multiple parent (dominant, participating) companies (enterprises) or dependent (subsidiary) companies (enterprises) since the moment when the organization which owes the arrears became aware or should have become aware of the ordering of an on-site tax audit or of the commencement of an in-house tax audit, arrears shall be recovered from the organizations in question in proportion to the share which they received of receipts for goods (work and services) and of monetary resources or the value of other property which were transferred.

The provisions of this subsection shall also apply where a tax authority establishes in the above-mentioned cases that the transfer of receipts for goods (work and services) sold and the transfer of monetary resources and other property to parent (dominant, participating) companies (enterprises) or dependent (subsidiary) companies (enterprises) took place through a set of interrelated operations, including in cases where participants in those operations are not parent (dominant, participating) companies (enterprises) or dependent (subsidiary) companies (enterprises).

The provisions of this subsection shall also apply where a tax authority establishes in the above-mentioned cases that receipts for goods (work and services) sold and monetary resources and other property are transferred to persons which have been adjudged by a court to have another dependent relationship with the taxpayer which owes the arrears. *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

In the context of the application of the provisions of this subsection recovery may take place within the limits of receipts for goods (work and services) sold or monetary resources and other property transferred which have been received by parent (dominant, participating) companies (enterprises), dependent (subsidiary) companies (enterprises) or persons which have been adjudged by a court to have another dependent relationship with the taxpayer which owes the arrears. *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

The value of property in the cases referred to in this subsection shall be determined as the net book value of property which is stated in an organization's accounting records at the time when the organization which owes the arrears became aware or should have become aware of

the ordering of an on-site tax audit or of the commencement of an in-house tax audit;

[subsection 2 as reworded by Federal Law No. 134-FZ of 28.06.2013]

3) from an organization or a private entrepreneur if their obligation to pay tax arises from a revision by the tax authority of the legal qualification of a transaction concluded by the taxpayer in question or of the status and nature of the activities of that taxpayer;

4) from an organization or a private entrepreneur if their obligation to pay tax arose following an audit by the federal executive body in charge of control and supervision in the area of taxes and levies of the proper calculation and payment of taxes in connection with the conclusion of transactions between interdependent persons.

[subsection 4 inserted by Federal Law No. 227-FZ of 18.07.2011]

2.1. The recovery of tax shall not take place in the event of the non-payment or underpayment of tax by a declarant who is considered as such in accordance with the Federal Law “Concerning the Voluntary Declaration of Assets and Bank Accounts (Deposits) by Physical Persons and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” and (or) another person regarding whom information is contained in a special declaration submitted in accordance with that Federal Law.

The recovery of tax on the basis of this clause shall not take place where one of the following conditions is met: *[as amended by Federal Law No. 34-FZ of 19.02.2018]*

1) the obligation to pay the tax arose for the declarant and (or) another person as a result of the occurrence before 1 January 2015 of operations involving the acquisition (creation of sources for the acquisition), use or disposal of property (property rights) and (or) controlled foreign companies regarding which information is contained in a special declaration submitted in the period from 1 July 2015 to 30 June 2016, or involving the opening of and (or) crediting of funds to accounts (deposits) regarding which information is contained in such special declaration;

[subsection 1 inserted by Federal Law No. 34-FZ of 19.02.2018]

2) the obligation to pay the tax arose for the declarant and (or) another person before 1 January 2018 as a result of the occurrence of operations involving the acquisition (creation of sources for the acquisition), use or disposal of property (property rights) and (or) controlled foreign companies regarding which information is contained in a special declaration submitted in the period from 1 March 2018 to 28 February 2019, or involving the opening of and (or) crediting of funds to accounts (deposits) regarding which information is contained in such special declaration. In this respect, the provisions of this subsection shall not apply to obligations to pay taxes provided for in Part Two of this Code which are payable in respect of profit and (or) property of controlled foreign companies;

[subsection 2 inserted by Federal Law No. 34-FZ of 19.02.2018]

3) the obligation to pay the tax arose for the declarant and (or) another person before 1 January 2019 as a result of the occurrence of operations involving the acquisition (creation of sources for the acquisition), use or disposal of property (property rights) and (or) controlled foreign companies regarding which information is contained in a special declaration submitted in the period from 1 June 2019 to 29 February 2020, or involving the opening of and (or) crediting of funds to accounts (deposits) regarding which information contained in

such special declaration. In this respect, the provisions of this subsection shall not apply to obligations to pay taxes provided for in Part Two of this Code which are payable in respect of profit and (or) property of controlled foreign companies.

[subsection 3 inserted by Federal Law No. 111-FZ of 29.05.2019]

3. A tax payment obligation shall be deemed to have been fulfilled by a taxpayer, unless otherwise provided by clause 4 of this Article: *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 401-FZ of 30.11.2016]*

1) from the moment of the presentation to a bank of an instruction for the transfer of monetary resources from the taxpayer's account (from another person's account if tax is paid on the taxpayer's behalf by another person) to the budget system of the Russian Federation by payment to an appropriate Federal Treasury account, provided that there is a sufficient balance of money in the taxpayer's account as at the date of payment; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

1.1) from the moment when a physical person transmits to a bank an order for funds provided to the bank by the physical person to be remitted to the budget system of the Russian Federation by payment to an appropriate Federal Treasury account without the opening of a bank account, provided that there are sufficient funds for the remittance;

2) from the moment of the reflection in the ledger account of an organization for which a ledger account has been opened of an operation involving the remittance of appropriate monetary resources to the budget system of the Russian Federation;

3) from the day on which a physical person deposits cash at a bank, at the cash office of a local administration, at a federal postal organization or at a multifunctional centre for the provision of state and municipal services for remittance to the budget system of the Russian Federation by payment to the appropriate Federal Treasury account; *[as amended by Federal Law No. 232-FZ of 29.07.2018]*

4) from the day of the issuance by a tax authority in accordance with this Code of a decision to credit amounts of taxes, penalties and fines which have been paid in excess or have been recovered in excess towards the fulfilment of payment obligations in respect of the tax in question;

5) from the day on which amounts of tax are withheld by a tax agent, where the tax agent is charged in accordance with this Code with the obligation to calculate and withhold tax from a taxpayer's monetary resources;

6) from the day of the payment of a declaration payment in accordance with the federal law concerning the simplified procedure for the declaration of income by physical persons;

[subsection 6 inserted by Federal Law No. 265-FZ of 30.12.2006]

7) from the day on which an instruction is presented to a bank for the remittance to the budget system of the Russian Federation by transfer to an appropriate Federal Treasury account of funds from the taxpayer's bank account or from another person's bank account, if there is a sufficient balance in the account on the day of payment, by way of compensation for damage caused to the budget system of the Russian Federation as a result of crimes for the

commission of which Articles 198 to 199.2 of the Criminal Code of the Russian Federation prescribe criminal liability. In this respect, the amount of those funds shall be credited towards the fulfilment of relevant tax payment obligations in accordance with the procedure established by the federal executive body in charge of control and supervision in the area of taxes and levies;

[subsection 7 inserted by Federal Law No. 401-FZ of 30.11.2016]

8) from the day on which a tax authority adopts a decision in accordance with Article 45.1 of this Code to credit the amount of a unified tax payment of a physical person towards the fulfilment of the obligation of a taxpayer-physical person to pay transport tax, land tax and (or) tax on property of physical persons;

[subsection 8 inserted by Federal Law No. 232-FZ of 29.07.2018]

9) from the day on which a tax agent presents an instruction to a bank for the transfer of funds from the tax agent's bank account to the budget system of the Russian Federation via an appropriate Federal Treasury account by way of the payment of tax following a tax audit in the event that the tax agent unlawfully failed to withhold appropriate amounts of tax (or failed to withhold them in full), provided that there is a sufficient balance on the bank account on the day of payment.

[subsection 9 inserted by Federal Law No. 325-FZ of 29.09.2019]

4. A tax payment obligation shall not be deemed to have been fulfilled in the following cases:

1) in the event that a person who presented an instruction to a bank for the remittance of funds to the budget system of the Russian Federation by way of payment of tax recalls that instruction, or the instruction for the remittance of those funds to the budget system of the Russian Federation is returned by the bank to that person without having been executed; *[as amended by Federal Laws No. 401-FZ of 30.11.2016, No. 232-FZ of 29.07.2018]*

2) in the event that an instruction for the remittance of appropriate monetary resources to the budget system of the Russian Federation is recalled by an organization for which a ledger account has been opened or is returned by a Federal Treasury body (another authorized body which opens and maintains ledger accounts) to the organization without having been executed; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

3) in the event that a local administration, a federal postal organization or a multifunctional centre for the provision of state and municipal services refunds to a physical person monetary resources which were accepted for remittance to the budget system of the Russian Federation; *[as amended by Federal Laws No. 401-FZ of 30.11.2016, No. 232-FZ of 29.07.2018]*

4) in the event that the taxpayer or another person who presented an instruction to a bank for the remittance of funds to the budget system of the Russian Federation by way of the payment of tax on the taxpayer's behalf incorrectly entered the number of the Federal Treasury account and the name of the recipient's bank in a tax remittance instruction and this resulted in the non-remittance of the amount in question to the budget system of the Russian Federation by payment to the appropriate Federal Treasury account; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

5) if, as at the day on which a taxpayer (another person who presented an instruction to a bank for the remittance of funds to the budget system of the Russian Federation by way of the payment of tax on the taxpayer's behalf) presents to a bank (Federal Treasury body, other authorized body which opens and maintains ledger accounts) an instruction for the remittance of monetary resources for the payment of tax, that taxpayer (other person) has other outstanding claims against its account (ledger account) which, in accordance with the civil legislation of the Russian Federation, must be executed on a priority basis, and there is not a sufficient balance in the account (ledger account) to satisfy all claims. *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

5. A tax payment obligation shall be fulfilled in the currency of the Russian Federation, unless otherwise provided by this Code. An amount of tax which has been calculated in a foreign currency in cases provided for in this Code shall be translated into the currency of the Russian Federation on the basis of the official exchange rate set by the Central Bank of the Russian Federation as at the date on which tax is paid. *[as amended by Federal Laws No. 205-FZ of 24.11.2008, No. 374-FZ of 27.12.2009]*

6. Failure to fulfil a tax payment obligation shall constitute a basis for the application of measures provided for in this Code for the enforcement of tax payment obligations.

7. An instruction for the remittance of tax to the budget system of the Russian Federation shall be completed in accordance with the rules established by the Ministry of Finance of the Russian Federation in consultation with the Central Bank of the Russian Federation.

In the event that a taxpayer (another person who presented an instruction to a bank for the remittance of monetary resources to the budget system of the Russian Federation by way of the payment of tax on the taxpayer's behalf) discovers an error in the preparation of a tax remittance instruction which has not resulted in the non-remittance of appropriate monetary resources to the budget system of the Russian Federation, the taxpayer shall have the right, within three years from the date on which those monetary resources were remitted to the budget system of the Russian Federation, to submit an application for the adjustment of a payment in connection with the error to the tax authority with which it is registered, accompanied by documents confirming that the tax in question was paid and remitted to budget system of the Russian Federation, with a request to adjust the basis, type and category of payment, the tax period, the status of the taxpayer or the Federal Treasury account.

An application for the adjustment of a payment may be submitted on paper or in electronic form with an enhanced qualified electronic signature via telecommunications channels or via an online tax account.

A tax authority shall have the right to require a bank to provide a paper copy of an instruction for the remittance of tax to the budget system of the Russian Federation which was prepared by a taxpayer or another person who presented an instruction to the bank for the remittance of monetary resources to the budget system of the Russian Federation by way of the payment of tax on the taxpayer's behalf. The bank shall be obliged to present a copy of that instruction to the tax authority within five days of receiving the tax authority's request.

In the case provided for in this clause, on the basis of an application for the adjustment of a payment a tax authority shall adopt a decision to adjust the payment as at the day on which tax was actually paid to the budget system of the Russian Federation.

In the event that a tax authority discovers an error in the preparation of an instruction for the remittance of tax which has not resulted in the non-remittance of appropriate monetary resources to the budget system of the Russian Federation, the tax authority shall, within three years from the day on which those monetary resources were remitted to the budget system of the Russian Federation, independently adopt a decision to adjust a payment as at the day on which tax was actually paid to the budget system of the Russian Federation.

A decision to adjust a payment shall be adopted in cases provided for in this clause where such adjustment does not give rise to arrears for the taxpayer.

When adjusting a payment, a tax authority shall recalculate penalties charged on the amount of tax for the period from the day on which it was actually paid to the budget system of the Russian Federation until the day on which the tax authority adopted the decision to adjust the payment.

The tax authority shall notify the taxpayer of the decision to adjust the payment within five days of that decision being adopted.

The rules established by this clause shall also apply to a unified tax payment of a physical person.

[clause 7 as reworded by Federal Law No. 232-FZ of 29.07.2018]

8. The rules laid down in this Article shall also apply in relation to levies, penalties and fines and shall apply to levy payers, tax agents and the responsible member of a consolidated group of taxpayers. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 243-FZ of 03.07.2016, No. 401-FZ of 30.11.2016]*

9. The rules laid down in this Article shall also apply in relation to insurance contributions and shall apply to payers of insurance contributions.

[Paragraph lost force from 01.01.2021 – Federal Law No. 312-FZ of 01.10.2020]

Article 45.1. Unified Tax Payment of a Physical Person *[inserted by Federal Law No. 232-FZ of 29.07.2018]*

1. A unified tax payment of a physical person shall be understood to mean monetary resources which a taxpayer-physical person voluntarily remits to the budget system of the Russian Federation by payment to the appropriate Federal Treasury account in fulfilment of the obligation to pay tax on income of physical persons in accordance with clause 6 of Article 228 of this Code, transport tax, land tax and (or) tax on property of physical persons. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

2. A unified tax payment of a physical person may be paid by another person on a taxpayer's behalf. In this respect, the other person shall not have the right to claim a refund from the

budget system of the Russian Federation of the unified tax payment of a physical person which was paid on the taxpayer's behalf.

3. A unified tax payment of a physical person shall be remitted to the budget system of the Russian Federation at the place of residence of a taxpayer-physical person (place of stay if the person concerned does not have a place of residence in the territory of the Russian Federation) or, if the taxpayer-physical person does not have a place of residence or place of stay in the territory of the Russian Federation, at the location of one of the items of immovable property belonging to the person concerned.

4. A tax authority shall independently credit the amount of a unified tax payment of a physical person towards future payments of a taxpayer-physical person in respect of taxes referred to in clause 1 of this Article or towards the payment of arrears of those taxes and (or) outstanding balances of corresponding penalties and interest payable in accordance with Article 64 of this Code.

A decision to credit the amount of a unified tax payment of a physical person shall be adopted by the tax authority for the place of residence of that physical person (place of stay if the person concerned does not have a place of residence in the territory of the Russian Federation) or, if the taxpayer-physical person does not have a place of residence or place of stay in the territory of the Russian Federation, by the tax authority for the location of one of the items of immovable property belonging to the person concerned.

5. The amount of a unified tax payment of a physical person shall be credited towards future payments of a taxpayer-physical person of taxes referred to in clause 1 of this Article not later than ten days from the day on which a tax notice for those taxes was sent to that person or from the day on which a unified tax payment of the physical person was paid to the budget system of the Russian Federation via an appropriate Federal Treasury account after a tax notice was sent to that person, but not later than the established time limits for the payment of those taxes, on a consecutive basis commencing from the smallest amount of tax, except as otherwise provided by clause 6 of this Article. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

A tax authority shall be obliged to inform a taxpayer-physical person of a decision made to credit the amount of a unified tax payment of a physical person within five days from the day on which it was received. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

6. Where a taxpayer-physical person has arrears in respect of taxes referred to in clause 1 of this Article and (or) outstanding balances of corresponding penalties and interest payable in accordance with Article 64 of this Code, the amount of a unified tax payment of a physical person shall be credited towards the payment of the arrears and (or) outstanding balances not later than ten days from the day on which the unified tax payment of a physical person is paid to the budget system of the Russian Federation in an appropriate Federal Treasury account. The tax authority shall be obliged to inform the taxpayer-physical person of the decision made to credit the amount of the unified tax payment of a physical person within five days of that decision being made.

If, as at the date on which the tax authority makes a decision to apply such a credit, the balance of monetary resources remitted to the budget system of the Russian Federation as a

unified tax payment of a physical person is less than the total amount of arrears and (or) outstanding balances referred to in paragraph 1 of this clause, the credit shall be applied consecutively commencing from the smallest amount of arrears. If there are no arrears of taxes referred to in clause 1 of this Article, the credit shall be applied consecutively commencing with the smallest amount of outstanding penalties or, if there are no outstanding penalties, commencing with the smallest amount of outstanding interest payable in accordance with Article 64 of this Code.

7. A taxpayer-physical person shall have the right to a refund of monetary resources remitted to the budget system of the Russian Federation as a unified tax payment of a physical person with respect to which a tax authority has not made a decision to apply a credit in accordance with clauses 5 and 6 of this Article.

Monetary resources referred to in paragraph 1 of this clause shall be refunded within the limits of the balance thereof by the tax authority referred to in clause 4 of this Article upon the application of the taxpayer-physical person on the basis of a decision of the tax authority within one month from the day on which that application was received.

A decision to refund (or to refuse to refund) monetary resources remitted to the budget system of the Russian Federation as a unified tax payment of a physical person shall be adopted by a tax authority within ten days of receiving a relevant application.

Before the expiry of the time limit for adopting a decision to grant a refund, an instruction to refund monetary resources drawn up on the basis of such a decision of a tax authority must be sent by the tax authority to a territorial body of the Federal Treasury in order for a refund to be made in accordance with the budget legislation of the Russian Federation.

A tax authority shall be obliged to inform a taxpayer-physical person of its decision within five days of that decision being adopted.

8. In the event that monetary resources remitted to the budget system of the Russian Federation as a unified tax payment of a physical person are not refunded within the time limit established by clause 7 of this Article, the tax authority shall add to the balance of monetary resources not refunded to the physical person within the established time limit interest payable to that physical person for each calendar day by which the refund time limit is exceeded.

The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation in effect on the days on which the refund time limit is exceeded.

9. A territorial body of the Federal Treasury which has refunded monetary resources remitted to the budget system of the Russian Federation as a unified tax payment of a physical person shall notify the tax authority of the date of the refund and the amount of monetary resources refunded to the physical person.

10. Where interest provided for in clause 8 of this Article has not been paid in full to a taxpayer-physical person, the tax authority shall adopt a decision to pay the remaining amount of interest, calculated on the basis of the date of the actual refund to that person of amounts of monetary resources remitted to the budget system of the Russian Federation as a

unified tax payment of a physical person, within three days of receiving the notification of the territorial body of the Federal Treasury of the date of the refund and the amount of monetary resources refunded to the person concerned.

Before the expiry of the time limit established by paragraph 1 of this clause, an instruction for the payment of the remaining amount of interest, drawn up on the basis of the decision of the tax authority to pay that amount, must be sent by the tax authority to the territorial body of the Federal Treasury in order for the refund to be effected.

11. The payment of a unified tax payment of a physical person, the crediting and (or) refund of monetary resources remitted to the budget system of the Russian Federation as a unified tax payment of a physical person and the payment to a physical person of interest accrued in accordance with this Article shall take place in the currency of the Russian Federation.

Article 46. Recovery of Tax, a Levy or Insurance Contributions and of Penalties and a Fine Out of Monetary Resources (Precious Metals) Held in Bank Accounts of a Taxpayer (Levy Payer, Payer of Insurance Contributions) That is an Organization or a Private Entrepreneur or a Tax Agent That is an Organization or a Private Entrepreneur or Out of Its (His) Electronic Money *[title as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 243-FZ of 03.07.2016, No. 401-FZ of 30.11.2016, No. 343-FZ of 27.11.2017] [article as reworded by Federal Law No. 137-FZ of 27.07.2006]*

1. Where tax is not paid or is not paid in full within the established time limit, the fulfilment of the tax payment obligation shall be enforced by means of effecting recovery against monetary resources (precious metals) held in bank accounts of a taxpayer (tax agent) organization or private entrepreneur or out of its (his) electronic money, with the exception of funds in special electoral accounts and special accounts of referendum funds. *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 110-FZ of 26.04.2016, No. 343-FZ of 27.11.2017]*

1.1. In the event that tax payable by the participant in an investment partnership agreement which is the managing partner responsible for the maintenance of tax records (hereafter in this Article referred to as “managing partner responsible for the maintenance of tax records”) in connection with the performance of the investment partnership agreement (with the exception of tax on profit of organizations arising in connection with that partner’s participation in the investment partnership agreement) is not paid or is not paid in full within the established time limit, the obligation to pay that tax shall be enforced by means of levying execution on monetary resources (precious metals) in the investment partnership’s accounts. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

Where there are no or insufficient monetary resources (precious metals) in an investment partnership’s accounts, recovery shall be made from monetary resources (precious metals) in accounts of the managing partners. In this respect, execution shall be levied first and foremost on monetary resources (precious metals) in accounts of the managing partner responsible for the maintenance of tax records. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

Where there are no or insufficient monetary resources (precious metals) in accounts of the managing partners, execution shall be levied on monetary resources (precious metals) in accounts of the partners in proportion to each partner’s share in the common property of the partners as determined as at the date on which the outstanding balance arose. *[as amended by*

*Federal Law No. 343-FZ of 27.11.2017]
[clause 1.1 inserted by Federal Law No. 336-FZ of 28.11.2011]*

2. The recovery of tax shall take place in accordance with a decision of a tax authority (hereinafter referred to as “recovery decision”) by means of sending in paper or electronic form to a bank with which accounts are held by a taxpayer (tax agent) organization or private entrepreneur a tax authority’s instruction for the debiting and transfer to the budget system of the Russian Federation of necessary monetary resources from the accounts of the taxpayer (tax agent) organization or private entrepreneur. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 97-FZ of 29.06.2012]*

The standard form and the procedure for the sending to a bank of a tax authority’s instruction for the debiting and transfer of monetary resources from accounts of a taxpayer (tax agent) organization or private entrepreneur and a tax authority’s instruction for the transfer of electronic money of a taxpayer (tax agent) organization or private entrepreneur to the budget system of the Russian Federation in paper form shall be established by the federal executive body in charge of control and supervision in the area of taxes and levies. The formats of the above-mentioned instructions shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Central Bank of the Russian Federation. *[paragraph inserted by Federal Law No. 248-FZ of 23.07.2013]*

The procedure for the sending to a bank in electronic form of a tax authority’s instruction for monetary resources to be debited from accounts of a taxpayer (tax agent) organization or private entrepreneur or a tax authority’s instruction for the transfer of electronic money of a taxpayer (tax agent) organization or private entrepreneur and remitted to the budget system of the Russian Federation shall be established by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies. *[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010, as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 97-FZ of 29.06.2012]*

3. A recovery decision shall be adopted after the time limit specified in a tax payment demand has expired, but not later than two months after the expiry of that time limit, except as otherwise provided in this clause. A recovery decision adopted after the expiry of the above-mentioned time limit or the time limits referred to in paragraphs 3 and 4 of this clause shall be deemed invalid and shall not be enforceable. In this case the tax authority may file a petition with a court for the recovery from the taxpayer (tax agent) organization or private entrepreneur of the amount of tax due. A petition may be filed with a court within six months after the expiry of the time limit for the fulfilment of a tax payment demand or the time limits referred to in paragraphs 3 and 4 of this clause accordingly. A time limit for filing a petition which has been missed for a valid reason may be restored by a court. *[as amended by Federal Laws No. 324-FZ of 29.11.2010, No. 325-FZ of 29.09.2019, No. 374-FZ of 23.11.2020]*

A recovery decision shall be adopted if the total amount of tax, a levy, insurance contributions, penalties and fines to be recovered exceeds 3,000 roubles, except in the case provided for in paragraph 4 of this clause. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

If, within three years from the day of the expiry of the time limit for the fulfilment of the earliest demand for the payment of tax, a levy, insurance contributions, penalties and fines

that is taken into account by the tax authority in calculating the total amount of tax, a levy, insurance contributions, penalties and fines to be recovered, that amount of tax, a levy, insurance contributions, penalties and fines has exceeded 3,000 roubles, a recovery decision shall be adopted within two months from the day on which that amount exceeded 3,000 roubles. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

If, within three years from the day of the expiry of the time limit for the fulfilment of the earliest demand for the payment of tax, a levy, insurance contributions, penalties and fines that is taken into account by the tax authority in calculating the total amount of tax, a levy, insurance contributions, penalties and fines to be recovered, that amount of tax, a levy, insurance contributions, penalties and fines has not exceeded 3,000 roubles, a recovery decision shall be adopted within two months from the day on which that three-year period ended. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

The recovery decision shall be brought to the notice of the taxpayer (tax agent) organization or private entrepreneur within six days after the issuance of that decision.

Where a recovery decision cannot be delivered by hand to a taxpayer (tax agent) against receipt or in another manner which provides evidence of the date of receipt of the decision, the recovery decision shall be sent by registered mail and shall be considered to have been received upon the expiration of six days from the day on which the registered letter was sent.

3.1. Where a taxpayer (tax agent) organization has insufficient or no monetary resources in accounts or electronic money, or in the absence of information on accounts (details of corporate electronic payment media to be used for electronic money transfers), the recovery of an amount of tax not exceeding five million roubles shall take place in accordance with the procedure established by the budget legislation of the Russian Federation out of monetary resources recorded in ledger accounts of that taxpayer (tax agent) organization.

In order for tax to be recovered in accordance with paragraph 1 of this clause, a tax authority shall send a recovery decision in paper or electronic form to a body which opens and maintains ledger accounts in accordance with the budget legislation of the Russian Federation for the location where the ledger account of the taxpayer (tax agent) is held.

In the event that a taxpayer (tax agent) organization fails to comply with a recovery decision of a tax authority within three months from the day on which it was received by a body which opens and maintains ledger accounts in accordance with the budget legislation of the Russian Federation, that body shall give notice of that fact to the tax authority which sent it the recovery decision within ten days after the lapse of that time period in paper or electronic form.

The form, format and procedure for the sending to bodies which open and maintain ledger accounts in accordance with the budget legislation of the Russian Federation of a decision on recovery out of monetary resources recorded in ledger accounts of a taxpayer (tax agent) organization shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Federal Treasury.

The form, format and procedure for the sending of a notification of the non-execution of a decision on recovery out of monetary resources recorded in ledger accounts of a taxpayer (tax

agent) by bodies which open and maintain ledger accounts in accordance with the budget legislation of the Russian Federation to tax authorities shall be approved by the Federal Treasury in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 3.1 inserted by Federal Law No. 347-FZ of 04.11.2014]

4. A tax authority's instruction for the remittance of amounts of tax to the budget system of the Russian Federation shall be sent to a bank with which accounts are held by a taxpayer (tax agent) organization or private entrepreneur and must be unconditionally executed by the bank in accordance with the order of priority established by the civil legislation of the Russian Federation. *[as amended by Federal Law No. 229-FZ of 27.07.2010]*

4.1. The operation of a tax authority's instruction for the debiting and transfer of monetary resources from accounts of a taxpayer (tax agent) organization or private entrepreneur and a tax authority's instruction for the transfer of electronic money of a taxpayer (tax agent) organization or private entrepreneur to the budget system of the Russian Federation shall be suspended:

- on the basis of a decision of the tax authority to suspend the operation of the instruction in question if the tax authority has adopted such a decision in accordance with clause 6 of Article 64 of this Code;
- upon the receipt from a bailiff/enforcement officer of a resolution to attach monetary resources (electronic money) held by the taxpayer (tax agent) organization or private entrepreneur with banks;
- on the basis of a decision of a higher tax authority in cases provided for in this Code.

The operation of a tax authority's instruction for the debiting and transfer of monetary resources from accounts of a taxpayer (tax agent) organization or private entrepreneur and a tax authority's instruction for the transfer of electronic money of a taxpayer (tax agent) organization or private entrepreneur to the budget system of the Russian Federation shall be resumed on the basis of a decision of the tax authority to cancel the suspension of the operation of the relevant instruction.

Tax authorities shall adopt a decision to revoke instructions for the debiting and transfer of monetary resources from accounts of taxpayer (tax agent) organizations or private entrepreneurs or instructions for the transfer of electronic money of taxpayer (tax agent) organizations or private entrepreneurs to the budget system of the Russian Federation which have not been executed (in whole or in part) in the following cases:

- where the time limit for the payment of a tax or levy or of penalties and a fine has been changed in accordance with Chapter 9 of this Code;
- where obligations to pay taxes, levies, penalties, fines and interest such as is provided for in this Code have been fulfilled, including in connection with a credit made towards the settlement of arrears and outstanding penalties and fines in accordance with Article 78 of this Code;

- in the event of the write-off of arrears, outstanding penalties and fines and interest such as is provided for in Chapter 9 and Article 176.1 of this Code which have been classed as irrecoverable in accordance with Article 59 of this Code;

- in the event that amounts of a tax, a levy or penalties are reduced on the basis of a revised tax declaration submitted in accordance with Article 81 of this Code;

- in the event that the tax authority has received information from a bank concerning balances of monetary resources in other accounts (electronic money balances) of the taxpayer in accordance with clauses 5 and 9 of Article 76 and clause 2 of Article 86 of this Code for the purpose of effecting recovery on the basis of a recovery decision adopted in accordance with clause 3 of this Article.

The standard forms and procedure for the sending to a bank of the tax authority decisions such as are referred to in this clause in paper form shall be established by the federal executive body in charge of control and supervision in the area of taxes and levies. The formats of those decisions shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Central Bank of the Russian Federation.

The procedure for the sending to a bank of tax authority decisions such as are referred to in this clause in electronic form shall be approved by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 4.1 inserted by Federal Law No. 248-FZ of 23.07.2013]

5. A tax authority's instruction for the remittance of tax must contain a reference to the accounts of the taxpayer (tax agent) organization or private entrepreneur from which tax must be remitted and the amount to be remitted.

Tax recovery may be effected from rouble settlement (current) accounts and, if there are insufficient or no funds in rouble accounts, from currency accounts and, if there are insufficient or no funds in currency accounts, from precious metal accounts of a taxpayer (tax agent) organization or private entrepreneur, except as other provided in this Article.

The recovery of tax from currency accounts of a taxpayer (tax agent) organization or private entrepreneur shall be effected in an amount equivalent to the payment amount in roubles based on the exchange rate set by the Central Bank of the Russian Federation as at the date on which currency is sold. Where tax is recovered from currency accounts, the director (deputy director) of the tax authority shall, in addition to the tax authority's instruction for the remittance of tax, send an instruction to the bank for currency of the taxpayer (tax agent) organization or private entrepreneur to be sold not later than the following day and for monetary resources from the sale of foreign currency in the amount of recoverable tax to be transferred to the settlement (current) account of the taxpayer (tax agent) within the same time period. Expenses associated with the sale of foreign currency shall be charged to the taxpayer (tax agent).

The recovery of tax from precious metal accounts of a taxpayer (tax agent) organization or private entrepreneur shall be effected on the basis of the value of precious metals equivalent

to the payment amount in roubles. In this respect, the value of precious metals shall be determined on the basis of the accounting price of precious metals set by the Central Bank of the Russian Federation as at the date on which precious metals are sold. Where tax is recovered from precious metal accounts, the director (deputy director) of a tax authority shall send to the bank, in addition to the tax authority's instruction for the remittance of tax, an instruction for precious metals of the taxpayer (tax agent) organization or private entrepreneur to be sold not later than the following day in the amount needed for the fulfilment of the instruction, and for monetary resources from the sale of precious metals to be transferred to the settlement (current) account of the taxpayer (tax agent) within the same time period. Expenses associated with the sale of precious metals shall be charged to the taxpayer (tax agent).

Tax shall not be recovered from a deposit account (precious metal deposit) of a taxpayer (tax agent) unless the term of the deposit agreement (precious metal bank deposit agreement) has expired.

Where a deposit agreement exists, the tax authority shall have the right to give the bank an instruction to transfer monetary resources from the deposit account to a settlement (current) account of the taxpayer (tax agent) upon the expiry of the term of the deposit agreement unless the tax authority's instruction for the remittance of tax which was sent to that bank has been fulfilled by that time.

Where a precious metal bank deposit agreement exists, the tax authority shall have the right to give the bank an instruction to sell precious metals in the amount needed for the fulfilment of the tax remittance instruction upon the expiry of the term of that agreement and to transfer monetary resources from the sale of precious metals in the amount of recoverable tax to the settlement (current) account of the taxpayer (tax agent) unless the tax authority's instruction for the remittance of tax which was sent to that bank has been fulfilled by that time.

The forms and formats of instructions of tax authorities to banks for the sale of foreign currency and precious metals of taxpayer (tax agent) organizations and private entrepreneurs shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Central Bank of the Russian Federation.

[clause 5 as reworded by Federal Law No. 343-FZ of 27.11.2017]

6. A tax authority's instruction for the remittance of tax shall be executed by a bank not later than one business day after the day on which that instruction is received if the tax is to be recovered from rouble accounts, not later than two business days after that day if the tax is to be recovered from currency accounts, provided that this does not violate the order of priority of payments which is established by the civil legislation of the Russian Federation, and not later than two business days if the tax is to be recovered from precious metal accounts. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

Where there are insufficient or no monetary resources (precious metals) in the accounts of a taxpayer (tax agent) organization or private entrepreneur on the day on which a bank receives a tax authority's instruction for the remittance of tax, that instruction shall be executed as and when monetary resources (precious metals) are received in those accounts, not later than one business day after the day of each such receipt in rouble accounts, not later than two business days after the day of each such receipt in currency accounts, provided that this does not

violate the order of priority of payments which is established by the civil legislation of the Russian Federation, and not later than two business days following the day of each such receipt in precious metal accounts. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

6.1. Where there are insufficient funds or no funds in the accounts of a taxpayer (tax agent) organization or private entrepreneur a tax authority shall have the right to recover tax out of electronic money.

The recovery of tax out of electronic money of a taxpayer (tax agent) organization or private entrepreneur shall take place by means of the sending to the bank with which the electronic money is held of a tax authority's instruction for the transfer of electronic money to a bank account of the taxpayer (tax agent) organization or private entrepreneur.

The tax authority's instruction for the transfer of electronic must state the particulars of the corporate electronic payment medium of the taxpayer (tax agent) organization or private entrepreneur which must be used to carry out the transfer of electronic money, the amount to be transferred and the account details of the taxpayer (tax agent) organization or private entrepreneur.

Tax may be recovered from electronic money balances in roubles or, where these are insufficient, from electronic money balances in foreign currency. Where tax is recovered from electronic money balances in foreign currency and the tax authority's instruction for the transfer of electronic money specifies a currency account of the taxpayer (tax agent) organization or private entrepreneur, the bank shall transfer electronic money to that account.

Where tax is recovered from electronic money balances in foreign currency and the tax authority's instruction for the transfer of electronic money specifies a rouble account of the taxpayer (tax agent) organization or private entrepreneur, the director (deputy director) of the tax authority shall send, together with the tax authority's instruction for the transfer of electronic money, an instruction to the bank to sell foreign currency of the taxpayer (tax agent) organization or private entrepreneur not later than the following day. Expenses associated with the sale of foreign currency shall be charged to the taxpayer (tax agent). The bank shall transfer electronic money to the rouble account of the taxpayer (tax agent) organization or private entrepreneur in an amount equivalent to the amount of the payment in roubles according to the exchange rate set by the Central Bank of the Russian Federation on the date of the transfer of electronic money.

In the event that a taxpayer (tax agent) organization or private entrepreneur has insufficient or no electronic money on the day on which a bank receives a tax authority's instruction for the transfer electronic money, that instruction shall be executed as and when electronic money is received.

A tax authority's instruction for the transfer electronic money shall be executed by a bank not later than one business day after it received that instruction where tax is recovered from electronic money balances in roubles, and not later than two business days where tax is recovered from electronic money balances in foreign currency.

[clause 6.1 inserted by Federal Law No. 162-FZ of 27.06.2011]

7. Where a taxpayer (tax agent) organization or private entrepreneur has insufficient or no monetary resources (precious metals) in its (his) accounts or insufficient or no electronic money, or where information is not available concerning the accounts of a taxpayer (tax agent) organization or private entrepreneur or information is not available concerning the particulars of a corporate electronic payment medium to be used for transfers of electronic money, the tax authority shall have the right to recover tax out of other property of the taxpayer (tax agent) organization or private entrepreneur in accordance with Article 47 of this Code. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

In regard to tax on profit of organizations for a consolidated group of taxpayers, a tax authority shall have the right to recover tax from other property of one or more members of that group if there are insufficient or no monetary resources (precious metals) in the bank accounts of all members of that consolidated group of taxpayers or they have insufficient or no electronic money or if there is no information on the accounts of the persons concerned or information on the details of their corporate electronic payment media which are used for transfers of electronic money. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

The provisions of paragraph 1 of this clause shall be applied in relation to a taxpayer (tax agent) organization where a tax authority receives a notification from a body which opens and maintains ledger accounts in accordance with the budget legislation of the Russian Federation of the impossibility of the execution of a decision of the tax authority on recovery out of monetary resources recorded in ledger accounts of the taxpayer (tax agent) organization. *[paragraph inserted by Federal Law No. 347-FZ of 04.11.2014]*
[clause 7 as reworded by Federal Law No. 162-FZ of 27.06.2011]

7.1. The levying of execution on property of participants in an investment partnership agreement in accordance with Article 47 of this Code shall be permitted only where there are no monetary resources or insufficient monetary resources (precious metals) in the accounts or electronic money balances held with banks of the investment partnership, the managing partners and the partners.

[clause 7.1 inserted by Federal Law No. 336-FZ of 28.11.2011; as amended by Federal Law No. 343-FZ of 27.11.2017]

8. For the purpose of recovering tax, a tax authority may suspend operations on the bank accounts of a taxpayer (tax agent) organization or private entrepreneur or suspend transfers of electronic money in accordance with the procedure and subject to the conditions which are established by Article 76 of this Code. *[as amended by Federal Law No. 162-FZ of 27.06.2011]*

8.1. From the day on which a credit organization's licence to carry out banking operations is revoked, the recovery of tax from monetary resources (precious metals) held in accounts with that credit organization shall take place with account taken of the provisions of the Federal Law "Concerning Banks and Banking Activities" and Federal Law No. 127-FZ of 26 October 2002 "Concerning Insolvency (Bankruptcy)".

[clause 8.1 inserted by Federal Law No. 144-FZ of 28.07.2012, as amended by Federal Laws No. 462-FZ of 29.12.2014, No. 343-FZ of 27.11.2017]

9. The provisions of this Article shall also apply to the recovery of penalties for the late payment of tax and insurance contributions. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

10. The provisions of this Article shall also apply to the recovery of a levy and insurance contributions and of fines in cases provided for in this Code. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

11. The provisions of this Article shall apply with respect to the recovery of tax on profit of organizations for a consolidated group of taxpayers and corresponding penalties and fines out of monetary resources (precious metals) held in bank accounts of members of the group with account taken of the following special considerations: *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

1) the recovery of tax from monetary resources (precious metals) held in bank accounts shall be effected first and foremost from monetary resources (precious metals) of the responsible member of the consolidated group of taxpayers; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

2) if the responsible member of the consolidated group of taxpayers has insufficient monetary resources (precious metals) in its bank accounts for the entire amount of tax to be recovered, the amount of tax remaining to be recovered shall be recovered from monetary resources (precious metals) held in banks by all other members of the group in consecutive order, in which respect the tax authority shall independently determine the order in which the recovery is to take place on the basis of information in its possession concerning taxpayers. The basis for the recovery of tax in this case shall be the demand sent to the responsible member of the consolidated group of taxpayers. In the event that a member of a consolidated group of taxpayers has insufficient (no) monetary resources (precious metals) in its bank accounts when tax is recovered in the manner provided for in this subsection, the amount remaining to be recovered shall be recovered from monetary resources (precious metals) held with banks by any other member of the group; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

3) when tax is paid, including in part, by one of the members of the consolidated group of taxpayers, recovery proceedings shall be terminated with respect to the part which has been paid;

4) the rights and guarantees which are provided for in this Article for taxpayers shall extend to a member of the consolidated group of taxpayers in relation to whom a decision has been issued to recover tax on profit of organizations for the consolidated group of taxpayers;

5) a recovery decision shall be adopted in the manner prescribed by this Article after the expiry of the time limit specified in the tax payment demand sent to the responsible member of the consolidated group of taxpayers, but not later than six months after the expiry of that time limit. A recovery decision adopted after the expiry of the above-mentioned time limit shall be considered invalid and shall not be enforceable. In this case the tax authority may file a petition with a court in the locality in which the responsible member of the consolidated group of taxpayers is registered with a tax authority, seeking the recovery of tax from all members of the consolidated group of taxpayers at the same time. Such a petition may be filed with a court within six months after the expiry of the time limit established by this Article for the recovery of tax. Where the time limit for filing a petition is missed for a valid reason, that time limit may be restored by a court;

6) a recovery decision adopted in relation to the responsible member or another member of a consolidated group of taxpayers and actions or inaction of tax authorities and their officials in carrying out recovery proceedings may be challenged by those members on grounds relating to the violation of the procedure for carrying out recovery proceedings.

[clause 11 inserted by Federal Law No. 321-FZ of 16.11.2011]

Article 47. Recovery of Tax, a Levy, Insurance Contributions and Penalties and Fines Out of Other Property of a Taxpayer (Tax Agent) Organization or Private Entrepreneur *[title as amended by Federal Law No. 243-FZ of 03.07.2016] [article as reworded by Federal Law No. 137-FZ of 04.11.2005]*

1. In the case provided for in clause 7 of Article 46 of this Code, a tax authority shall have the right to recover tax out of the property, including cash resources, of a taxpayer (tax agent) organization or private entrepreneur within the limits of the amounts indicated in a tax payment demand and with account taken of amounts which have been recovered in accordance with Article 46 of this Code.

The recovery of tax out of the property of a taxpayer (tax agent) organization or private entrepreneur shall take place in accordance with a decision of the director (deputy director) of a tax authority by means of the sending in paper or electronic form, within three days after the adoption of such a decision, of an appropriate order to a bailiff to be executed in accordance with the procedure laid down in the Federal Law “Concerning Enforcement Procedures”, with account taken of the particular considerations which are laid down in this Article. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 97-FZ of 29.06.2012]*

A decision on the recovery of tax out of the property of a taxpayer (tax agent) organization or private entrepreneur shall be adopted within one year after the expiry of the time limit for the fulfilment of a tax payment demand. A decision on the recovery of tax out of the property of a taxpayer (tax agent) organization or private entrepreneur which is adopted after the lapse of that period shall be deemed invalid and non-enforceable. In that case the tax authority may file a petition with a court for the recovery from the taxpayer (tax agent) organization or private entrepreneur of the amount of tax due. A petition may be lodged with a court within two years from the day of the expiry of the time limit for the fulfilment of a tax payment demand. Where the time limit for lodging a petition is missed for a valid reason, that time limit may be restored by the court. *[paragraph inserted by Federal Law No. 137-FZ of 27.07.2006, as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 324-FZ of 29.11.2010, No. 374-FZ of 23.11.2020]*

2. An order for the recovery of tax out of the property of a taxpayer (tax agent) organization or private entrepreneur must contain:

1) the surname, first name and patronymic of the official and the name of the tax authority which issued that order;

2) the date of adoption and number of the decision of the director (deputy director) concerning the recovery of tax out of the property of the taxpayer or tax agent; *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

3) the name and address of a taxpayer organization or a tax agent organization or the surname, first name and patronymic, passport details and permanent home address of a

taxpayer private entrepreneur or a tax agent private entrepreneur against whose property recovery is to be effected;

4) the resolution part of the decision of the director (deputy director) of the tax authority concerning the recovery of tax out of the property of the taxpayer (tax agent) organization or private entrepreneur; *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

[5) lost force – Federal Law No. 97-FZ of 29.06.2012]

6) the date of issue of the order.

3. An order for the recovery of tax shall be signed by the director (deputy director) of a tax authority and shall be certified by the heraldic seal of the tax authority. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

4. Enforcement procedures must be carried out and the requirements contained in the order must be fulfilled by the bailiff within a period of two months from the day on which he receives that order.

5. The recovery of tax out of the property of a taxpayer (tax agent) organization or private entrepreneur shall be effected in consecutive order against:

1) cash resources and monetary resources and precious metals held in banks which were not the subject of recovery proceedings in accordance with Article 46 of this Code; *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 343-FZ of 27.11.2017]*

2) property that is not directly used in the manufacture of products (goods), including, in particular, securities, currency assets, non-production facilities, light motor vehicles, office design items;

3) finished products (goods) and other tangible assets which are not used and (or) are not intended for direct use in production;

4) raw materials and other materials intended for direct use in production, and machine tools, equipment, buildings, installations and other fixed assets;

5) property that has been transferred under an agreement to other persons for possession, use or disposal without ownership of that property passing to those persons, where such agreements have been cancelled or invalidated in accordance with the established procedure for the purpose of securing the fulfilment of tax payment obligations;

6) other property, with the exception of property for everyday personal use by a private entrepreneur or members of his family as defined in accordance with the legislation of the Russian Federation.

5.1. The recovery of tax payable by the participant in an investment partnership agreement which is the managing partner responsible for the maintenance of tax records (hereafter in this Article referred to as “managing partner responsible for the maintenance of tax records”) in connection with the performance of the investment partnership agreement (with the

exception of tax on profit of organizations arising in connection with that partner's participation in the investment partnership agreement) shall be effected from the common property of the partners.

In the event that no common property of the partners exists or that property is insufficient, recovery shall be made from property of the managing partners. In this respect, execution shall be levied first and foremost on property of the managing partner responsible for the maintenance of tax records.

In the event that no property of managing partners exist or that property is insufficient, execution shall be levied on property of partners in proportion to each partner's share in the common property of the partners as determined as the date on which the outstanding balance arose.

[clause 5.1 inserted by Federal Law No. 336-FZ of 28.11.2011]

6. Where tax is recovered out of property other than monetary resources (precious metals against which tax recovery is effected in accordance with Article 46 of this Code) of a taxpayer (tax agent) organization or private entrepreneur, the obligation to pay tax shall be deemed to have been fulfilled from the moment when the property of the taxpayer (tax agent) organization or private entrepreneur is sold and the outstanding balance of the taxpayer (tax agent) organization or private entrepreneur is settled out of the proceeds. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

7. Officials of tax authorities (customs authorities) shall not have the right to acquire property of a taxpayer (tax agent) organization or private entrepreneur which is sold by way of implementing a decision on the recovery of tax out of the property of a taxpayer (tax agent) organization or private entrepreneur.

8. The provisions laid down in this Article shall apply equally to the recovery of penalties for the late payment of a tax, insurance contributions and fines in cases provided for in this Code. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

9. The provisions of this Article shall apply equally to the recovery of a levy (insurance contributions) out of the property of a levy payer (payer of insurance contributions) that is an organization or a private entrepreneur. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

10. The provisions laid down in this Article shall apply equally to the recovery of taxes by customs authorities with account taken of the provisions established by the customs legislation of the Customs Union and customs-related legislation of the Russian Federation. *[as amended by Federal Law No. 306-FZ of 27.11.2010]*

11. The provisions of this Article shall apply with respect to the recovery of tax on profit of organizations for a consolidated group of taxpayers and corresponding penalties and fines from the property of members of that group with account taken of the following special considerations:

1) the recovery of tax from the property of members of the consolidated group of taxpayers shall take place first and foremost out of cash resources and monetary resources and precious

metals held with banks of the responsible member of that group which have not been seized in accordance with Article 46 of this Code; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

2) in the event that the responsible member of the consolidated group of taxpayers has insufficient (no) cash resources and monetary resources and precious metals held with banks which have not been seized in accordance with Article 46 of this Code, the recovery of tax shall take place out of cash and bank resources of other members of the consolidated group of taxpayers which have not been seized in accordance with Article 46 of this Code; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

3) In the event that members of the consolidated group of taxpayers have insufficient (no) cash resources and monetary resources and precious metals held with banks which have not been seized in accordance with Article 46 of this Code, the recovery of tax shall take place out of other property of the responsible member of the group according to the order of priority established by subsections 2 to 6 of clause 5 of this Article; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

4) in the event that the responsible member of the group does not have sufficient property for the fulfilment of obligations to pay tax on profit of organizations for the consolidated group of taxpayers and corresponding penalties and fines, the recovery of tax shall take place out of other property of other members of the group according to the order of priority established by subsections 2 to 6 of clause 5 of this Article.

[clause 11 inserted by Federal Law No. 321-FZ of 16.11.2011]

Article 48. Recovery of Tax, a Levy, Insurance Contributions, Penalties and Fines from Property of a Taxpayer (Levy Payer) – Physical Person Who is Not a Private Entrepreneur *[title as amended by Federal Law No. 243-FZ of 03.07.2016]*

[article as reworded by Federal Law No. 324-FZ of 29.11.2010]

1. Where a taxpayer (levy payer, payer of insurance contributions) who is a physical person and is not a private entrepreneur (hereafter in this Article referred to as “physical person”) fails to fulfil within the established time limit an obligation to pay a tax, a levy, insurance contributions, penalties and fines, the tax authority (customs authority) which presented the demand for the payment of the tax, levy, insurance contributions, penalties and fines (the tax authority for the place of residence of a physical person where that person has been deregistered with the tax authority which presented the demand for the payment of the tax, levy, insurance contributions, penalties and fines) shall have the right to file a petition with a court for the recovery of the tax, levy, insurance contributions, penalties and fines from property, including funds in bank accounts, electronic money which is transferable using personal electronic payment media, precious metals in bank accounts (deposits) and cash resources, of the physical person in question within the limits of the amounts indicated in the demand for the payment of the tax, levy, insurance contributions, penalties and fines, with account taken of the special considerations established by this Article. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 343-FZ of 27.11.2017]*

It shall not be permitted for tax, a levy, insurance contributions, penalties and fines to be recovered out of funds in special electoral accounts and special accounts of referendum funds.

[paragraph inserted by Federal Law No. 110-FZ of 26.04.2016; as amended by Federal Law No. 401-FZ of 30.11.2016]

A petition for the recovery of tax, a levy, insurance contributions, penalties and fines from property of a physical person (hereafter in this Article referred to as “recovery petition”) shall be filed in relation to all demands for the payment of tax, a levy, insurance contributions, penalties and fines for which the due date has expired and which have not been fulfilled by that physical person as at the date on which the tax authority (customs authority) files the recovery petition with a court. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

The above-mentioned recovery petition shall be filed by a tax authority (customs authority) with a court where the total amount of tax, a levy, insurance contributions, penalties and fines which is recoverable from the physical person exceeds 10,000 roubles, except in the case provided for in paragraph 3 of clause 2 of this Article. *[as amended by Federal Laws No. 20-FZ of 04.03.2013, No. 243-FZ of 03.07.2016, No. 374-FZ of 23.11.2020]*

Not later than the day on which the recovery petition is filed with a court, a copy of that petition shall be sent by the tax authority (customs authority) to the physical person from whom taxes, levies, insurance contributions, penalties and fines are to be recovered. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

2. A recovery petition shall be filed by a tax authority (customs authority) with a court of general jurisdiction within six months from the date of expiry of the due date of a demand for the payment of tax, a levy, insurance contributions, penalties and fines, unless otherwise provided by this clause. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

If, within three years from the date of expiry of the due date of the earliest demand for the payment of a tax, a levy, insurance contributions, penalties and fines which is taken into account by a tax authority (customs authority) in computing the total amount of a tax, a levy, insurance contributions, penalties and fines to be recovered from a physical person, that amount of taxes, levies, insurance contributions, penalties and fines has exceeded 10,000 roubles, the tax authority (customs authority) shall file a recovery petition with a court within six months from the day on which the above-mentioned amount exceeded 10,000 roubles. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 374-FZ of 23.11.2020]*

If, within three years from the date of expiry of the due date of the earliest demand for the payment of a tax, a levy, insurance contributions, penalties and fines which is taken into account by a tax authority (customs authority) in computing the total amount of a tax, a levy, insurance contributions, penalties and fines to be recovered from a physical person, that amount of taxes, levies, insurance contributions, penalties and fines has not exceeded 10,000 roubles, the tax authority (customs authority) shall file a recovery petition with a court within six months from the end date of that three-year period. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 374-FZ of 23.11.2020]*

Where the time limit for filing a recovery petition has been missed for a valid reason, that time limit may be restored by a court.

3. Cases concerning the recovery of a tax, a levy, insurance contributions, penalties and fines from property of a physical person shall be examined in accordance with administrative judicial proceedings legislation. *[as amended by Federal Laws No. 23-FZ of 08.03.2015, No. 243-FZ of 03.07.2016]*

A tax authority (customs authority) may file a claim for the recovery of a tax, a levy, insurance contributions and penalties through adversary proceedings not later than six months from the day on which a court issues a determination annulling a court order. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

Where the time limit for filing a recovery petition has been missed for a valid reason, that time limit may be restored by a court.

A recovery petition may be accompanied by an application of the tax authority (customs authority) for the respondent's property to be attached by way of securing the claim.

4. The recovery of a tax, a levy, insurance contributions, penalties and fines from property of a physical person on the basis of a judicial act which has entered into legal force shall take place in accordance with the Federal Law "Concerning Enforcement Proceedings" with account taken of the special considerations laid down in this Article. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

5. The recovery of a tax, a levy, insurance contributions, penalties and fines from property of a physical person shall be effected in consecutive order against:

1) monetary resources held in bank accounts and electronic money which is transferable using personal electronic payment media and precious metals in bank accounts (deposits); *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 343-FZ of 27.11.2017]*

2) cash resources;

3) property which has been transferred under an agreement to other persons for possession, use or disposal without ownership of that property passing to those persons, where such agreements have been rescinded or invalidated in accordance with the established procedure for the purpose of securing the obligation to pay a tax, a levy, insurance contributions, penalties and fines; *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

4) other property, with the exception of property intended for everyday personal use by the physical person or members of his family as defined in accordance with the legislation of the Russian Federation.

6. Where a tax, a levy, insurance contributions, penalties and fines are recovered from property other than monetary resources of a physical person, the obligation to pay the tax, levy, insurance contributions, penalties and fines shall be deemed to have been fulfilled from the moment when the property in question is sold and the outstanding balance is settled out of the proceeds. No penalties for the late remittance of taxes, levies and insurance contributions shall be charged from the moment when the property in question is attached up to the day on which the proceeds are remitted to the budget system of the Russian Federation. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

7. Officials of tax authorities (customs authorities) shall not have the right to acquire property of a physical person which is sold pursuant to judicial acts concerning the recovery of a tax, a levy, insurance contributions, penalties and fines from property of a physical person. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

Article 49. Fulfilment of Obligations Relating to the Payment of Taxes, Levies and Insurance Contributions (Penalties, Fines) in the Event of the Liquidation of an Organization *[title as amended by Federal Law No. 243-FZ of 03.07.2016]*

1. The obligations relating to the payment of taxes, levies and insurance contributions (penalties, fines) of an organization which is undergoing liquidation shall be fulfilled by the liquidation commission out of the monetary resources of that organization, including proceeds from the sale of its property. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

2. Where the monetary resources of an organization undergoing liquidation, including proceeds from the sale of its property, are insufficient to fulfil its obligations in their entirety with respect to the payment of taxes, levies and insurance contributions and of penalties and fines which are due, the remaining outstanding balance should be settled by the founding parties (participants) of that organization within the limits and in accordance with the procedure which are established by the legislation of the Russian Federation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 243-FZ of 03.07.2016]*

3. The order of priority of the fulfilment of obligations with respect to the payment of taxes, levies and insurance contributions upon the liquidation of an organization among settlements with other creditors of that organization shall be determined by the civil legislation of the Russian Federation. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

4. Amounts of taxes and levies (penalties, fines) which have been paid in excess by an organization undergoing liquidation or have been recovered in excess from such an organization shall be credited by a tax authority towards the settlement of arrears in respect of other taxes and levies and outstanding balances of penalties and fines owed by the organization undergoing liquidation in accordance with the procedure established by this Code. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 401-FZ of 30.11.2016]*

The amount of taxes and levies (penalties, fines) paid in excess or recovered in excess which is to be credited shall be distributed in proportion to arrears of other taxes and levies and outstanding balances of penalties and fines owed by the organization undergoing liquidation which are payable to (recoverable for) the budget system of the Russian Federation and with respect to which the tax authorities are responsible for checking calculation and payment. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 401-FZ of 30.11.2016]*

Where an organization undergoing liquidation does not have outstanding obligations to pay taxes and levies and outstanding obligations to pay penalties and fines, an amount of taxes and levies (penalties, fines) paid by or recovered from that organization in excess shall be refundable to that organization in accordance with the procedure established by this Code not later than one month from the day on which a claim is submitted by the organization. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 401-FZ of 30.11.2016]*

Amounts of insurance contributions and related penalties and fines which have been paid in excess by or recovered in excess from an organization which is to be liquidated shall be credited or refunded by the tax authority in accordance with the procedure established by, respectively, clauses 1.1 and 6.1 of Article 78 and clause 1.1 of Article 79 of this Code. *[paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]*

[clause 4 as reworded by Federal Law No. 137-FZ of 27.07.2006]

5. The provisions set out in this Article shall also apply in relation to the payment of taxes in connection with the movement of goods across the customs border of the Customs Union.

[clause 5 inserted by the Customs Code of the Russian Federation No. 61-FZ of 28.05.2003, as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 306-FZ of 27.11.2010]

Article 50. Fulfilment of Obligations Relating to the Payment of Taxes, Levies and Insurance Contributions (Penalties, Fines) in the Event of the Re-Organization of a Legal Entity *[title as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 243-FZ of 03.07.2016]*

1. The tax obligations of a re-organized legal entity shall be fulfilled by its legal successor (legal successors) in accordance with the procedure which is established by this Article.

2. Responsibility for fulfilling the tax obligations of a re-organized legal entity shall rest with its legal successor (legal successors) irrespective of whether or not the legal successor (legal successors) was (were) aware before the re-organization was completed of the facts and (or) circumstances of the non-fulfilment or improper fulfilment of those obligations by the re-organized legal entity. In this respect, the legal successor (legal successors) must pay all penalties due on the obligations which have passed to it. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

The legal successor (legal successors) of a re-organized legal entity shall also be liable to pay amounts of fines imposed on the legal entity for tax offences committed prior to the completion of its re-organization. The legal successor (legal successors) of a re-organized legal entity shall, in fulfilling the obligations with respect to the payment of taxes and levies which are imposed upon it by this Article, enjoy all rights and fulfil all obligations in accordance with the procedure laid down in this Code for taxpayers. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

3. The re-organization of a legal entity shall not alter the time limits for the fulfilment of its tax obligations by the legal successor (legal successors) of that legal entity.

4. Where two or more legal entities merge, their legal successor insofar as the fulfilment of tax obligations is concerned shall be deemed to be the legal entity which arises as a result of such merger. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

5. Where one legal entity is acquired by another legal entity the legal successor of the acquired legal entity insofar as the fulfilment of tax obligations is concerned shall be deemed to be the legal entity which acquired it.

6. In the event of a demerger the legal entities which arise as a result of such demerger shall be deemed to be the legal successors of the re-organized legal entity insofar as the fulfilment of tax obligations is concerned.

7. Where there are two or more legal successors the share of each of them in the fulfilment of the tax obligations of the re-organized legal entity shall be determined in accordance with the procedure prescribed by civil legislation.

If the distribution balance sheet does not make it possible to determine the share of the legal successor of the re-organized legal entity or makes it impossible for the tax obligations to be fulfilled in their entirety by any legal successor, and such re-organization was aimed at avoiding the fulfilment of tax obligations, then by decision of a court the newly formed legal entities may jointly fulfil the tax obligations of the re-organized entity. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

8. Where one or more new legal entities are spun off from an existing legal entity, no legal succession shall arise in relation to the re-organized legal entity insofar as the fulfilment of its tax obligations is concerned. If, as a result of the spin-off of one or more new legal entities from an existing legal entity, a taxpayer is unable to fulfil its tax obligations in their entirety, and such re-organization was aimed at avoiding the fulfilment of obligations with respect to the payment of taxes (penalties, fines), then by decision of a court the spun-off legal entities may jointly fulfil the tax obligations of the re-organized entity. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

9. Where one legal entity is re-organized as another legal entity, the legal successor of the re-organized legal entity insofar as the fulfilment of tax obligations is concerned shall be deemed to be the newly formed legal entity.

10. An amount of tax (penalties, fines) which was paid in excess by a legal entity or recovered in excess prior to its re-organization shall be credited by the tax authority towards the fulfilment by the legal successor (legal successors) of the obligations of the re-organized legal entity with respect to the settlement of arrears of other taxes and levies and outstanding penalties and fines for a tax offence. Such crediting shall take place not later than one month from the day of the completion of the re-organization in accordance with the procedure established by this Code, with account taken of the particular considerations which are laid down in this Article. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

An amount of tax or a levy (penalties, fines) which was paid in excess by or recovered in excess from a legal entity prior to its re-organization and is to be credited shall be distributed in proportion to arrears of other taxes and levies and outstanding balances of penalties and fines owed by the re-organized legal entity which are payable to (recoverable for) the budget system of the Russian Federation and with respect to which the tax authorities are responsible for checking calculation and payment. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

Where a legal entity undergoing re-organization does not have outstanding obligations with respect to the payment of tax or with respect to the payment of penalties and fines, any amount of tax (penalties and fines) which has been paid in excess by or recovered in excess from that legal entity shall be refundable to its legal successor (legal successors) no later than one month from the day on which a claim is submitted by the legal successor (legal successors) in accordance with the procedure which is established by Chapter 12 of this Code. In this respect, the amount of tax (penalties, fines) which was paid in excess by or recovered in excess from the legal entity prior to its re-organization shall be refunded to the legal successor (legal successors) of the re-organized legal entity in accordance with the share of each legal successor as determined on the basis of the distribution balance sheet. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006]*

[Paragraph lost force – Federal Law No. 137-FZ of 27.07.2006]

11. The rules laid down in this Article shall also apply in the following cases:

- 1) the fulfilment of obligations to pay a levy or insurance contributions in the event of the re-organization of a legal entity;
- 2) the determination of the legal successor (legal successors) of a foreign organization which has been re-organized in accordance with the legislation of a foreign state;
- 3) the payment of taxes in connection with the movement of goods across the customs border of the Eurasian Economic Union;
- 4) the performance of the obligation of a tax agent to pay tax calculated and withheld on income of physical persons in the event of the re-organization of a legal entity.

[clause 11 as amended by Federal Law No. 335-FZ of 27.11.2017]

[12-13. Lost force – Federal Law No. 335-FZ of 27.11.2017]

Article 51. Fulfilment of the Obligations Relating to the Payment of Taxes, Levies and Insurance Contributions of a Physical Person Who is Missing or Legally Incapable *[title as amended by Federal Law No. 243-FZ of 03.07.2016]*

1. The obligations relating to the payment of taxes and levies of a physical person who has been declared missing by a court shall be fulfilled by the person authorized by the guardianship and custodianship authority to manage the property of the person who is missing.

The person authorized by the guardianship and custodianship authority to manage the property of a person who is missing shall be obliged to pay the entire amount of the taxpayer's (levy payer's) unpaid taxes and levies and penalties and fines due as at the day on which the person in question is declared missing. Those amounts shall be paid out of the monetary resources of the physical person who has been declared missing. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

2. The obligations with respect to the payment of taxes and levies of a physical person who has been pronounced legally incapable by a court shall be fulfilled by his guardian out of the monetary resources of that legally incapable person. The guardian of a physical person who has been pronounced legally incapable by a court must pay the entire amount of taxes and levies not paid by the taxpayer (levy payer) and penalties and fines due as at the day on which the person concerned was pronounced legally incapable.

[clause 2 as reworded by Federal Law No. 154-FZ of 09.07.1999]

3. The fulfilment of the obligations with respect to the payment of taxes and levies of physical persons who have been declared missing or legally incapable and the obligation to pay penalties and fines due shall be suspended by decision of the appropriate tax authority in the event that the monetary resources of those physical persons are insufficient to fulfil those obligations.

Where a decision is adopted in accordance with the established procedure to rescind the pronouncement of the absence in place unknown or legal incapability of a physical person, the suspended fulfilment of that person's obligations with respect to the payment of taxes and levies shall be resumed from the day on which that decision is adopted.

4. Persons who, in accordance with this Article, are charged with the obligations with respect to the payment of taxes and levies of physical persons who have been pronounced missing or legally incapable shall enjoy all rights and fulfil all obligations in accordance with the procedure laid down in this Code for taxpayers and levy payers, with account taken of the particular considerations which are laid down by this Article. Where such persons, while carrying out the duties imposed upon them by this Article, are held to account for the commission of tax offences for which they are at fault, they shall not have the right to pay the fines prescribed by this Code out of the property of a person who has been pronounced missing or legally incapable.

[clause 4 as reworded by Federal Law No. 154-FZ of 09.07.1999]

5. The provisions laid down in this Article shall also apply with respect to the fulfilment of obligations to pay insurance contributions.

[clause 5 inserted by Federal Law No. 243-FZ of 03.07.2016]

Article 52. Procedure for the Calculation of Tax and Insurance Contributions *[title as amended by Federal Law No. 243-FZ of 03.07.2016] [article as reworded by Federal Law No. 229-FZ of 27.07.2010]*

1. A taxpayer shall independently calculate the amount of tax payable for a tax period on the basis of the tax base, the tax rate and tax reliefs, except as otherwise provided by this Code.

[as amended by Federal Law No. 321-FZ of 16.11.2011]

A payer of insurance contributions shall independently calculate the amount of insurance contributions payable for a computation period on the basis of the base for the calculation of insurance contributions and the rate, except as otherwise provided in this Code. *[paragraph inserted by Federal Law No. 243-FZ of 03.07.2016]*

2. In cases provided for in the tax and levy legislation of the Russian Federation, responsibility for calculating the amount of tax may be placed upon a tax authority or a tax agent.

Where a tax authority is responsible for calculating the amount of tax, the tax authority shall send the taxpayer a tax notice not later than 30 days before the payment due date.

Tax payable by physical persons in respect of items of immovable property and (or) means of transport shall be calculated by tax authorities for not less than the three tax periods preceding the calendar period in which a tax notice is sent. *[paragraph inserted by Federal Law No. 52-FZ of 02.04.2014]*

[Paragraph lost force from 01.01.2017 – Federal Law No. 52-FZ of 02.04.2014]

When determining the amount of taxes referred to in clause 3 of Article 13, clause 3 of Article 14 and clauses 1 and 2 of Article 15 of this Code that is payable by a taxpayer, a tax authority shall take into account any overpayments of those taxes and (or) of penalties in

respect of those taxes that the taxpayer has as at the date of the preparation of a tax notice by reducing the amount of those taxes that are payable on a consecutive basis starting from the smallest amount, unless the tax authority received before that date a claim from the taxpayer for a credit (refund) of those amounts of overpaid taxes. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

2.1. The recalculation of amounts of previously calculated taxes such as are referred to in clause 3 of Article 14 and clauses 1 and 2 of Article 15 of this Code shall be carried out for not more than the three tax periods preceding the calendar year in which a tax notice is sent in connection with recalculation, except as otherwise provided in this clause.

The recalculation provided for in paragraph 1 of this clause shall not be carried out if it causes previously paid amounts of those taxes to be increased. *[as amended by Federal Law No. 374-FZ of 23.11.2020]*
[clause 2.1 inserted by Federal Law No. 334-FZ of 03.08.2018]

3. A tax notice must contain an indication of the amount of tax payable, the taxable object, the tax base, the time limit for the payment of tax and details needed for the remittance of tax to the budget system of the Russian Federation. *[as amended by Federal Laws No. 52-FZ of 02.04.2014, No. 546-FZ of 27.12.2018]*

A tax notice may contain data relating to a number of taxes payable.

The standard form of a tax notice shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

4. A tax notice may be sent by registered mail or transmitted in electronic form via telecommunications channels or through an online tax account. Where a tax notice is sent by registered mail, the tax notice shall be deemed to have been received six days after the registered letter was despatched. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014, No. 325-FZ of 29.09.2019, No. 374-FZ of 23.11.2020]*

A taxpayer (its legal or authorized representative) shall have the right to receive a tax notice in paper form against receipt at any tax authority or via a multifunctional centre for the provision of state and municipal services on the basis of an application for the issue of a tax notice. The tax notice shall be transmitted to the taxpayer (to its legal or authorized representative or via a multifunctional centre for the provision of state and municipal services) not later than five days from the day on which the tax authority received the application for the issue of a tax notice. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

The form of an application for the issue of a tax notice shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 325-FZ of 29.09.2019, No. 374-FZ of 23.11.2020]*

In the event that the total amount of taxes calculated by a tax authority is less than 100 roubles, a tax notice shall not be sent to the taxpayer, except for the sending of tax notice in a calendar year after the end of which it becomes impossible for the tax authority to send a tax notice in accordance with paragraph 3 of clause 2 of this Article. *[paragraph inserted by Federal Law No. 113-FZ of 02.05.2015]*

5. The amount of tax on profit of organizations to be calculated for a consolidated group of taxpayers shall be calculated by the responsible member of that group on the basis of data in its possession, including data provided by other members of the consolidated group.

[clause 5 inserted by Federal Law No. 321-FZ of 16.11.2011]

6. The amount of tax shall be calculated in whole roubles. An amount of tax which is less than 50 kopecks shall be discarded, and an amount of tax which is equal to or greater than 50 kopecks shall be rounded up to a whole rouble.

[clause 6 inserted by Federal Law No. 248-FZ of 23.07.2013]

Article 53. Tax Base and Tax Rate, and Rates of Levies *[title as amended by Federal Law No. 127-FZ of 02.11.2004]*

1. The tax base shall represent the value, physical or other characteristics of a taxable object. The tax rate shall represent the size of tax charges per unit of measurement of the tax base. The tax base and the procedure for its determination and the tax rates for federal taxes and levy rates for federal levies shall be established by this Code. *[as amended by Federal Law No. 127-FZ of 02.11.2004]*

[Paragraph lost force – Federal Law No. 137-FZ of 27.07.2006]

2. The tax base and the procedure for its determination with respect to regional and local taxes shall be established by this Code. The tax rates for regional and local taxes shall be established by the laws of constituent entities of the Russian Federation and the regulatory legal acts of representative bodies of municipalities respectively within the limits which are established by this Code. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

Article 54. General Issues Relating to the Calculation of the Tax Base

1. Taxpaying organizations shall calculate the tax base according to the results for each tax period on the basis of data in accounting records and (or) on the basis of other documented information on items which are taxable or relevant to the assessment of tax.

In the event that errors (misstatements) in the calculation of the tax base which relate to past tax (reporting) periods are discovered in the current tax (reporting) period, the tax base and the amount of tax shall be recalculated for the period in which those errors (misstatements) were made. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

Where it is impossible to determine the period in which errors (misstatements) were made, the tax base and the amount of tax shall be recalculated for the tax (reporting) period in which the errors (misstatements) have been discovered. A taxpayer shall also have the right to recalculate the tax base and the amount of tax for the tax (reporting) period in which errors (misstatements) relating to prior tax (reporting) periods are found where the errors (misstatements) committed have caused tax to be overpaid. *[paragraph inserted by Federal Law No. 137-FZ of 27.07.2006, as amended by Federal Law No. 224-FZ of 26.11.2008]*

2. Private entrepreneurs, privately practising notaries and lawyers who have founded legal offices shall calculate the tax base according to the results for each tax period on the basis of records of income and expenditure and economic operations in accordance with a procedure

to be determined by the Ministry of Finance of the Russian Federation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 58-FZ of 29.06.2004, No. 137-FZ of 27.07.2006]*

3. Other taxpayer physical persons shall calculate the tax base on the basis of information which is obtained from organizations and (or) physical persons in the established cases concerning amounts of income paid to them and concerning taxable objects and data in their own records of income received and taxable objects which are maintained in no particular form. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

4. The rules laid down in clauses 1 and 2 of this Article shall also apply to tax agents. *[clause 4 inserted by Federal Law No. 137-FZ of 27.07.2006]*

5. In cases provided for in this Code, tax authorities shall calculate the tax base resulting for each tax period on the basis of data available to them. *[clause 5 inserted by Federal Law No. 137-FZ of 27.07.2006]*

6. The provisions laid down in clause 1 of this Article concerning the recalculation of the tax base shall also apply in the case of the recalculation of the base for the calculation of insurance contributions, except as otherwise provided in Chapter 34 of this Code. *[clause 6 inserted by Federal Law No. 243-FZ of 03.07.2016]*

Article 54.1. Limits on the Exercise of Rights Relating to the Calculation of the Tax Base and (or) the Amount of a Tax, a Levy or Insurance Contributions *[inserted by Federal Law No. 163-FZ of 18.07.2017]*

1. It shall not be permitted for a taxpayer to reduce the tax base and (or) the payable amount of tax as a result of the misrepresentation of information on economic events (a group of such events) and taxable objects which are required to be disclosed in a taxpayer's tax and (or) accounting records or tax statements.

2. Where the circumstances specified in clause 1 of this Article do not exist for transactions (operations) which have taken place, the taxpayer shall have the right to reduce the tax base and (or) the payable amount of tax in accordance with the rules of the relevant chapter of Part Two of this Code provided that the following conditions are simultaneously met:

1) it is not the principal purpose of a transaction (operation) to enable the non-payment (incomplete payment) and (or) crediting (refund) of an amount of tax;

2) the obligation arising from a transaction (operation) has been fulfilled by a person who is a party to a contract concluded with the taxpayer and (or) a person to whom the obligation to perform the transaction (operation) was transferred by contract or by law.

3. For the purposes of clauses 1 and 2 of this Article, the signing of primary accounting documents by an unidentified or unauthorized person, the violation of tax and levy legislation by a counterparty of the taxpayer or the fact that the taxpayer could have obtained the same result of economic activity by concluding other transactions (operations) not prohibited by legislation may not be considered as independent grounds for deeming a taxpayer to have unlawfully reduced the tax base and (or) the payable amount of tax.

4. The provisions laid down in this Article shall also apply in relation to levies and insurance contributions and shall extend to levy payers, payers of insurance contributions and tax agents.

Article 55. Tax Period

1. The tax period shall be understood to be the calendar year or another period of time applicable to particular taxes, upon the expiration of which the tax base is determined and the amount of tax payable is calculated. A tax period may consist of one or more reporting periods with account taken of the special considerations established by this Article. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 173-FZ of 18.07.2017]*

2. Where, in accordance with Part Two of this Code, the tax period for a particular tax is a calendar year, the start and end dates of the tax period shall be determined with account taken of the provisions established by this clause and clause 3 of this Article.

Where an organization was established (the state registration of a physical person as a private entrepreneur took place) in the period from 1 January to 30 November of a calendar year, the first tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until 31 December of that calendar year.

Where an organization was established (the state registration of a physical person as a private entrepreneur took place) in the period from 1 December to 31 December of a calendar year, the first tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until 31 December of the calendar year following the year in which the organization was established (the state registration of the physical person as a private entrepreneur took place).

The rules laid down in this clause shall not apply to the determination of the first tax period for tax on profit of organizations for foreign organizations which have independently declared themselves tax residents of the Russian Federation in accordance with the procedure established by this Code and whose activities on the date of that declaration did not give rise to a permanent establishment in the Russian Federation.

[clause 2 as reworded by Federal Law No. 173-FZ of 18.07.2017]

3. Where an organization is terminated by means of liquidation or re-organization (a physical person ceases activities as a private entrepreneur), the last tax period for the organization (private entrepreneur) in question shall be the period of time from 1 January of the calendar year in which the organization was terminated (the state registration of the physical person as a private entrepreneur lost force) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of a physical person as a private entrepreneur lost force).

Where an organization was established and terminated by means of liquidation or re-organization (the state registration of a physical person as a private entrepreneur took place and lost force) in the course of a calendar year, the tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization

was established (the state registration of the physical person as a private entrepreneur took place) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

Where an organization was established (the state registration of a physical person as a private entrepreneur took place) in the period from 1 December to 31 December of a calendar year and was terminated by means of liquidation or re-organization (the state registration of the physical person as a private entrepreneur lost force) before the end of the calendar year following the year in which the organization was established (the state registration of the physical person as a private entrepreneur took place), the tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (on which the state registration of the physical person as a private entrepreneur took place) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

[clause 3 as reworded by Federal Law No. 173-FZ of 18.07.2017]

3.1. Where, in accordance with Part Two of this Code, the tax period for a particular tax is a quarter, the start and end dates of the tax period shall be determined with account taken of the provisions established by this clause and clause 3.2 of this Article.

Where an organization was established (the state registration of a physical person as a private entrepreneur took place) not less than 10 days before the end of a quarter, the first tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the end of the quarter in which the organization was established (the state registration of the physical person as a private entrepreneur took place).

Where an organization was established (the state registration of a physical person as a private entrepreneur took place) less than 10 days before the end of a quarter, the first tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the end of the quarter following the quarter in which the organization was established (the state registration of the physical person as a private entrepreneur took place).

[clause 3.1 inserted by Federal Law No. 173-FZ of 18.07.2017]

3.2. Where an organization is terminated by means of liquidation or re-organization (a physical person ceases activities as a private entrepreneur), the last tax period for the organization (private entrepreneur) in question shall be the period of time from the beginning of the quarter in which the organization was terminated (the state registration of the physical person as a private entrepreneur lost force) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

Where an organization was established and terminated by means of liquidation or re-organization (the state registration of a physical person as a private entrepreneur took place and lost force) in one quarter, the tax period for the organization (private entrepreneur) in

question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

Where an organization was established (the state registration of a physical person as a private entrepreneur took place) less than 10 days before the end of a quarter and was terminated by means of liquidation or re-organization (the state registration of the physical person as a private entrepreneur lost force) before the end of the quarter following the quarter in which the organization was established (the state registration of the physical person as a private entrepreneur took place), the tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of a physical person as a private entrepreneur lost force).

[clause 3.2 inserted by Federal Law No. 173-FZ of 18.07.2017]

3.3. Where, in accordance with Part Two of this Code, the tax period for a particular tax is a calendar month, the start and end dates of the tax period shall be determined with account taken of the provisions established by this clause and clause 3.4 of this Article.

When an organization is established (the state registration of a physical person as a private entrepreneur takes place), the first tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of a physical person as a private entrepreneur took place) until the end of the calendar month in which the organization was established (the state registration of a physical person as a private entrepreneur took place).

[clause 3.3 inserted by Federal Law No. 173-FZ of 18.07.2017]

3.4. When an organization is terminated by means of liquidation or re-organization (a physical person ceases activities as a private entrepreneur), the last tax period for the organization (private entrepreneur) in question shall be the period of time from the beginning of the calendar month in which the organization was terminated (the state registration of the physical person as a private entrepreneur lost force) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

Where an organization was established and terminated by means of liquidation or re-organization (the state registration of a physical person as a private entrepreneur took place and lost force) in one calendar month, the tax period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

[clause 3.4 inserted by Federal Law No. 173-FZ of 18.07.2017]

3.5. For the purposes of the fulfilment of obligations of a tax agent with respect to tax on income of physical persons and for the purposes of determining the computation period for insurance contributions, the start and end dates of a tax (computation) period shall be determined with account taken of the provisions established by this clause.

When an organization is established (the state registration of a physical person as a private entrepreneur takes place), the first tax (computation) period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the end of the calendar year in which the organization was established (the state registration of the physical person as a private entrepreneur took place).

When a lawyer, a mediator, a privately practising notary, an arbitration manager, an appraiser, a patent attorney and other persons who engage in private practice in the manner established by the legislation of the Russian Federation are registered with a tax authority, the first computation period for those persons shall be the period of time from the day of registration with the tax authority until the end of the calendar year in which the registration of the persons in question with the tax authority took place.

When an organization is terminated by means of liquidation or re-organization (a physical person ceases activities as a private entrepreneur), the last tax (computation) period for the organization (private entrepreneur) in question shall be the period of time from the beginning of the calendar year to the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

When a lawyer, a mediator, a privately practising notary, an arbitration manager, an appraiser, a patent attorney and other persons who engage in private practice in the manner established by the legislation of the Russian Federation are deregistered with a tax authority, the last computation period for those persons shall be the period of time from the beginning of the calendar year until the day on which the persons in question are deregistered with the tax authority.

Where an organization was established and terminated by means of liquidation or re-organization (the state registration of a physical person as a private entrepreneur took place and lost force) during a calendar year, the tax (computation) period for the organization (private entrepreneur) in question shall be the period of time from the day on which the organization was established (the state registration of the physical person as a private entrepreneur took place) until the day of the state registration of the termination of the organization as a result of liquidation or re-organization (the day on which the state registration of the physical person as a private entrepreneur lost force).

Where a lawyer, a mediator, a privately practising notary, an arbitration manager, an appraiser, a patent attorney and other persons who engage in private practice in the manner established by the legislation of the Russian Federation were registered and deregistered with a tax authority during a calendar year, the computation period for those persons shall be the period of time from the day on which they were registered with a tax authority until the day on which they were deregistered with a tax authority.

[clause 3.5 inserted by Federal Law No. 173-FZ of 18.07.2017]

4. The rules laid down in clauses 2 to 3.4 of this Article shall not apply to taxes payable in accordance with the special tax regimes provided for in Chapters 26.1, 26.2 and 26.5 of this Code.

[clause 4 as reworded by Federal Law No. 325-FZ of 29.09.2019; as amended by Federal Law No. 305-FZ of 02.07.2021]

[5. Lost force from 01.01.2007 – Federal Law No. 137-FZ of 27.07.2006]

6. In the case of a foreign organization which has independently declared itself a tax resident of the Russian Federation and whose activities on the date of that declaration did not give rise to a permanent establishment in the Russian Federation, the first tax period for tax on profit of organizations shall be determined in accordance with the procedure established by this clause.

If the foreign organization independently declared itself a tax resident of the Russian Federation from 1 January of the calendar year in which it submitted the notice of self-declaration as a tax resident of the Russian Federation, the first tax period for tax on profit of organizations for it shall be the period of time from 1 January of the calendar year in which that notice was submitted until the end of that calendar year.

If the foreign organization independently declared itself a tax resident of the Russian Federation from the date of submission to the tax authority of the notice of self-declaration as a tax resident of the Russian Federation, the first tax period for tax on profit of organizations for it shall be the period of time from the date of submission of that notice to the tax authority until the end of the calendar year in which that notice was submitted.

In this respect, where a notice such as referred to in paragraph 3 of this clause of self-declaration by a foreign organization as a tax resident of the Russian Federation is submitted on a day which falls in the period from 1 December to 31 December inclusively, the first tax period for tax on profit of organizations for it shall be the period of time from the date of submission of that notice to the tax authority until the end of the calendar year following the year in which that notice was submitted.

[clause 6 inserted by Federal Law No. 32-FZ of 15.02.2016]

[7. Lost force – Federal Law No. 173-FZ of 28.07.2017]

Article 56. Establishment and Use of Tax and Levy Reliefs

1. Tax and levy reliefs shall be understood to mean privileges over other taxpayers and levy payers which are provided for by tax and levy legislation and are granted to particular categories of taxpayers and levy payers, including the right not to pay a tax or levy or to pay a lesser amount thereof.

Norms of tax and levy legislation which determine the grounds, procedure and conditions for the application of tax and levy reliefs may not be individually oriented.

2. A taxpayer shall have the right to refrain from using a relief or to suspend the use thereof for one or more tax periods, except as otherwise provided in this Code. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

3. Reliefs in respect of federal taxes and levies shall be established and abolished by this Code.

Reliefs in respect of regional taxes shall be established and abolished by this Code and (or) by tax laws of constituent entities of the Russian Federation.

Reliefs in respect of local taxes shall be established and abolished by this Code and (or) by regulatory legal acts of representative bodies of municipalities concerning taxes (tax laws of the cities of federal significance Moscow, Saint Petersburg and Sevastopol). *[as amended by Federal Law No. 379-FZ of 29.11.2014] [clause 3 inserted by Federal Law No. 95-FZ of 29.07.2004]*

Article 57. Time Limits for the Payment of Taxes, Levies and Insurance Contributions
[title as amended by Federal Law No. 243-FZ of 03.07.2016]

1. The time limits for the payment of taxes, levies and insurance contributions shall be established separately for each individual tax, levy and insurance contribution. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

The established time limit for the payment of a tax, levy or insurance contribution may be altered only in accordance with this Code. *[as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 102-FZ of 01.04.2020]*

2. Where a tax, levy or insurance contribution is paid not in accordance with the time limit for payment, the taxpayer (levy payer, payer of insurance contributions) shall pay a penalty in accordance with the procedure and subject to the conditions which are prescribed by this Code. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

3. Time limits for the payment of taxes, levies and insurance contributions shall be defined by a calendar date or the expiration of a period of time measured in years, quarters, months or days, or by reference to an event which must be arrived at or occur or an action which must be performed. Time limits for the performance of actions by participants in relations governed by tax and levy legislation shall be established in accordance with this Code with respect to each such action. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 243-FZ of 03.07.2016, No. 102-FZ of 01.04.2020]*

4. In those cases where the amount of tax is calculated by the tax authority, the obligation to pay tax shall arise no earlier than the date on which the tax notice is received.
[clause 4 inserted by Federal Law No. 154-FZ of 09.07.1999, as amended by Federal Law No. 52-FZ of 02.04.2014]

Article 58. Procedure for the Payment of Taxes, Levies and Insurance Contributions
[title as amended by Federal Law No. 243-FZ of 03.07.2016] [as amended by Federal Law No. 137-FZ of 27.07.2006]

1. Tax shall be paid by a single payment of the entire amount of tax or according to a different procedure prescribed by this Code and other acts of tax and levy legislation.

2. The amount of tax payable shall be paid (remitted) by a taxpayer or tax agent within the established time limits.

3. Provision may be made in accordance with this Code for preliminary tax payments – advance payments – to be paid over the course of a tax period. An obligation to pay advance payments shall be deemed to have been fulfilled according to a procedure similar to that which applies for the payment of tax.

In the event that advance payments are paid later than the dates established by tax and levy legislation, penalties shall be charged in accordance with the procedure prescribed by Article 75 of this Code on the amount of the advance payments which have been paid late.

A violation of the procedure for the calculation and (or) payment of advance payments may not be considered as a basis for calling a person to account for the violation of tax and levy legislation.

4. Tax shall be paid in cash or without cash transfer.

Physical persons may pay taxes through the cash office of a local administration or through a federal postal organization if there is no bank, or through a multifunctional centre for the provision of state and municipal services at which arrangements have been made in accordance with a decision of the highest state executive body of a constituent entity of the Russian Federation for monetary resources to be accepted from those persons and remitted to the budget system of the Russian Federation.

4.1. In the case referred to in paragraph 2 of clause 4 of this Article, a local administration, a federal postal organization and a multifunctional centre for the provision of state and municipal services shall be obliged:

1) to accept monetary resources from physical persons in payment of taxes and to remit them in a correct and timely manner, taking into account the provisions laid down in clause 4.2 of this Article, to the budget system of the Russian Federation in the appropriate Federal Treasury account for each taxpayer (tax agent). In this respect, no charge shall be made for the acceptance of monetary resources and the remittance thereof to the budget system of the Russian Federation;

2) to maintain records of monetary resources accepted for the payment of taxes and remitted to the budget system of the Russian Federation for each taxpayer (tax agent);

3) upon accepting monetary resources, to issue receipts or other documents confirming the acceptance of those monetary resources. The form of a receipt issued by a local administration shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies;

4) to present to tax authorities (officials of tax authorities) upon their request documents confirming the acceptance of monetary resources from physical persons in payment of taxes and the remittance thereof to the budget system of the Russian Federation.

[clause 4.1 inserted by Federal Law No. 232-FZ of 29.07.2018]

4.2. Monetary resources accepted from a physical person in cash by a local administration must, within five days of being accepted, be deposited at a bank or a federal postal

organization for remittance to the budget system of the Russian Federation in the appropriate Federal Treasury account.

Monetary resources accepted from a physical person in cash by a federal postal organization or a multifunctional centre for the provision of state and municipal services or accepted from a local administration in cash by a federal postal organization must, within five days of being accepted, be deposited at a bank for subsequent remittance to the budget system of the Russian Federation in the appropriate Federal Treasury account.

Where, by reason of a natural disaster or other force majeure circumstances, monetary resources accepted from a physical person cannot be deposited at a bank or a federal postal organization within the established time limit for remittance to the budget system of the Russian Federation, that time limit shall be extended until those circumstances have been eliminated.

[clause 4.2 inserted by Federal Law No. 232-FZ of 29.07.2018]

4.3. A local administration, a federal postal organization and a multifunctional centre for the provision of state and municipal services shall bear liability in accordance with this Code and other legislative acts of the Russian Federation for the non-fulfilment or improper fulfilment of the obligations provided for in clauses 4.1 and 4.2 of this Article.

The imposition of sanctions shall not release a local administration, a federal postal organization or a multifunctional centre for the provision of state and municipal services from the obligation to remit to the budget system of the Russian Federation monetary resources which have been accepted for the payment and remittance of amounts of taxes.

[clause 4.3 inserted by Federal Law No. 232-FZ of 29.07.2018]

4.4. In the event that monetary resources of a physical person which were accepted by a local administration, a federal postal organization or a multifunctional centre for the provision of state and municipal services are not remitted to the budget system of the Russian Federation in the appropriate Federal Treasury account within the established time limit, measures shall be taken against the local administration, federal postal organization or multifunctional centre for the provision of state and municipal services for the recovery of the non-remitted amount of tax in accordance with subsection 1 of clause 2 of Article 45 of this Code and in accordance with a procedure similar to that prescribed by Articles 46 and 47 of this Code.

A demand to remit tax to the budget system of the Russian Federation (hereafter in this Article referred to as “demand for the remittance of tax”) must be served on a local administration, a federal postal organization or a multifunctional centre for the provision of state and municipal services not later than three months from the day on which an amount of tax not remitted to the budget system of the Russian Federation was discovered and the tax authority prepared a document reporting the discovery of the amount of tax not remitted by the local administration, federal postal organization or multifunctional centre for the provision of state and municipal services to the budget system of the Russian Federation.

The notification of a local administration, a federal postal organization or a multifunctional centre for the provision of state and municipal services of an unremitted amount of tax and of the obligation to remit that amount of tax within the established time limit shall be recognised

as a demand for the remittance of that tax by the body or organization in question.

[clause 4.4 inserted by Federal Law No. 232-FZ of 29.07.2018]

5. The specific procedure for the payment of tax shall be established in accordance with this Article with respect to each individual tax.

The procedure for the payment of federal taxes shall be established by this Code.

The procedure for the payment of regional and local taxes shall be established by laws of constituent entities of the Russian Federation and regulatory legal acts of representative bodies of municipalities respectively in accordance with this Code. *[paragraph inserted by Federal Law No. 52-FZ of 02.04.2014]*

6. A taxpayer shall be obliged to pay tax within one month from the day of the receipt of a tax notice, unless a longer period of time for the payment of tax is specified in that tax notice.

Where previously calculated tax is recalculated by a tax authority, tax shall be paid on the basis of a tax notice within the time limit stated in the tax notice. In this respect, the tax notice must be sent not later than 30 days before the due date specified in the tax notice.

7. The rules laid down in this Article shall also apply in relation to the procedure for the payment of levies and insurance contributions (penalties and fines). *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

8. The rules laid down in clauses 2 to 6 of this Article shall also apply in relation to the procedure for the payment of advance payments.

9. The rules laid down in clauses 1 and 4 to 4.4 of this Article shall also apply in relation to a unified tax payment of a physical person.

[clause 9 inserted by Federal Law No. 232-FZ of 29.07.2018]

Article 59. Classing as Irrecoverable and Write-Off of Arrears and Outstanding Penalties and Fines *[article as reworded by Federal Law No. 229-FZ of 27.07.2010]*

1. Amounts of arrears and outstanding penalties and fines which are owed by particular taxpayers, levy payers, payers of insurance contributions and tax agents shall be classed as irrecoverable after it has proved impossible to secure the payment and (or) recovery of the amounts concerned in cases where: *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

1) an organization has been liquidated in accordance with the legislation of the Russian Federation or the legislation of a foreign state or a legal entity has been excluded from the Unified State Register of Legal Entities by decision of the registering authority where a bailiff/enforcement officer has issued a resolution on the termination of enforcement proceedings in connection with the return of the enforcement document to the party seeking recovery on the grounds provided for in clause 3 or 4 of part 1 of Article 46 of Federal Law No. 229-FZ of 2 October 2007 “Concerning Enforcement Proceedings” – to the extent of arrears and outstanding penalties and fines which have not been settled owing to the fact that the organization did not have sufficient property and (or) they could not be settled by the founding parties (participants) of the organization within the limits and according to the

procedure which are established by the legislation of the Russian Federation; *[as amended by Federal Laws No. 240-FZ of 03.07.2016, No. 401-FZ of 30.11.2016, No. 232-FZ of 29.07.2018]*

2) a private entrepreneur has been declared bankrupt in accordance with Federal Law No. 127-FZ of 26 October 2002 “Concerning Insolvency (Bankruptcy)” – to the extent of arrears and outstanding penalties and fines which have not been settled by reason of the insufficiency of the debtor’s property;

2.1) a citizen is declared bankrupt in accordance with Federal Law No. 127-FZ of 26 October 2002 “Concerning Insolvency (Bankruptcy)” – to the extent of arrears and outstanding penalties and fines which remain outstanding following the completion of settlements of creditors in accordance with the above-mentioned Federal Law;

[subsection 2.1 inserted by Federal Law No. 240-FZ of 03.07.2016]

3) a physical person has died or has been declared deceased in accordance with the procedure established by the civil procedure legislation of the Russian Federation – with respect to all taxes, levies and insurance contributions, and as far as the taxes referred to in clause 3 of Article 14 and Article 15 of this Code are concerned – to the extent of the amount in excess of the value of his inherited estate, including in the event that the inheritance passes into the ownership of the Russian Federation; *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

4) a court has adopted an act in accordance with which the tax authority is no longer able to pursue the recovery of the arrears and outstanding penalties and fines owing to the expiry of the established time limit for the recovery thereof, including by issuing a determination not to restore a missed time limit for filing a petition with a court for the recovery of the arrears and outstanding penalties and fines;

4.1) a bailiff/enforcement officer has issued a resolution concerning the cessation of enforcement proceedings where an enforcement document has been returned to the recovering party on grounds provided for in clauses 3 and 4 of part 1 of Article 46 of Federal Law No. 229-FZ of 2 October 2007 “Concerning Enforcement Proceedings”, if more than five years has passed from the date on which arrears and (or) outstanding penalties and fines arose the amount of which does not exceed the amount of claims against the debtor which is established by the insolvency (bankruptcy) legislation of the Russian Federation for the institution of bankruptcy proceedings;

[subsection 4.1 as amended by Federal Law No. 493-FZ of 25.12.2018]

4.2) a foreign organization is deregistered with a tax authority in accordance with clause 5.5 of Article 84 of this Code;

[subsection 4.2 inserted by Federal Law No. 244-FZ of 03.07.2016]

4.3) a court has made an order for a bankruptcy petition against the debtor to be returned or for bankruptcy proceedings to be terminated owing to the absence of sufficient resources to cover legal expenses for the conduct of procedures applied in a bankruptcy case;

[subsection 4.3 inserted by Federal Law No. 493-FZ of 25.12.2018]

5) in other cases provided for by the tax and levy legislation of the Russian Federation.

1.1. Where a foreign organization is registered in accordance with clause 4.6 of Article 83 of this Code after it has been deregistered with a tax authority in accordance with clause 5.5 of Article 84 of this Code, amounts of value added tax arrears and penalties in respect of penalties and fines which have been recognised as irrecoverable on the basis of subsection 4.2 of clause 1 of this Article shall be restored and must be paid within the time limit stipulated by clause 11 of Article 174.2 of this Code.

[clause 1.1 inserted by Federal Law No. 244-FZ of 03.07.2016]

2. The bodies competent to adopt a decision for arrears and outstanding penalties and fines to be classed as irrecoverable and written off shall be:

1) tax authorities (except in the case provided for in subsection 3 of this clause);

[subsection 1 as reworded by Federal Law No. 325-FZ of 29.09.2019]

[2) lost force – Federal Law No. 325-FZ of 29.09.2019]

3) customs authorities to be designated by the federal executive body in charge of the customs sphere – with respect to taxes, penalties and fines which are payable in connection with the movement of goods across the customs border of the Customs Union. *[as amended by Federal Law No. 306-FZ of 27.11.2010]*

3. Laws of constituent entities of the Russian Federation and regulatory legal acts of municipalities may establish additional grounds for classing arrears in respect of regional and local taxes and outstanding penalties and fines pertaining to those taxes as irrecoverable.

4. Amounts of taxes, levies, insurance contributions, penalties and fines which have been debited from bank accounts of taxpayers, levy payers, payers of insurance contributions and tax agents but have not been remitted to the budget system of the Russian Federation shall be classed as irrecoverable and written off in accordance with this Article if, at the time of the adoption of the decision to class those amounts as irrecoverable and write them off, the banks concerned have been liquidated. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

5. The procedure for the write-off of arrears and outstanding penalties and fines which have been classed as irrecoverable and the list of documents confirming the circumstances specified in clause 1 of this Article shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies and the federal executive body in charge of the customs sphere (insofar as taxes, penalties and fines payable in connection with the movement of goods across the customs border of the Customs Union are concerned). *[as amended by Federal Law No. 306-FZ of 27.11.2010]*

6. The rules laid down in this Article shall also apply for the purpose of writing off bad debt in respect of interest such as is provided for in Chapter 9 and Article 176.1 of this Code.

Article 60. Obligations of Banks with Respect to the Execution of Orders to Remit Taxes, Levies and Insurance Contributions *[title as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 243-FZ of 03.07.2016]*

1. Banks shall be obliged to execute a taxpayer's instruction for the remittance of tax to the budget system of the Russian Federation by payment to the appropriate Federal Treasury

account (hereinafter referred to as “taxpayer’s instruction”) and a tax authority’s instruction for the remittance of tax to the budget system of the Russian Federation (hereinafter referred to as “tax authority’s instruction”) according to the order of priority which is established by the civil legislation of the Russian Federation. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 248-FZ of 23.07.2013, No. 343-FZ of 27.11.2017]*

2. A taxpayer’s instruction or a tax authority’s instruction shall be executed by a bank within one business day following the day of the receipt of that instruction, unless otherwise provided for in this Code. In this respect, no service fee shall be charged for such operations, with the exception of operations involving the remittance of tax by means of a cross-border transfer of monetary resources using international payment cards in the execution of which the taxpayer uses the services of a foreign bank. *[as amended by Federal Law No. 232-FZ of 29.07.2018]*

Where a physical person presents a tax remittance instruction to an economically autonomous subdivision of a bank which does not have a correspondent account (subaccount), the time limit established by paragraph 1 of this clause for the execution by a bank of a taxpayer’s instruction shall be extended in accordance with the established procedure by the period of time taken by a federal postal organization to deliver the instruction to an economically autonomous subdivision of the bank which has a correspondent account (subaccount), but not by more than five business days.

[clause 2 as reworded by Federal Law No. 137-FZ of 27.07.2006]

3. Where a taxpayer has monetary resources (precious metals) in its account or an electronic money balance banks shall not have the right to delay the execution of a taxpayer’s instruction and a tax authority’s instruction. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 162-FZ of 27.06.2011, No. 343-FZ of 27.11.2017]*

3.1. Where a taxpayer’s instruction cannot be executed within the time period established by this Code owing to the absence (insufficiency) of monetary resources in a correspondent account held by a bank with an institution of the Central Bank of the Russian Federation, or a tax authority’s instruction cannot be executed within the time period established by this Code owing to the absence (insufficiency) of monetary resources (precious metals) in a taxpayer’s account or in a correspondent account held by a bank with an institution of the Central Bank of the Russian Federation, the bank shall be obliged, within a day following the day on which the time period established by this Code for the execution of an instruction expires, to report the non-execution (partial execution) of the taxpayer’s instruction to the tax authority for the location of the bank and to the taxpayer, or to report the non-execution (partial execution) of the tax authority’s instruction to the tax authority which sent that instruction and to the tax authority for the location of the bank (its economically autonomous subdivision). *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

The standard form and formats of a bank’s notice of the non-execution (partial execution) of a taxpayer’s instruction or a tax authority’s instruction and the procedure for the transmission thereof in electronic form shall be established by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies. *[paragraph inserted by Federal Law No. 306-FZ of 02.11.2013]*

[clause 3.1 as amended by Federal Law No. 248-FZ of 23.07.2013]

4. Banks shall bear liability in accordance with this Code for the failure to fulfil or improper fulfilment of the obligations provided for in this Article.

The imposition of sanctions shall not release a bank from the obligation to transfer the amount of tax to the budget system of the Russian Federation. In the event that a bank fails to fulfil that obligation within the prescribed time limit, measures shall be taken against that bank for the recovery of the non-transferred amounts of the tax (levy) out of monetary resources in accordance with a procedure similar to that laid down in Article 46 of this Code and out of other property in accordance with a procedure similar to that laid down in Article 47 of this Code. *[paragraph inserted by Federal Law No. 154-FZ of 09.07.1999, as amended by Federal Laws No. 137-FZ of 04.11.2005, No. 137-FZ of 27.07.2006, No. 343-FZ of 27.11.2017]*

4.1, In the event that the above-mentioned obligations are violated more than once during one calendar year this shall constitute grounds for the tax authority to present a petition to the Central Bank of the Russian Federation for the revocation of the bank's licence to carry out banking operations. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010]*

4.2. A demand for the remittance of tax to the budget system of the Russian Federation (hereafter in this Article referred to as "tax remittance demand") must be sent to a bank in electronic form via telecommunications channels not later than three months from the day of the discovery of an amount of tax which has not been remitted to the budget system of the Russian Federation and the preparation by a tax authority of a document concerning the discovery of an amount of tax which has not been remitted by the bank to the budget system of the Russian Federation. *[as amended by Federal Law No. 97-FZ of 29.06.2012]*

A tax remittance demand shall be a notification to a bank of the amount of tax not remitted and of the obligation to remit that amount of tax within the established time limit.

The formats for a tax remittance demand and the procedure for the sending of such a demand in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Law No. 97-FZ of 29.06.2012]*
[subsection 4.2 inserted by Federal Law No. 229-FZ of 27.07.2010]

5. The rules established by this Article shall also apply in relation to obligations of banks with respect to the execution of instructions of tax agents, levy payers and payers of insurance contributions and shall apply to the remittance of levies, insurance contributions, a unified tax payment of a physical person, penalties and fines to the budget system of the Russian Federation. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 243-FZ of 03.07.2016, No. 232-FZ of 29.07.2018]*

6. The rules established by this Article shall also apply with respect to the execution by a bank of instructions of local administrations, federal postal organizations and multifunctional centres for the provision of state and municipal services for the remittance to the budget system of the Russian Federation by payment to the appropriate Federal Treasury account of monetary resources which have been accepted from taxpayers (tax agents, levy payers, payers of insurance contributions) which are physical persons.

[clause 6 inserted by Federal Law No. 137-FZ of 27.07.2006; as amended by Federal Laws No. 243-FZ of 03.07.2016, No. 232-FZ of 29.07.2018]

7. When banks execute instructions for the refund to taxpayers, tax agents, levy payers and payers of insurance contributions of amounts of taxes, levies, insurance contributions, penalties and fines which have been paid (recovered) in excess, no service fee shall be charged for those operations.

[clause 7 inserted by Federal Law No. 137-FZ of 27.07.2006; as amended by Federal Law No. 243-FZ of 03.07.2016]

**CHAPTER 9. ALTERATION OF THE TIME LIMITS FOR THE
PAYMENT OF A TAX, A LEVY AND INSURANCE CONTRIBUTIONS
AND OF A PENALTY AND A FINE**

[title as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]

**Article 61. General Conditions Relating to the Alteration of the Time Limits for the
Payment of a Tax, a Levy and Insurance Contributions and of a Penalty and a Fine**

[title as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]

1. The alteration of the time limit for the payment of a tax or levy, including where it has not been reached, shall mean the postponement to a later date of the time limit for the payment of a tax or levy. *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

In this respect, the alteration of the time limit for the payment of a tax or levy payable based on the findings of a tax audit carried out by a tax authority shall mean the postponement of the time limit for the payment of a tax or levy respectively to a later date from the date specified in a demand for the payment of a tax, levy, insurance contributions, penalty, fine or interest which was sent in accordance with Article 69 of this Code. *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

2. The time limit for the payment of a tax or levy may be altered in accordance with the procedure established by this Chapter. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 102-FZ of 01.04.2020]*

The time limit for the payment of a tax and (or) a levy may be altered with respect to all or part of the amount of the tax and (or) levy which is due (hereafter in this Chapter referred to as “outstanding balance”), with interest being charged on the outstanding balance, unless otherwise provided by this Chapter. *[as amended by Federal Law No. 229-FZ of 27.07.2010]*

The time limit for the payment of state duty shall be altered with account taken of the special considerations which are laid down in Chapter 25.3 of this Code. *[paragraph inserted by Federal Law No. 137-FZ of 27.07.2006]*

3. The alteration of the time limit for the payment of a tax or levy shall be in the form of a deferral, an instalment plan or investment tax credit, except as otherwise provided in this clause. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 323-FZ of 14.11.2017]*

The alteration of the time limit for the payment of a tax or levy on the ground referred to in subsection 7 of clause 2 of Article 64 of this Code shall take place only in the form of an instalment plan. *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

3.1. A person who is seeking the alteration of the time limit for the payment of a tax and (or) a levy (hereafter in this Chapter referred to as “interested person”) shall have the right to submit an application for the grant of a deferral or an instalment plan and (or) an application for the granting of investment tax credit. *[as amended by Federal Law No. 248-FZ of 23.07.2013]*

Upon considering an application from an interested person for the granting of a deferral or instalment plan for the payment of a tax and (or) a levy and an application for the granting of investment tax credit, a body authorized to adopt decisions on the alteration of the time limits for the payment of taxes and levies shall have the right to offer that person other conditions provided for in this Chapter for the granting of a deferral or instalment plan for the payment of a tax and (or) a levy and investment tax credit, which shall be adopted subject to agreement with the interested person.

[clause 3.1 inserted by Federal Law No. 229-FZ of 27.07.2010]

4. The alteration of the time limit for the payment of a tax or levy shall neither cancel the existing nor create a new tax or levy obligation.

5. The alteration of the time limit for the payment of tax or levy may, by decision of the bodies referred to in Article 63 of this Code, be secured by a pledge of property in accordance with Article 73 of this Code, a surety bond or a bank guarantee. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 229-FZ of 27.07.2010, No. 248-FZ of 23.07.2013]*

6. The time limit for the payment of taxes provided for in special tax regimes shall be altered in accordance with the procedure laid down in this Chapter. *[as amended by Federal Laws No. 58-FZ of 29.06.2004, No. 137-FZ of 27.07.2006, No. 102-FZ of 01.04.2020]*

The provisions of this Chapter shall also apply where a deferral or an instalment plan is granted for the payment of a penalty, a fine and insurance contributions (other than amounts of insurance contributions associated with the formation of resources for the financing of a funded pension). *[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010; as amended by Federal Law No. 243-FZ of 03.07.2016]*

[clause 6 inserted by Federal Law No. 154-FZ of 09.07.1999]

[7. Lost force from 01.01.2007 – Federal Law No. 137-FZ of 27.07.2006]

8. The alteration of the time limit for the payment of a tax, a levy and insurance contributions and of a penalty and a fine by tax authorities shall take place in accordance with a procedure to be determined by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 8 inserted by Federal Law No. 268-FZ of 30.12.2006, as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]

9. This Chapter shall not apply to tax agents.

[clause 9 inserted by Federal Law No. 229-FZ of 27.07.2010]

Article 62. Circumstances Which Preclude the Alteration of the Time Limit for the Payment of a Tax, a Levy and Insurance Contributions *[title as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]*

1. Except as otherwise provided by this Code, the time limit for the payment of a tax, a levy and (or) insurance contributions may not be altered if, in relation to the interested person: *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016, No. 102-FZ of 01.04.2020]*

1) criminal proceedings have been instituted with respect to evidence of a crime involving a violation of tax and levy legislation;

2) proceedings are being conducted in respect of a tax offence or an administrative offence in the area of taxes, levies and insurance contributions and in the customs sphere with respect to taxes which are payable in connection with the movement of goods across the customs border of the Customs Union; *[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 306-FZ of 27.11.2010, No. 243-FZ of 03.07.2016]*

3) there are sufficient grounds to believe that the person in question will use the alteration of the time limit to conceal his monetary resources or other taxable property or that he intends to depart from the Russian Federation for permanent residence abroad;

4) at any time during the three years preceding the day on which that person submitted the application for the alteration of the time limit for the payment of the tax, a levy and (or) insurance contributions, the body referred to in Article 63 issued a decision terminating the effect of a previously granted deferral, instalment plan or investment tax credit by reason of the violation of the conditions of the corresponding alteration of the time limit for the payment of a tax, a levy and (or) insurance contributions.

[subsection 4 inserted by Federal Law No. 229-FZ of 27.07.2010; as amended by Federal Law No. 243-FZ of 03.07.2016]

2. Where the circumstances referred to in clause 1 of this Article exist, a decision to alter the time limit for the payment of a tax, a levy and (or) insurance contributions may not be adopted, and any such decision which has been adopted must be rescinded. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]*

The interested person and the tax authority where that person is registered shall be notified of the rescission of the adopted decision within a period of three days.

The interested person shall have the right to appeal against such a decision in accordance with the procedure which is established by this Code.

3. The time limit for the payment of tax shall not be altered in relation to tax on profit of organizations which is payable for a consolidated group of taxpayers, except as otherwise provided by this Code.

[clause 3 inserted by Federal Law No. 321-FZ of 16.11.2011; as amended by Federal Law No. 102-FZ of 01.04.2020]

Article 63. Bodies Authorized to Adopt Decisions on the Alteration of the Time Limits for the Payment of Taxes, Levies and Insurance Contributions *[title as amended by Federal Law No. 243-FZ of 03.07.2016] [article as reworded by Federal Law No. 58-FZ of 29.06.2004]*

1. The bodies which have the authority to adopt decisions on the alteration of the time limits for the payment of taxes, levies and insurance contributions (hereinafter referred to as “authorized bodies”) shall be: *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

1) in the case of federal taxes, levies and insurance contributions and in the case provided for in subsection 2 of clause 1.1 of this Article – the federal executive body in charge of control and supervision in the area of taxes and levies (except in the cases provided for in subsections 3, 4, 6 and 7 of this clause and clause 2 of this Article); *[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 224-FZ of 26.11.2008, No. 213-FZ of 24.07.2009, No. 229-FZ of 27.07.2010, No. 49-FZ of 08.03.2015, No. 243-FZ of 03.07.2016, No. 325-FZ of 29.09.2019]*

2) in the case of regional and local taxes and in the case provided for in subsection 1 of clause 1.1 of this Article – the tax authorities at the location (place of residence) of an interested person (except in the case provided for in subsection 7 of this clause). Decisions on the alteration of the time limits for the payment of taxes shall be adopted in consultation with the appropriate financial authorities of constituent entities of the Russian Federation and municipalities (except in the case provided for in subsection 7 of this clause and by clause 3 of this Article); *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 325-FZ of 29.09.2019, No. 374-FZ of 23.11.2020]*

3) in the case of taxes which are payable in connection with the movement of goods across the customs border of the Customs Union – the federal executive body in charge of the customs sphere, or customs authorities authorized by that body; *[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 103-FZ of 26.06.2008, No. 306-FZ of 27.11.2010]*

4) in the case of state duty – bodies (officials) which have been authorized in accordance with Chapter 25.3 of this Code to perform legally significant acts for which state duty is payable; *[as amended by Federal Laws No. 127-FZ of 02.11.2004, No. 137-FZ of 27.07.2006]*

[5) Lost force from 01.01.2010 – Federal Law No. 213-FZ of 24.07.2009]

6) in the case of tax on income physical persons payable by physical persons who are not private entrepreneurs with respect to income which is received without tax being withheld by tax agents – the tax authorities for the place of residence of those persons. Decisions on the alteration of the time limits for the payment of tax on such income with respect to amounts payable to the budgets of constituent entities of the Russian Federation and local budgets shall be adopted in consultation with the financial authorities of the relevant constituent entities of the Russian Federation and municipalities;
[subsection 6 inserted by Federal Law No. 229-FZ of 27.07.2010]

7) in the case of tax on the profit of organizations at the tax rate established for the crediting of that tax to the budgets of constituent entities of the Russian Federation and in the case of regional taxes with respect to decisions on the alteration of the time limits for the payment of those taxes in the form of investment tax credit – bodies so authorized by the legislation of constituent entities of the Russian Federation.
[subsection 7 inserted by Federal Law No. 229-FZ of 27.07.2010]

1.1 The bodies that have the authority to adopt decisions on the alteration of the time limits for the payment of taxes, levies, insurance contributions, penalties and fines on the ground provided for in subsection 7 of clause 2 of Article 64 of this Code shall be:

1) where the conditions established by paragraph 15 of clause 5.1 of Article 64 of this Code are met – the tax authorities for the location (place of residence) of the concerned person;

2) where the conditions established by paragraph 16 of clause 5.1 of Article 64 of this Code are met – the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 1.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

2. Where, in accordance with the budget legislation of the Russian Federation, federal taxes or levies are payable to the federal budget and (or) the budgets of constituent entities of the Russian Federation and local budgets, the time limits for the payment of such taxes or levies (with the exception of state duty) shall be altered on the basis of decisions of the authorized bodies referred to in clause 1 of this Article adopted, insofar as amounts payable to the budgets of constituent entities of the Russian Federation and local budgets are concerned, in consultation with the financial authorities of the relevant constituent entities of the Russian Federation and municipalities. *[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010]*

3. Where, in accordance with the legislation of constituent entities of the Russian Federation, regional taxes are payable to the budgets of constituent entities of the Russian Federation and (or) local budgets, the time limits for the payment of such taxes shall be altered on the basis of decisions of tax authorities at the location (place of residence) of interested parties adopted, to the extent of amounts payable to:

- the budgets of constituent entities of the Russian Federation, - in consultation with the financial authorities of those constituent entities of the Russian Federation;

- local budgets, - in consultation with the financial authorities of the relevant municipalities.

[4-5. Lost force – Federal Law No. 49-FZ of 08.03.2015]

Article 64. Procedure and Conditions for the Granting of a Deferral or Instalment Plan for the Payment of a Tax, a Levy and Insurance Contributions *[title as amended by Federal Law No. 243-FZ of 03.07.2016]*

1. A deferral or instalment plan for the payment of tax shall represent an alteration of the time limit for the payment of tax, subject to the existence of the grounds which are provided for in this Article, for a period not exceeding one year, with the outstanding balance to be paid as a lump sum or on an instalment basis respectively, except as otherwise provided by this Code. *[as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 229-FZ of 27.07.2010, No. 49-FZ of 08.03.2015, No. 102-FZ of 01.04.2020]*

A deferral or instalment plan for the payment of federal taxes insofar as the portion payable to the federal budget is concerned and insurance contributions may be granted for a period of

more than one year but not exceeding three years, except as otherwise provided in this Article. *[as amended by Federal Laws No. 49-FZ of 08.03.2015, No. 323-FZ of 14.11.2017, No. 325-FZ of 29.09.2019]*

[Paragraph lost force – Federal Law No. 49-FZ of 08.03.2015]

[clause 1 as reworded by Federal Law No. 137-FZ of 27.07.2006]

2. A deferral or instalment plan for the payment of tax may be granted to an interested person whose financial position does not enable that tax to be paid within the established time limit but there are sufficient grounds to believe that the person concerned will be able to pay that tax within the period for which the deferral or instalment plan is granted, provided that at least one of the following grounds exists:

1) the person has sustained damage as a result of a natural calamity, an industrial disaster or other circumstances of insurmountable force;

2) budget appropriations and (or) budget obligation limits were not provided (not provided on time) to the interested person and (or) maximum levels of financing of expenses were not communicated (not communicated on time) to the interested person as a recipient of budgetary resources in an amount sufficient to enable the timely fulfilment by that person of the obligation to pay tax, or monetary resources were not transferred (not transferred on time) to the interested person from the budget, including by way of payment for services rendered (work performed, goods supplied) by that person for state and municipal needs, in an amount sufficient to enable the timely fulfilment by that person of the obligation to pay tax;

3) there is a risk that indications of insolvency (bankruptcy) would arise for the interested person if that person were to pay tax as a lump sum;

4) the financial position of a physical person (disregarding property on which execution cannot be levied in accordance with the legislation of the Russian Federation) makes it impossible for tax to be paid as a lump sum;

5) the production and (or) sale of goods, work or services by the interested person is seasonal in nature;

6) there are grounds such as are established by the customs legislation of the Customs Union and customs-related legislation of the Russian Federation for the granting of a deferral or instalment plan for the payment of taxes which are payable in connection with the movement of goods across the customs border of the Customs Union; *[as amended by Federal Law No. 306-FZ of 27.11.2010]*

7) it has been determined in the manner provided by clause 5.1 of this Article as impossible for amounts of taxes, levies, insurance contributions, fines and penalties payable to the budget system of the Russian Federation based on the findings of a tax audit to be paid as a lump sum before the expiry of the time limit for the fulfilment of a demand for the payment of a tax, levy, insurance contributions, penalty, fine or interest which was sent in accordance with Article 69 of this Code. *[subsection 7 inserted by Federal Law No. 323-FZ of 14.11.2017]*

[clause 2 as reworded by Federal Law No. 229-FZ of 27.07.2010]

2.1. Where the grounds referred to in subsections 1 and 3 to 6 of clause 2 of this Article exist an organization may be granted a deferral or instalment plan for the payment of tax, and where the ground referred to in subsection 7 of clause 2 of this Article exists it may be granted an instalment plan for the payment of tax, for an amount not exceeding the value of its net assets.

[clause 2.1 inserted by Federal Law No. 229-FZ of 27.07.2010; as amended by Federal Laws No. 240-FZ of 03.07.2016, No. 323-FZ of 14.11.2017]

3. A deferral or instalment plan for the payment of tax may be granted with respect to one or more taxes. *[as amended by Federal Law No. 229-FZ of 27.07.2010]*

4. Where a deferral or instalment plan for the payment of tax is granted on the grounds referred to in subsections 3, 4 and 5 of clause 2 of this Article, interest shall be charged on the outstanding balance at a rate equal to one half of the refinancing rate of the Central Bank of the Russian Federation prevailing in the deferral or instalment plan period, except as otherwise provided in the customs legislation of the Customs Union and customs-related legislation of the Russian Federation with respect to taxes which are payable in connection with the transportation of goods across the customs border of the Customs Union. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 306-FZ of 27.11.2010, No. 323-FZ of 14.11.2017, No. 325-FZ of 29.09.2019]*

Where a deferral or instalment plan for the payment of tax is granted on the grounds referred to in subsections 1 and 2 of clause 2 of this Article, interest shall not be charged on the outstanding balance.

Where an instalment plan for the payment of tax has been granted on the ground specified in subsection 7 of clause 2 of this Article, interest shall be charged on the outstanding balance at a rate equal to the refinancing rate of the Central Bank of the Russian Federation prevailing in the instalment plan period, except as otherwise provided by Eurasian Economic Union law and the customs regulation legislation of the Russian Federation in relation to taxes payable in connection with the movement of goods across the customs border of the Eurasian Economic Union. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

5. An application for the grant of a deferral or an instalment plan for the payment of tax shall be submitted by the interested person to the appropriate authorized body. Within five days of the application being submitted to the authorized body a copy of the application shall be sent by the interested person to the tax authority where that person is registered. The application for the grant of a deferral or an instalment plan for the payment of tax shall be accompanied by the following documents:

[1)-2) lost force – Federal Law No. 240-FZ of 03.07.2016]

3) statements from banks concerning monthly flows of monetary resources (precious metals) on the person's bank accounts for each month of the six months preceding the submission of the application, and concerning the presence or otherwise of settlement documents of that person in the relevant file of unpaid settlement documents; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

4) statements from banks concerning balances of monetary resources (precious metals) in all the person's bank accounts; *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

5) a list of counterparties who are debtors of the person, indicating the prices of contracts concluded with the debtor contract parties (the amounts of other obligations and the grounds on which they arose) and the time periods for their performance, and copies of the contracts in question (documents confirming the existence of other grounds on which an obligation arose);

6) an undertaking by the person to comply during the period of the adjustment of the time limit for the payment of tax with the conditions subject to which the decision to grant a deferral or instalment plan is adopted, and that person's proposed schedule for the settlement of the outstanding balance;

7) documents such as are referred to in clause 5.1 of this Article which confirm the existence of grounds for the alteration of the time limit for the payment of tax.

[clause 5 as reworded by Federal Law No. 229-FZ of 27.07.2010]

5.1. An application for the grant of a deferral or instalment plan for the payment of tax on the ground specified in subsection 1 of clause 2 of this Article shall be accompanied by a report on the occurrence in relation to the interested person of the circumstances of insurmountable force which are the basis for filing that application and a statement of appraisal of damage caused to that person as a result of those circumstances, prepared by an executive body (state body, local government body) or organization responsible for civil defence and the protection of the public and territories against emergencies.

An application for an interested person who is a recipient of budgetary resources to be granted a deferral or instalment plan for the payment of tax to on the ground specified in subsection 2 of clause 2 of this Article shall be accompanied by a document of a financial authority and (or) a chief controller (controller) of budgetary resources which specifies the amounts of budget appropriations and (or) budget obligation limits which were not provided (not provided on time) to the person in question and the amount of the maximum levels of financing of expenses which were not communicated (not communicated on time) to that person in an amount sufficient to enable the timely fulfilment by that person of the obligation to pay tax.

An application for the grant of a deferral or instalment plan for the payment of tax on the ground specified in subsection 2 of clause 2 of this Article to an interested person to whom monetary resources were not transferred (were not transferred on time) in an amount sufficient to enable the timely fulfilment by that person of the obligation to pay tax, including by way of payment for services rendered by that person (work performed, goods supplied) for state or municipal needs shall be accompanied by a document from the recipient of the budgetary resources which indicates the amount of monetary resources which was not transferred (was not transferred on time) to that person from the budget in an amount sufficient to enable the timely fulfilment by that person of the obligation to pay tax, or a document from the state or municipal customer which indicates the amount of monetary resources which was not transferred (was not transferred on time) to that person from the budget in an amount sufficient to enable the timely fulfilment by that person of the obligation

to pay tax, by way of payment for services rendered by that person (work performed, goods supplied) for state or municipal needs.

The existence of the ground specified in subsection 3 of clause 2 of this Article shall be established on the basis of the results of an analysis of the financial position of an economic entity carried out by the federal executive body in charge of control and supervision in the area of taxes and levies in accordance with a methodology to be approved by the federal executive body authorized to carry out functions involving the formulation of state policy and statutory regulation in the area of insolvency (bankruptcy) and financial rehabilitation.

An application for the grant of a deferral or instalment plan for the payment of tax on the ground specified in subsection 4 of clause 2 of this Article shall be accompanied by information on movable and immovable property of the physical person (excluding property on which execution cannot be levied in accordance with the legislation of the Russian Federation).

An application for the grant of a deferral or instalment plan for the payment of tax on the ground specified in subsection 5 of clause 2 of this Article shall be accompanied by a document prepared by the interested person confirming that income from branches and types of activity included in the list to be approved by the Government of the Russian Federation of branches and types of activity which are seasonal in nature accounts for not less than 50 per cent of that person's total income from the sale of goods (work and services).

The ground referred to in subsection 7 of clause 2 of this Article for granting an instalment plan for the payment of tax shall be found to exist by an authorized body if the amount of funds received in bank accounts of the interested person for the three-month period preceding the submission of an application for the grant of an instalment plan is less than the amount of short-term obligations of the interested person (taking into account amounts of taxes, levies, insurance contributions, penalties and fines payable to the budget system of the Russian Federation based on the findings of a tax audit), reduced by the amount of income of future periods, according to information contained in accounting (financial) statements as at the last reporting date which were submitted to the tax authority in accordance with the established procedure, provided that the conditions laid down in this clause are met. *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

An instalment plan for the payment of tax on the ground referred to in subsection 7 of clause 2 of this Article may be granted to an interested person whose financial position does not allow that tax to be paid within the time limit specified in a demand for the payment of a tax, levy, insurance contributions, penalty, fine or interest which was sent in accordance with Article 69 of this Code if it is possible for the interested person to pay that tax within the period for which the instalment plan is granted and if the interested person simultaneously meets the following conditions: *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

[paragraph lost force from 01.04.2020. – Federal Law No. 325-FZ of 29.09.2019;

- at least one year elapsed from the day on which the organization was established or the physical person was registered as a private entrepreneur to the day on which the application for the grant of an instalment plan for the payment of tax was submitted to the tax authority; *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

- no insolvency (bankruptcy) proceedings have been brought against the organization or the physical person registered as a private entrepreneur in accordance with the insolvency (bankruptcy) legislation of the Russian Federation; *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

- the organization is not in the process of re-organization or liquidation; *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

- the tax authority's decision based on tax audit findings in accordance with which the amount of tax stated in the interested person's application for the grant of an instalment plan for the payment of tax is payable to the budget system of the Russian Federation is not under appeal in accordance with Chapter 19 of this Code at the time of the submission of the application in question. In this respect, a decision to grant an instalment plan for the payment of tax shall be annulled if, since it was issued, the interested person has appealed against the tax authority's decision based on tax audit findings in accordance with which the amount of tax stated in the decision to grant an instalment plan for the payment of tax is payable. *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

An instalment plan for the payment of tax within the period established by paragraph 2 of clause 1 of this Article may be granted to a concerned person on the ground specified in subsection 7 of clause 2 of this Article for a period not exceeding: *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

- one year – if the amount of taxes, levies, insurance contributions, penalties and (or) fines payable as a result of a tax audit amounts to less than 30 per cent of revenue from sales of goods (work, services, property rights) for the year preceding the year of the entry into force of the tax authority's decision based on the results of that audit; *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

- three years – if the amount of taxes, levies, insurance contributions, penalties and (or) fines payable as a result of a tax audit amounts to 30 per cent or more of revenue from sales of goods (work, services, property rights) for the year preceding the year of the entry into force of the tax authority's decision based on the results of that audit. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019] [clause 5.1 inserted by Federal Law No. 229-FZ of 27.07.2010]*

5.2. In an application for the grant of a deferral or instalment plan for the payment of tax the interested person shall undertake to pay interest charged on the outstanding balance in accordance with this Chapter, except as otherwise provided by this Code.

[clause 5.2 inserted by Federal Law No. 229-FZ of 27.07.2010; as amended by Federal Law No. 102-FZ of 01.04.2020]

5.3. Upon the request of the authorized body an interested person shall present documents concerning property which may be pledged as security, a surety bond or a bank guarantee, except as otherwise provided in this Code. *[as amended by Federal Laws No. 248-FZ of 23.07.2013, No. 323-FZ of 14.11.2017, No. 102-FZ of 01.04.2020]*

Where an interested person files an application for the grant of an instalment plan on the ground referred to in subsection 7 of clause 2 of this Article, that person shall present as a means of securing the fulfilment of tax payment obligations a bank guarantee which meets

the requirements established by Article 74.1 of this Code. *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*

Not later than three days from the day on which a notification is received from a territorial body of the Federal Treasury to the effect that a taxpayer which presented a bank guarantee has paid the amount of tax stated in the decision to grant an instalment plan for the payment of tax, the tax authority shall be obliged to notify the bank which issued the bank guarantee of the release (partial release) of the bank from obligations under that bank guarantee. *[paragraph inserted by Federal Law No. 323-FZ of 14.11.2017]*
[clause 5.3 inserted by Federal Law No. 229-FZ of 27.07.2010]

5.4. Where a physical person who is not a private entrepreneur applies to the authorized body for the granting of a deferral or instalment plan for the payment of tax, the documents referred to in subsection 5 of clause 5 of this Article need not be presented.
[clause 5.4 inserted by Federal Law No. 240-FZ of 03.07.2016]

6. The decision to grant or refuse to grant a deferral or instalment plan for the payment of tax shall be adopted by the authorized body within 30 days from the day on which the interested person's application is received, except as otherwise provided in accordance with this Code.
[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 137-FZ of 27.07.2006, No. 213-FZ of 24.07.2009, No. 229-FZ of 27.07.2010, No. 102-FZ of 01.04.2020]

Upon a petition of the interested person the authorized body shall have the right to adopt a decision concerning a temporary (for the period while the deferral or instalment plan application is considered) suspension of the payment of the outstanding balance by the interested person. The interested person shall present a copy of that decision to the tax authority where he is registered within five days from the day on which the decision is adopted.

A decision on the granting of a deferral or instalment plan for the payment of tax shall be adopted by the authorized body within the time period which is established by paragraph 1 of this clause in consultation with financial authorities in accordance with Article 63 of this Code. *[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010]*

[7. Lost force – Federal Law No. 229-FZ of 27.07.2010]

8. The decision to grant a deferral or instalment plan for the payment of tax must contain an indication of the outstanding balance, the tax in respect of which the deferral or instalment plan is granted, the time limits and procedure for the payment of the outstanding balance and interest charges and, where appropriate, documents relating to property which is provided as a security, a surety bond or a bank guarantee, except as otherwise provided in accordance with this Code. *[as amended by Federal Laws No. 248-FZ of 23.07.2013, No. 102-FZ of 01.04.2020]*

The decision to grant a deferral or instalment plan for the payment of tax shall enter into force from the day specified in that decision. In this respect, penalties charged for the entire period of time from the day established for the payment of tax up to the day on which the decision enters into force shall be included in the outstanding balance if that payment deadline precedes the day on which the decision enters into force.

Where a deferral or instalment plan is granted on security of property, the decision to grant it shall enter into force only after the conclusion of an agreement on the pledging of property in accordance with the procedure laid down in Article 73 of this Code.

[Paragraph lost force – Federal Law No. 229-FZ of 27.07.2010]

9. A decision to refuse to grant a deferral or instalment plan for the payment of tax must be substantiated. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

[Paragraph lost force – Federal Law No. 229-FZ of 27.07.2010]

The interested person may appeal against the decision to refuse to grant a deferral or instalment plan for the payment of tax in accordance with the procedure which is established by the legislation of the Russian Federation.

10. The authorized body shall send a copy of the decision to grant or refuse to grant a deferral or instalment plan for the payment of tax to the interested person and to the tax authority where that person is registered within a period of three days from the day on which that decision is adopted.

[11. Lost force – Customs Code of the Russian Federation No. 61-FZ of 28.05.2003]

12. Laws of constituent entities of the Russian Federation and regulatory legal acts of representative bodies of municipalities may establish additional grounds and other conditions for the granting of a deferral or instalment plan for the payment of regional and local taxes, penalties and fines respectively. *[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 229-FZ of 27.07.2010, No. 248-FZ of 23.07.2013]*

13. The rules contained in this Article shall apply equally to the procedure and conditions for the granting of a deferral or instalment plan for the payment of levies and insurance contributions except as otherwise provided in the tax and levy legislation of the Russian Federation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]*

[Article 64.1. Lost force – Federal Law No. 49-FZ of 08.03.2015]

[Article 65. Lost fore from 1 January 2007 – Federal Law No. 137-FZ of 27.07.2006]

Article 66. Investment Tax Credit

1. Investment tax credit shall represent an alteration of the time limit for the payment of tax whereby, subject to the existence of the grounds referred to in Article 67 of this Code, an organization is granted the possibility of reducing its tax payments over a specified period and within specified limits and subsequently paying the amount of credit and interest charges on an instalment basis. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Investment tax credit may be granted in respect of tax on the profit of an organization and in respect of regional and local taxes. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

[Paragraph lost force – Federal Law No. 95-FZ of 29.07.2004]

Investment tax credit may be granted for a period of from one to five years.

Investment tax credit may be granted for a period of up to ten years on the ground specified in subsection 6 of clause 1 of Article 67 of this Code. *[paragraph inserted by Federal Law No. 392-FZ of 03.12.2011]*

2. An organization which has received investment tax credit shall have the right to reduce its payments in respect of the relevant tax over the period of validity of the investment tax credit agreement. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

A reduction shall be made in respect of each payment of the relevant tax for which investment tax credit was granted for each reporting period until such time as the amount remaining unpaid by the organization as a result of such reductions (the accumulated amount of credit) becomes equal to the amount of credit provided for by the relevant agreement. The specific procedure for reducing tax payments shall be determined by the investment tax credit agreement which has been concluded. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Where an organization concludes more than one investment tax credit agreement which have not expired by the time of the next tax payment, the accumulated amount of credit shall be determined separately for each agreement. In this respect, the accumulated amount of credit shall first be increased with respect to the agreement first concluded, and, when the accumulated amount of credit reaches the level specified in the agreement, the organization may increase the amount of credit under the next agreement.

3. The amounts by which tax payments are reduced in each reporting period (irrespective of the number of investment tax credit agreements) may not exceed 50 per cent of the amounts of those tax payments as determined according to the general rules without taking into account the existence of investment tax credit agreements. In this respect, the amount of credit accumulated over the tax period may not exceed 50 per cent of the amount of tax payable by that organization for that tax period. Should the accumulated amount of credit exceed the maximum amounts by which tax may be reduced as established by this clause for a reporting period, the difference between that amount and the maximum acceptable amount shall be carried over to the next reporting period. The provisions of this paragraph shall apply except as otherwise provided by an investment tax credit agreement concluded on the ground specified in subsection 6 of clause 1 of Article 67 of this Code. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 392-FZ of 03.12.2011]*

Where an organization shows a loss according to the results of activity for particular reporting periods during a tax period or according to the results of activity for the entire tax period, the excess accumulated amount of credit based on the results of activity for the tax period shall be carried over to the next tax period and shall be regarded as an accumulated amount of credit in the first reporting period of the new tax period. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Article 67. The Procedure and Conditions for Granting Investment Tax Credit

1. Investment tax credit may be granted to an organization which is liable to pay a particular tax where any of the following grounds apply:

1) the organization is conducting research and development work or technical modernization of its own production activity, including with the aim of creating jobs for disabled persons, or carrying out a measure or measures for the reduction of adverse environmental impact such as are provided for in clause 4 of Article 17 of Federal Law No. 7-FZ of 10 January 2002 “Concerning Environment Protection”, and (or) raising the energy efficiency of the production of goods, performance of work and rendering of services; *[as amended by Federal Laws No. 261-FZ of 23.11.2009, No. 219-FZ of 21.07.2014]*

2) the organization is carrying out technical adaptation or innovation work, including the creation of new or improvement of existing technologies and the creation of new types of raw materials and other materials;

3) the organization is executing an order which is highly important for the social and economic development of the region or provides essential services to the public;

4) the organization is fulfilling the state defence order;
[subsection 4 inserted by Federal Law No. 224-FZ of 26.11.2008]

5) the organization invests in the creation of facilities which have the highest energy efficiency rating, including apartment blocks, and (or) are connected with renewable sources of energy, and (or) are classified as facilities for the generation of thermal energy or electrical energy which have an efficiency coefficient exceeding 57 per cent, and (or) other highly energy-efficient facilities and technologies in accordance with the list approved by the Government of the Russian Federation;
[subsection 5 inserted by Federal Law No. 261-FZ of 23.11.2009]

6) the organization has been included in the register of residents of an area development zone in accordance with the Federal Law “Concerning Area Development Zones in the Russian Federation and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”.
[subsection 6 inserted by Federal Law No. 392-FZ of 03.12.2011]

2. Investment tax credit shall be granted:

1) when sought on the grounds referred to in subsections 1 and 5 of clause 1 of this Article – for an amount of credit equal to 100 per cent of the value of equipment acquired by the interested organization which is used solely for the purposes mentioned in those subsections;
[as amended by Federal Laws No. 261-FZ of 23.11.2009, No. 229-FZ of 27.07.2010, No. 248-FZ of 23.07.2013]

2) when sought on the grounds referred to in subsections 2 to 4 of clause 1 of this Article – for amounts of credit to be determined on the basis of an agreement between the authorized body and the interested organization; *[as amended by Federal Law No. 224-FZ of 26.11.2008]*

3) when sought on the ground specified in subsection 6 of clause 1 of Article 67 of this Code – for an amount of credit equal to not more than 100 per cent of the amount of expenses for capital investments in the acquisition, creation, further equipping, reconstruction, modernization and retooling of amortizable property which is intended to be used and is used by residents of area development zones in carrying out investment projects in accordance with the Federal Law “Concerning Area Development Zones in the Russian Federation and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”.

[clause 3 inserted by Federal Law No. 392-FZ of 03.12.2011]

3. The interested organization must provide documentary evidence of the existence of the grounds on which investment tax credit is sought.

4. Investment tax credit shall be granted on the basis of an application of the organization concerned and shall be documented by a standard agreement between the appropriate authorized body and that organization. In that application the organization shall undertake to pay interest charged on the outstanding balance in accordance with this Chapter. *[as amended by Federal Law No. 229-FZ of 27.07.2010]*

The form of the investment tax credit agreement shall be established by the authorized body which adopts the decision to grant investment tax credit. *[as amended by Federal Law No. 95-FZ of 29.07.2004]*

[Paragraph lost force – Federal Law No. 248-FZ of 23.07.2013]

5. The decision to grant an organization investment tax credit shall be adopted by the authorized body in consultation with financial bodies in accordance with Article 63 of this Code within 30 days from the day on which the application is received. The fact that an organization already has one or more investment tax credit agreements may not serve as a hindrance to the conclusion of another investment tax credit agreement with that organization on other grounds. *[as amended by Federal Laws No. 95-FZ of 29.07.2004, No. 137-FZ of 27.07.2006, No. 213-FZ of 24.07.2009, No. 229-FZ of 27.07.2010]*

Where the circumstances referred to in clause 1 of Article 62 of this Code do not exist, the authorized body shall not have the right to refuse to grant investment tax credit to an interested person on the ground specified in subsection 6 of clause 1 of this Article within the limits of the amount of expenses incurred by that person for capital investments in the acquisition, creation, further equipping, reconstruction, modernization and retooling of amortizable property which is intended to be used and are used by residents of area development zones in carrying out investment projects in accordance with the Federal Law “Concerning Area Development Zones in the Russian Federation and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” for the period specified in the interested person’s application, with account taken of the restrictions established by Article 66 of this Code. *[paragraph inserted by Federal Law No. 392-FZ of 03.12.2011]*

6. An investment tax credit agreement must set forth the procedure for reducing payments of the relevant tax, the amount of credit (with an indication of the tax in respect of which the organization has been granted investment tax credit), the term of the agreement, interest chargeable on the amount of credit, the procedure for the settlement of the amount of credit

within a time period not exceeding the time period for which investment tax credit is granted in accordance with the agreement, the procedure and time period for the settlement of interest charges, an indication of the method of securing obligations and the liability of the parties. Where investment tax credit is granted against a pledge of property, an agreement on the pledge of property shall be concluded in the manner prescribed by Article 73 of this Code. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 229-FZ of 27.07.2010, No. 248-FZ of 23.07.2013]*

The investment tax credit agreement must contain provisions in accordance with which it is not permissible during the period of validity of the agreement to sell to other persons or transfer to other persons for possession, use or disposal equipment or other property the acquisition of which by the organization was a condition of the granting of investment tax credit, or which determine the conditions of such sale (transfer).

It shall not be permissible to establish interest on the amount of credit at a rate which is less than one half or more than three quarters of the refinancing rate of the Central Bank of the Russian Federation, except as otherwise provided by this Article. *[as amended by Federal Law No. 392-FZ of 03.12.2011]*

Where investment tax credit has been granted on the ground specified in subsection 6 of clause 1 of this Article, interest shall not be charged on the outstanding balance. *[paragraph inserted by Federal Law No. 392-FZ of 03.12.2011]*

The organization shall present a copy of the agreement to the tax authority where it is registered within five days from the day on which the agreement is concluded.

7. Laws of constituent entities of the Russian Federation relating to tax on profit of organizations (insofar as the amount of that tax which is payable to the budgets of constituent entities of the Russian Federation is concerned) and relating to regional taxes and regulatory legal acts of representative bodies of municipalities relating to local taxes may establish other grounds and conditions for the granting of investment tax credit, including the effective periods of investment tax credit and rates of interest on the amount of credit. *[clause 7 as reworded by Federal Law No. 19-FZ of 30.03.2012]*

Article 68. Termination of a Deferral, Instalment Plan or Investment Tax Credit *[title as amended by Federal Law No. 137-FZ of 27.07.2006]*

1. A deferral, instalment plan or investment tax credit shall terminate upon the expiry of the period of validity of the relevant decision or agreement or may be terminated before that time in the cases provided for by this Article. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

2. A deferral, instalment plan or investment tax credit shall terminate early in the event that the entire amount of the tax, levy and insurance contributions which is due and appropriate interest are paid before the expiry of the established period. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]*

3. In the event that the interested person violates the conditions of the granting of a deferral or instalment plan, the deferral or instalment plan may be terminated early by decision of the authorized body which adopted the decision concerning the relevant alteration of the time limit for the fulfilment of the obligation to pay a tax, a levy and insurance contributions. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

4. Where a deferral or instalment plan is terminated early in the case provided for in clause 3 of this Article the interested person must, within one month after receiving the relevant decision, pay the unpaid balance and penalties for each calendar day, beginning with the day following the day on which the decision is adopted until the day on which the amount is paid inclusively. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010]*

In this respect, the outstanding balance that remains unpaid shall be determined as the difference between the outstanding balance specified in the decision to grant a deferral (instalment plan), increased by the amount of interest calculated in accordance with the deferral (instalment plan) decision for the period while the deferral (instalment plan) was in effect, and actually paid amounts and interest.

5. A notice of the rescission of the deferral or instalment plan decision shall be sent by the authorized body which adopted that decision to the interested person by registered mail within five days from the day of its adoption. A notice of the rescission of the deferral or instalment plan decision shall be deemed to have been received upon the expiry of a period of six days from the date on which the registered letter was despatched. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010]*

A copy of that decision shall be sent to the tax authority where the interested person is registered within the same time limits. *[as amended by Federal Law No. 229-FZ of 27.07.2010]*

6. The interested person may appeal against the decision of an authorized body concerning the early termination of a deferral or instalment plan in a court in accordance with the procedure which is established by the legislation of the Russian Federation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 229-FZ of 27.07.2010]*

7. An investment tax credit agreement may be terminated early on the basis of an agreement between the parties or by decision of a court. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

8. If, during the period of validity of an investment tax credit agreement, the organization which concluded it violates the conditions stipulated by the agreement with respect to the sale or transfer to other persons for possession, use or disposal of equipment or other property the acquisition of which was a condition of the granting of investment tax credit, then that organization must, within one month from the day on which the investment tax credit agreement is cancelled, pay all amounts of tax which earlier remained unpaid in accordance with the agreement and appropriate penalties and interest on the unpaid amounts of tax charged for each calendar day of the period of validity of the investment tax credit agreement on the basis of the refinancing rate of the Central Bank of the Russian Federation which was in effect in the period between the conclusion and the cancellation of the agreement. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

9. Where an organization which has received investment tax credit on the grounds referred to in subsection 3 of Article 67.1 of this Code violates the obligations for the purposes of the fulfilment of which it received investment tax credit during the time period established by the agreement, then, not later than three months from the day on which the agreement is cancelled, it must pay the entire amount of unpaid tax and interest on that amount, which

shall be charged for each day of the period of validity of the agreement on the basis of a rate equal to the refinancing rate of the Central Bank of the Russian Federation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006]*

10. In the event that interest provided for in this Chapter which is payable by an interested person is not paid on time and after the expiry of the time limit for the fulfilment of a demand for the payment thereof, it shall be recovered in accordance with the procedure and within the time periods which are prescribed by Articles 46 to 48 of this Code.

[clause 10 inserted by Federal Law No. 229-FZ of 27.07.2010, as amended by Federal Law No. 248-FZ of 23.07.2013]

11. Where an organization which received investment tax credit on the ground specified in subsection 6 of clause 1 of Article 67 of this Code has violated obligations in connection with the fulfilment of which that investment tax credit was received, it shall be obliged, not later than three months from the day on which the investment tax credit agreement is rescinded, to pay the entire amount of unpaid tax and interest on that amount, which shall be charged for each calendar day beginning from the day following the day on which the agreement was rescinded up to the day on which tax is paid. The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which was in effect on those days.

[clause 11 inserted by Federal Law No. 392-FZ of 03.12.2011]

CHAPTER 10. DEMAND FOR PAYMENT OF TAXES, LEVIES AND INSURANCE CONTRIBUTIONS

[title as amended by Federal Law No. 243-FZ of 03.07.2016]

Article 69. Demand for Payment of a Tax, a Levy and Insurance Contributions *[title as amended by Federal Law No. 243-FZ of 03.07.2016]*

1. A tax payment demand shall be understood to be a notice to a taxpayer informing him of the amount of tax outstanding and of the obligation to pay the outstanding balance of tax within the specified time limit. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 229-FZ of 27.07.2010]*

2. A tax demand shall be sent to a taxpayer if the taxpayer has arrears. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Where arrears arise in respect of tax on profit of organizations for a consolidated group of taxpayers, a tax payment demand shall be sent to the responsible member of that group. *[paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]*

3. A tax payment demand shall be sent to a taxpayer irrespective of whether or not the taxpayer has been called to account for the violation of tax and levy legislation. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

4. A tax payment demand must contain information concerning the outstanding balance of tax, the amount of penalties charged at the time of sending the demand, the deadline for the fulfilment of the demand and the measures for the recovery of tax and for ensuring the fulfilment of the tax payment obligation which would be used should the taxpayer fail to fulfil the demand. A tax demand which is sent to a physical person must also contain information

on the time limit for the payment of tax which is established by tax and levy legislation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 248-FZ of 23.07.2013]*

In all cases a demand must contain detailed information concerning the grounds on which the tax is imposed and a reference to the provisions of tax and levy legislation which establish the obligation of the taxpayer to pay the tax. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006]*

Where the amount of arrears which is discovered as a result of a tax audit gives reason to suspect the commission of a violation of tax and levy legislation bearing elements of a crime, a demand which is sent must contain a warning to the effect that the tax authority will be obliged, in the event that amounts of arrears, penalties and fines are not paid in full within the established time limit, to send materials to investigative bodies in order for a decision to be adopted on the institution of criminal proceedings. *[paragraph inserted by Federal Law No. 383-FZ of 29.12.2009, as amended by Federal Law No. 404-FZ of 28.12.2010]*

A tax payment demand must be fulfilled within eight days from the date of receipt of that demand, unless a longer period of time for the payment of tax is specified in that demand. *[paragraph inserted by Federal Law No. 137-FZ of 27.07.2006, as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 97-FZ of 29.06.2012]*

[5. Lost force – Federal Law No. 546-FZ of 27.12.2018]

6. A tax payment demand may be handed to the director of an organization (a legal or authorized representative of the organization) or to a physical person (a legal or authorized representative of the physical person) in person, sent by registered mail or transmitted in electronic form via telecommunications channels or through an online tax account. Where the demand is sent by registered mail, it shall be deemed to have been received six days after the registered letter was despatched. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014]*

The formats and procedure for the sending to a taxpayer of a tax payment demand in electronic form via telecommunications channels shall be established by the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Law No. 97-FZ of 29.06.2012]*

[clause 6 as reworded by Federal Law No. 229-FZ of 27.07.2010]

[7. Lost force – Customs Code of the Russian Federation No. 61-FZ of 28.05.2003]

8. The rules laid down in this Article shall also apply in relation to demands for the payment of levies, insurance contributions, penalties, fines and interest such as is provided for in Chapter 9 of this Code and shall apply to demands which are sent to levy payers, payers of insurance contributions and tax agents. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 248-FZ of 23.07.2013, No. 243-FZ of 03.07.2016]*

[9. Lost force from 01.01.2007 – Federal Law No. 137-FZ of 27.07.2006]

10. A demand such as is referred to in clause 2.1 of Article 70 of this Code for the payment of insurance contributions may be contested only in the event that the tax authority violates the

procedure for sending it to a payer of insurance contributions.

[clause 10 inserted by Federal Law No. 243-FZ of 03.07.2016]

Article 70. Time Limits for the Sending of a Demand for the Payment of a Tax, a Levy and Insurance Contributions *[title as amended by Federal Law No. 243-FZ of 03.07.2016] [as amended by Federal Law No. 137-FZ of 27.07.2006]*

1. A tax payment demand must be sent to the taxpayer (the responsible member of a consolidated group of taxpayers) not later than three months from the day on which arrears are discovered, unless otherwise provided in accordance with this Code. If the amount of arrears does not exceed 3,000 roubles, a demand for the payment of tax and amounts of penalties and fines relating to those arrears that are outstanding as at the date of preparation of the demand must be sent to the taxpayer not later than one year from the date of discovery of the arrears, unless otherwise provided by clause 2 of this Article. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 248-FZ of 23.07.2013, No. 325-FZ of 29.09.2019, No. 102-FZ of 01.04.2020, No. 374-FZ of 23.11.2020]*

Upon discovering arrears, a tax authority shall draw up a document in a form to be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

A demand for the payment of outstanding penalties charged on arrears after the date of preparation of the demand for the payment of those arrears must be sent to the taxpayer (the responsible member of a consolidated group of taxpayers) not later than one year from the date of payment of the arrears or from the date on which the amount of those penalties exceeded 3,000 roubles. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

2. A tax payment demand based on the results of a tax audit must be sent to the taxpayer (the responsible member of a consolidated group of taxpayers) within 20 days from the date of entry into force of the relevant decision, except as otherwise provided in this Code. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 248-FZ of 23.07.2013, No. 101-FZ of 05.04.2016]*

[2.1 Lost force – Federal Law No. 323-FZ of 14.11.2017]

3. The rules established by this Article shall also apply in relation to the time limits for the sending of demands for the payment of levies, insurance contributions, penalties, fines and interest such as is provided for in Chapter 9 of this Code. *[as amended by Federal Laws No. 248-FZ of 23.07.2013, No. 243-FZ of 03.07.2016]*

4. The rules established by this Article shall also apply in relation to the time limits for the sending of a demand for the remittance of tax which is sent to a tax agent.

Article 71. Consequences of Changes in an Obligation to Pay a Tax, a Levy and Insurance Contributions *[article as reworded by Federal Law No. 243-FZ of 03.07.2016]*

In the event that the obligation of a taxpayer, a tax agent, a levy payer or a payer of insurance contributions to pay a tax, a levy or insurance contributions has changed since a demand to pay the tax, levy, insurance contributions, penalties or a fine was sent, the tax authority shall be obliged to send a revised demand to the persons concerned.

CHAPTER 11. MEANS OF ENSURING THE FULFILMENT OF OBLIGATIONS TO PAY TAXES, LEVIES AND INSURANCE CONTRIBUTIONS

[title as amended by Federal Law No. 243-FZ of 03.07.2016]

Article 72. Means of Ensuring the Fulfilment of Obligations to Pay Taxes, Levies and Insurance Contributions *[title as amended by Federal Law No. 243-FZ of 03.07.2016]*

1. The fulfilment of obligations to pay taxes, levies and insurance contributions may be ensured by the following means: a pledge of property, a surety bond, a penalty, the suspension of operations on bank accounts and attachment of the taxpayer's property, or a bank guarantee. *[as amended by Federal Laws No. 248-FZ of 23.07.2013, No. 243-FZ of 03.07.2016]*

2. The means of ensuring the fulfilment of obligations to pay taxes, levies and insurance contributions and the procedure and conditions for using them shall be established in this chapter. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

[Paragraph lost force – Customs Code of the Russian Federation No. 61-FZ of 28.05.2003]

[3. Lost force from 01.01.2007 – Federal Law No. 137-FZ of 27.07.2006]

4. Information on decisions adopted by tax authorities on the methods established by Articles 73 and 77 of this Code for securing the fulfilment of obligations to pay taxes, levies and insurance contributions and on decisions to adopt the interim measures provided for in subsection 1 of clause 10 of Article 101 of this Code and information on the annulment or termination of effect of such decisions shall be posted on the official site of the federal executive body in charge of control and supervision in the area of taxes and levies on the “Internet” telecommunications network, indicating the property in relation to which the decision in question was issued.

Information specified in this clause shall be posted within three days from the day of the adoption of the relevant decision of the tax authority, but not before the entry into force of the decision to impose sanctions for the commission of a tax offence or the decision not to impose sanctions for the commission of a tax offence the execution of which has been secured by a prohibition on the alienation (pledging) of property of the taxpayer without the consent of the tax authority in accordance with clause 10 of Article 101 of this Code.

The scope of information to be posted and the procedure for posting it shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

[clause 4 inserted by Federal Law No. 325-FZ of 29.09.2019]

Article 73. Pledge of Property

1. In cases provided for in this Code, obligations to pay taxes, levies and insurance contributions may be secured by a pledge. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]*

2. A pledge of property shall arise on the basis of an agreement between a tax authority and a pledgor or on the basis of law in the case provided for in clause 2.1 of this Article.

When a pledge agreement is executed, the pledgor may be either the taxpayer, levy payer or payer of insurance contributions himself or a third party.

[clause 2 as reworded by Federal Law No. 325-FZ of 29.09.2019]

2.1. In the event of a failure to pay within one month the outstanding balance of taxes (levies, insurance contributions) that is referred to in a recovery decision the execution of which has been secured by the attachment of property in accordance with this Code, or in the event of the entry into force of a decision such as is provided for in clause 7 of Article 101 of this Code the execution of which has been secured by a prohibition on the alienation (pledging) of property of the taxpayer (levy payer, payer of insurance contributions, tax agent) without the consent of the tax authority, property in relation to which a method referred to in this clause for securing the fulfilment of obligations to pay taxes (levies, insurance contributions) has been applied or an interim measure has been adopted shall be deemed to be pledged to the tax authority on the basis of law.

A pledge arising in accordance with this clause in relation to property that is pledged to third parties shall be deemed a subsequent pledge.

A pledge shall not arise in accordance with this clause in relation to property that is pledged to third parties by the time of the occurrence of the circumstances referred to in this Code as giving rise to a pledge if the rules of the civil legislation of the Russian Federation do not allow such property to be placed under a subsequent pledge.

Where a pledge to a tax authority arises on the basis of law, the consequences of a pledge that are laid down in the civil legislation of the Russian Federation shall not apply to funds in accounts and deposits that are intended for the satisfaction of claims in accordance with the civil legislation of the Russian Federation which precede the fulfilment of obligations to pay taxes (levies, insurance contributions).

A pledge arising in accordance with this clause must undergo state registration and be recorded in accordance with the rules prescribed by the civil legislation of the Russian Federation.

[clause 2.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

3. Where a taxpayer (levy payer, payer of insurance contributions) fails to fulfil an obligation to pay due amounts of a tax (levy, insurance contributions) and appropriate penalties, the tax authority shall enforce that obligation against the value of the pledged property in accordance with the procedure which is established by the civil legislation of the Russian Federation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 243-FZ of 03.07.2016]*

4. The object of a pledge may be property that is permitted to be pledged in accordance with the civil legislation of the Russian Federation, unless otherwise established by this Article.

The object of a pledge in an agreement between a tax authority and a pledgor may not be the object of a pledge in another agreement.

5. Property pledged may remain with the pledgor or be transferred at the pledgor's expense to the tax authority (pledgee), in which case the latter shall assume responsibility for the safekeeping of the property.

6. Any transactions involving the pledged property, including transactions carried out for the purpose of settling outstanding balances, may be undertaken only subject to prior agreement with the pledgee.

7. The provisions of civil legislation shall apply to legal relations which arise when a pledge is established as a means of ensuring the fulfilment of obligations with respect to the payment of taxes, levies and insurance contributions, except as otherwise provided in tax and levy legislation. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

Article 74. Surety Bond

1. Where the time limits for the fulfilment of tax obligations are changed and in other cases provided for in this Code, tax obligations may be secured by a surety bond. *[as amended by Federal Law No. 137-FZ of 27.07.2006]*

2. Under a surety bond, the surety assumes an obligation before the tax authorities to fulfil a taxpayer's tax obligation in full should the latter fail to pay the amounts of tax due and appropriate penalties within the established time limit.

A surety bond shall be documented in accordance with the civil legislation of the Russian Federation by an agreement between the tax authority and the surety. *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

3. In the event that a taxpayer fails to fulfil a tax payment obligation which is secured by a surety bond, the surety and the taxpayer shall bear joint and several liability.

In the event that tax for which the payment obligation is secured by a surety bond is not paid or is not paid in full within the established time limit, the tax authority shall, within five days after the expiry of the time limit for compliance with a tax payment demand, send the surety a demand for the payment of a sum of money under the surety agreement.

The tax authority shall take measures for the recovery from a surety of amounts for which the payment obligation is secured by a surety bond in accordance with the procedure and within the time limits which are laid down in Articles 46 to 48 of this Code in the event that the surety fails to fulfil within the established time limit the demand for the payment of a sum of money under the surety agreement.

[clause 3 as reworded by Federal Law No. 401-FZ of 30.11.2016]

4. Upon the fulfilment by a surety of its assumed obligations in accordance with the agreement, it shall acquire the right to demand from the taxpayer the amounts which it has paid, interest on those amounts and compensation for losses incurred as a result of the fulfilment of the taxpayer's obligations. *[as amended by Federal Law No. 137-FZ of 04.11.2005]*

5. The surety may be a legal entity or a physical person. It shall be permissible to use more than one surety simultaneously for one tax obligation.

6. The provisions of the civil legislation of the Russian Federation shall apply to legal relations which arise when a surety bond is established as a means of securing the fulfilment of a tax obligation, except as otherwise provided in tax and levy legislation. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

7. The rules of this Article shall apply equally to a surety bond for the payment of a levy and insurance contributions. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 243-FZ of 03.07.2016]*

Article 74.1. Bank Guarantee *[inserted by Federal Law No. 248-FZ of 23.07.2013]*

1. Where the time periods for the fulfilment of tax payment obligations are altered and in other cases provided for in this Code, the obligation to pay tax may be secured by a bank guarantee.

2. Under a bank guarantee the bank (the guarantor) makes an undertaking to the tax authorities to fulfil in full the taxpayer's obligation to pay tax, should the latter fail to pay the amount of tax due within the established time limit, and corresponding penalties in accordance with the conditions of the undertaking given by the guarantor to pay a sum of money on the basis of a demand for the payment of that amount which is presented by the tax authority in writing or in electronic form via telecommunications channels.

3. A bank guarantee must be provided by a bank which is included in the list of banks which meet the established requirements for the acceptance of bank guarantees for taxation purposes (hereafter in this Article referred to as "the list"). The list shall be maintained by the Ministry of Finance of the Russian Federation on the basis of information received from the Central Bank of the Russian Federation, and must be placed on the official site of the Ministry of Finance of the Russian Federation on the "Internet" telecommunications network. In order to be included in the list a bank must meet the following requirements, except as otherwise provided by this Article: *[as amended by Federal Law No. 470-FZ of 27.12.2019]*

1) it must possess a licence to carry out banking operations issued by the Central Bank of the Russian Federation, and must have carried out banking activities for not less than five years;

2) it must have internal resources (capital) amounting to not less than 1 billion roubles;

3) it must have been in compliance with the mandatory norms provided for in Federal Law No. 86-FZ of 10 July 2002 "Concerning the Central Bank of the Russian Federation (Bank of Russia)" as at all reporting dates during the last six months;

4) it must not be the subject of a demand issued by the Central Bank of the Russian Federation for the execution of measures for the financial rehabilitation of the bank on the basis of Division 4.1 of Chapter IX of Federal Law No. 127-FZ of 26 October 2002 "Concerning Insolvency (Bankruptcy)". This subsection shall not apply to banks which are undergoing bankruptcy prevention measures carried out with the participation of the Central Bank of the Russian Federation or the "Deposit Insurance Agency" state corporation. *[as amended by Federal Laws No. 462-FZ of 29.12.2014, No. 470-FZ of 27.12.2019]*

4. Where circumstances are discovered which indicate that a bank which has not been included in the list meets the established requirements or that a bank which has been included in the list does not meet the established requirements, that information shall be sent by the Central Bank of the Russian Federation to the Ministry of Finance of the Russian Federation within five days of the discovery of those circumstances, in order for appropriate amendments to be made to the list, except as otherwise provided by this Article. *[as amended by Federal Law No. 470-FZ of 27.12.2019]*

4.1. Bank guarantees shall also be provided by the “VEB.RF” state development corporation without it being subject to the requirements stipulated by clause 3 of this Article. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

The maximum amount of one bank guarantee and the maximum amount of all simultaneously effective bank guarantees issued by the “VEB.RF” state development corporation in order for those guarantees to be accepted by the tax authorities shall be established by the Government of the Russian Federation. *[as amended by Federal Law No. 325-FZ of 29.09.2019] [clause 4.1 inserted by Federal Law No. 466-FZ of 29.12.2017]*

4.2. During the period of the implementation of a plan approved by the Board of Directors of the Central Bank of the Russian Federation in accordance with Federal Law No. 127-FZ of 26 October 2002 “Concerning Insolvency (Bankruptcy)” for the participation of the Central Bank of the Russian Federation in the implementation of measures for the prevention of the bankruptcy of a bank (hereafter in this Article referred to as “bank bankruptcy prevention plan”) that was included in the list as at the date of approval of the bank bankruptcy prevention plan, and provided that the Board of Directors of the Central Bank of the Russian Federation has adopted a decision to guarantee the continuity of the activities of that bank, bank guarantees of that bank may serve as security for the taxpayer’s obligation to pay tax irrespective of whether or not the bank meets the requirements established by subsections 2 and 3 of clause 3 of this Article. Information on the fact and date of approval of a plan for the prevention of the bankruptcy of a bank included in the list and information on the fact and date of the adoption by the Board of Directors of the Central Bank of the Russian Federation of a decision to guarantee the continuity of the activities of the bank during the period of implementation of the bank bankruptcy prevention plan shall be sent by the Central Bank of the Russian Federation to the Ministry of Finance of the Russian Federation not later than within five days from the day on which the Board of Directors of the Central Bank of the Russian Federation adopted the decision to guarantee the continuity of the activities of the bank.

During the period of implementation of a plan for the prevention of the bankruptcy of a bank that was included in the list as at the date of approval of the bank bankruptcy prevention plan by the Board of Directors of the Central Bank of the Russian Federation, that bank shall not be excluded from the list provided that the Central Bank of the Russian Federation has adopted a decision to guarantee the continuity of the activities of the bank.

If a bank that was included in the list as at the date of the approval of a bank bankruptcy prevention plan in relation to that bank was excluded from the list before the day on which the Board of Directors of the Central Bank of the Russian Federation adopted a decision to guarantee the continuity of the activities of the bank during the period of implementation of the bank bankruptcy prevention plan, the Ministry of Finance of the Russian Federation shall

include that bank in the list not later than within five days from the day on which the information referred to in paragraph 1 of this clause is received from the Central Bank of the Russian Federation.

[clause 4.2 inserted by Federal Law No. 470-FZ of 27.12.2019]

5. Except as otherwise provided in this Code, a bank guarantee must meet the following requirements: *[as amended by Federal Law No. 130-FZ of 01.05.2016]*

- 1) the bank guarantee must be irrevocable and non-transferable;
- 2) the bank guarantee may not contain a reference to the presentation by the tax authority to the guarantor of documents which are not provided for in this Article;
- 3) the bank guarantee must expire not earlier than six months from the date of expiry of the established time limit for the fulfilment by the taxpayer of the tax payment obligation which is secured by the guarantee, except as otherwise provided by this Code;
- 4) the amount for which the bank guarantee is issued must be such as to ensure that the guarantor will cover the full amount of the taxpayer's obligation to pay tax and corresponding penalties, except as otherwise provided by this Code;
- 5) the bank guarantee must provide for the application by the tax authority of measures enabling amounts whose payment is secured by the bank guarantee to be recovered from the guarantor in accordance with the procedure and within the time limits which are prescribed by Articles 46 and 47 of this Code in the event that it fails to fulfil within the established time limit a demand for the payment of a sum of money covered by the bank guarantee which was sent before the expiry of the bank guarantee.

6. In the event that tax is not paid or is not paid in full within the established time period by the taxpayer whose obligation to pay tax is secured by the bank guarantee, the tax authority shall send a demand for the payment of a sum of money covered by the bank guarantee to the guarantor within five days from the date of expiry of the time limit for the fulfilment of the tax demand.

7. An obligation arising from a bank guarantee must be fulfilled by the guarantor within five days from the day on which it receives a demand for the payment of a sum of money covered by the bank guarantee.

8. A guarantor shall not have the right to refuse to satisfy a tax authority's demand for the payment of a sum of money covered by the bank guarantee (unless the demand has been presented to the guarantor after the expiry of the time period for which the bank guarantee was issued).

8.1. The maximum amount of one bank guarantee and the maximum amount of all simultaneously effective bank guarantees issued by one bank included in the list in order for those guarantees to be accepted by the tax authorities shall be established by the Government of the Russian Federation based on the amount of internal resources (capital), the values of mandatory norms provided for in Federal Law No. 86-FZ of 10 July 2002 "Concerning the

Central Bank of the Russian Federation (Bank of Russia)” and other criteria, including those laid down in this Article.

The maximum amount of one bank guarantee and the maximum amount of all simultaneously effective bank guarantees issued by a bank included in the list in relation to which the Board of Directors of the Central Bank of the Russian Federation has approved a bank bankruptcy prevention plan and adopted a decision to guarantee the continuity of its activities during the period of implementation of the bank bankruptcy prevention plan, in order for those guarantees to be accepted by the tax authorities during the period of implementation of the bank bankruptcy prevention plan, shall be established in accordance with paragraph 1 of this clause as at the last quarterly reporting date preceding the date on which the Board of Directors of the Central Bank of the Russian Federation approved the plan for the prevention of the bankruptcy of that bank. *[paragraph inserted by Federal Law No. 470-FZ of 27.12.2019]*
[clause 8.1 inserted by Federal Law No. 101-FZ of 05.04.2016]

9. The rules laid down in this Article shall also apply in relation to bank guarantees which secure the fulfilment of obligations to pay levies, insurance contributions, penalties and fines. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

Article 75. Penalty

1. A penalty shall be a sum of money established by this Article which a taxpayer must pay when amounts of taxes due, including taxes which are payable in connection with the transportation of goods across the customs border of the Customs Union, are paid later than the due dates established by tax and levy legislation. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 95-FZ of 29.07.2004, No. 137-FZ of 27.07.2006, No. 306-FZ of 27.11.2010, No. 243-FZ of 03.07.2016]*

2. The amount of applicable penalties shall be paid in addition to the amounts of a tax which are due irrespective of the use of other measures to ensure the fulfilment of the tax or levy obligation and sanctions for the violation of tax and levy legislation. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

3. A penalty shall be charged, except as otherwise provided by this Article and Chapters 25 and 26.1 of this Code, for each calendar day of the delay in the fulfilment of an obligation to pay tax, commencing from the day following the day established by tax and levy legislation for the payment of the tax until the day on which the obligation to pay it is fulfilled inclusively. The amount of penalties charged on arrears may not exceed the amount of those arrears. *[as amended by Federal Law No. 424-FZ of 27.11.2018]*

Penalties shall not be charged on an amount of arrears which a taxpayer (a member of a consolidated group of taxpayers in relation to whom measures for the enforced recovery of tax were taken in accordance with Article 46 of this Code) was unable to settle by reason of the fact that the taxpayer’s property was attached by decision of a tax authority or injunctive measures were taken by decision of a court in the form of the suspension of operations on bank accounts of the taxpayer (member of a consolidated group of taxpayers in relation to whom measures for the enforced recovery of tax were taken in accordance with Article 46 of this Code) or the attachment of monetary resources or property of the taxpayer (member of a consolidated group of taxpayers). In this case no penalties shall be charged for the entire

period for which those circumstances existed. The submission of an application for a deferral (instalment plan) or investment tax credit shall not cause the charging of penalties on the amount of tax due to be suspended. *[as amended by Federal Law No. 321-FZ of 16.11.2011]*

4. The penalty for each calendar day of delay in the fulfilment of a tax payment obligation shall be determined as a percentage of the unpaid amount of tax.

The percentage rate of a penalty shall be taken to be equal to:

- in the case of physical persons, including private entrepreneurs – one three-hundredth of the refinancing rate of the Central Bank of the Russian Federation in effect at the time;

- in the case of organizations:

for a delay in the fulfilment of a tax payment obligation of up to 30 calendar days (inclusively) – one three-hundredth of the refinancing rate of the Central Bank of the Russian Federation in effect at the time;

for a delay in the fulfilment of a tax payment obligation exceeding 30 calendar days – one three-hundredth of the refinancing rate of the Central Bank of the Russian Federation in effect in the period up to 30 calendar days (inclusively) of the delay and one one-hundred-and-fiftieth of the refinancing rate of the Central Bank of the Russian Federation in effect in the period commencing from the 31st calendar day of the delay.

[clause 4 as reworded by Federal Law No. 401-FZ of 30.11.2016]

4.1. The legislative (representative) state government body of a constituent entity of the Russian Federation in whose territory the procedure for the determination of the tax base for tax on property of physical persons based on the cadastral value of taxable objects is applied shall have the right to adopt a law establishing that penalties are to be charged on arrears of tax on property of physical persons:

1) for the 2015 tax period – commencing from 1 May 2017;

2) for the 2016 tax period – commencing from 1 July 2018;

3) for the 2017 tax period – commencing from 1 July 2019.

[clause 4.1 as reworded by Federal Law No. 335-FZ of 27.11.2017]

5. Penalties shall be paid at the same time as the amounts of the tax are paid or after those amounts have been fully paid. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

6. Penalties may be recovered on an enforced basis out of a taxpayer's monetary resources (precious metals) in bank accounts and out of a taxpayer's other property in accordance with the procedure laid down in Articles 46 to 48 of this Code. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

The enforced recovery of penalties from organizations and private entrepreneurs shall be effected according to the procedure laid down in Articles 46 and 47 of this Code, and the enforced recovery of penalties from physical persons who are not private entrepreneurs shall

be effected according to the procedure laid down in Article 48 of this Code. *[as amended by Federal Law No. 137-FZ of 04.11.2005]*

The enforced recovery of penalties from organizations and private entrepreneurs in the cases provided for in subsections 1 to 3 of clause 2 of Article 45 of this Code shall be effected by judicial process. *[as amended by Federal Law No. 137-FZ of 04.11.2005]*

7. The rules laid down in this Article shall also apply in relation to levies and insurance contributions and shall extend to levy payers, payers of insurance contributions, tax agents and a consolidated group of taxpayers.
[clause 7 as reworded by Federal Law No. 243-FZ of 03.07.2016]

8. Penalties shall not be charged on an amount of arrears which arose for a taxpayer (levy payer, payer of insurance contributions, tax agent) as a result of observing written explanations concerning the procedure for the calculation and payment of a tax (levy, insurance contributions) or on other issues relating to the application of tax and levy legislation which were given to that taxpayer (levy payer, payer of insurance contributions, tax agent) or to the public by a financial, tax or other authorized state authority (an authorized official of such an authority) within the limits of its competence (these circumstances shall be established by the existence of a relevant document of the authority in question which relates in terms of meaning and content to the tax (reporting, computation) periods in respect of which the arrears arose, irrespective of the date of publication of that document), and (or) as a result of the implementation by a taxpayer (levy payer, tax agent, payer of insurance contributions, tax agent) of a reasoned opinion of a tax authority which was sent to it in the course of the conduct of tax monitoring. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

The provision laid down in this clause shall not apply where such written explanations or reasoned opinion of a tax authority are based on incomplete or inaccurate information presented by the taxpayer (levy payer, tax agent). *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 348-FZ of 04.11.2014]*
[clause 8 inserted by Federal Law No. 137-FZ of 27.07.2006]

Article 76. Suspension of Operations on Bank Accounts of Organizations and Private Entrepreneurs or Transfers of Electronic Money *[title as amended by Federal Law No. 162-FZ of 27.06.2011] [article as reworded by Federal Law No. 137-FZ of 27.07.2006]*

1. The suspension of operations on bank accounts and transfers of electronic money shall be used to enforce a decision on the recovery of tax, a levy, insurance contributions, penalties and (or) a fine, except as otherwise provided in clauses 3 and 3.2 of this Article and subsection 2 of clause 10 of Article 101 of this Code. *[as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 229-FZ of 27.07.2010, No. 162-FZ of 27.06.2011, No. 113-FZ of 02.05.2015, No. 243-FZ of 03.07.2016]*

The suspension of operations on an account shall signify the cessation by the bank of all debit operations on that account, except as otherwise provided in clause 2 of this Article.

The suspension of operations on an account shall not apply to payments the execution of which comes before the fulfilment of obligations to pay taxes, levies and insurance contributions in order of priority in accordance with the civil legislation of the Russian Federation, or to operations involving the debiting of monetary resources for the payment of

taxes (advance payments), levies, insurance contributions and applicable penalties and fines and involving the remittance thereof to the budget system of the Russian Federation. *[as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 243-FZ of 03.07.2016]*

The suspension of transfers of electronic money shall signify the cessation by the bank of all operations which cause the electronic money balance to be reduced, except as otherwise provided by clause 2 of this Article. *[paragraph inserted by Federal Law No. 162-FZ of 27.06.2011]*

Operations shall not be suspended on special electoral accounts and special accounts of referendum funds. *[paragraph inserted by Federal Law No. 110-FZ of 26.04.2016]*

[EY Note: paragraph 1 of clause 2 of Article 76 is amended from 01.01.2022 – Federal Law No. 470-FZ of 29.12.2020]

2. A decision to suspend the operations of a taxpayer organization on its bank accounts and transfers of its electronic money shall be adopted by the director (deputy director) of a tax authority who sent a demand for the payment of tax, penalties or a fine in the event that the taxpayer organization has not paid that demand. *[as amended by Federal Law No. 162-FZ of 27.06.2011]*

In this respect, a decision to suspend operations of a taxpayer organization on its bank accounts and transfers of its electronic money may be adopted no earlier than the issuance of a decision on the recovery of tax. *[as amended by Federal Law No. 162-FZ of 27.06.2011]*

The suspension of operations on the bank accounts of a taxpayer organization in the case provided for in this clause shall signify the termination by the bank of debit operations on that account within the limits of the amount stated in the decision on the suspension of bank account operations of the taxpayer organization, unless otherwise provided in paragraph 3 of clause 1 of this Article.

The suspension of transfers of electronic money of a taxpayer organization in the case provided for in this clause shall signify the cessation by the bank of operations which cause the electronic money balance to be reduced within the limits of the amount specified in the tax authority's decision. *[as amended by Federal Law No. 162-FZ of 27.06.2011]*

The suspension of a taxpayer organization's operations on its currency bank account in the case provided for in this clause shall signify the cessation by the bank of debit operations on that account within the limit of a foreign currency amount equivalent to the rouble amount shown in the decision on the suspension of the taxpayer organization's bank account operations, determined on the basis of the exchange rate set by the Central Bank of the Russian Federation on the commencement date of the suspension of operations on the taxpayer's currency account. *[paragraph inserted by Federal Law No. 224-FZ of 26.11.2008]*

The suspension of transfers of electronic money in foreign currency of a taxpayer organization in the case provided for in this clause shall signify the cessation by the bank of operations which cause the electronic money balance to be reduced within the limits of an amount in foreign currency equivalent to the rouble amount stated in the tax authority's decision according to the exchange rate set by the Central Bank of the Russian Federation on

the commencement date of the suspension of the transfer of electronic money in foreign currency of the taxpayer in question. *[paragraph inserted by Federal Law No. 162-FZ of 27.06.2011]*

The suspension of a taxpayer organization's operations on its precious metal bank account in the case provided for in this clause shall signify the termination by the bank of debit operations on that account within the limits of the value of precious metals equivalent to the payment amount in roubles which is stated in the decision on the suspension of the taxpayer organization's operations on bank accounts. In this respect, the value of precious metals shall be determined on the basis of the accounting price of precious metals set by the Central Bank of the Russian Federation as at the date of commencement of the suspension of operations on the precious metal account. *[paragraph inserted by Federal Law No. 343-FZ of 27.11.2017]*

2.1. Decisions to suspend bank account operations and electronic money transfers for the purpose of securing the fulfilment of obligations to pay taxes, levies and insurance contributions by the participant in an investment partnership agreement which is the managing partner responsible for the maintenance of tax records (hereafter in this Article referred to as "managing partner responsible for the maintenance of tax records") in connection with the performance of the investment partnership agreement shall be adopted by the director (deputy director) of the tax authority for the location of that managing partner. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

For purposes of securing the fulfilment of obligations to pay taxes, levies and insurance contributions by the managing partner responsible for the maintenance of tax records in connection with the performance of the investment partnership agreement (with the exception of tax on profit of organizations arising in connection with that partner's participation in the investment partnership agreement), operations on bank accounts and transfers of electronic money of the investment partnership shall be suspended first and foremost. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

Where there are no resources or insufficient resources in an investment partnership's accounts, a decision to suspend bank account operations and electronic money transfers may be adopted in relation to accounts of the managing partners. In this respect, such a decision shall be adopted first and foremost in relation to accounts of the managing partner responsible for the maintenance of tax records.

Where there are no resources or insufficient resources in accounts of the managing partners, a decision to suspend operations on bank accounts and transfers of electronic money of partners may be adopted in relation to accounts of the partners to the extent of an amount proportional to each partner's share in the common property of the partners, as determined as at the date on which the outstanding balance arose.

A decision to suspend operations on bank accounts and transfers of electronic money of managing partners and partners may be adopted not earlier than the adoption of a decision to recover tax from resources in those persons' bank accounts.

[clause 2.1 inserted by Federal Law No. 336-FZ of 28.11.2011]

3. A decision to suspend operations of a taxpayer organization on its bank accounts and transfers of its electronic money may also be adopted by the director (deputy director) of a tax authority in the following cases:

1) in the event that the taxpayer organization does not submit a tax declaration to the tax authority within 20 days after the expiry of the established time limit for the submission of such a declaration – within three years from the date of expiry of the time limit which is established by this subsection; *[as amended by Federal Law No. 368-FZ of 09.11.2020]*

1.1) in the event that the taxpayer organization fails to fulfil the obligation established by clause 5.1 of Article 23 of this Code to make arrangements for documents to be received from the tax authority for the organization’s location (with which the organization is registered as a major taxpayer) in electronic form via telecommunications channels through an electronic document interchange operator - within 10 days from the day on which the tax authority establishes the failure by the taxpayer organization to fulfil that obligation;

[subsection 1.1 inserted by Federal Law No. 130-FZ of 01.05.2016]

2) in the event that the taxpayer organization fails to fulfil the obligation established by clause 5.1 of Article 23 of this Code to transmit to the tax authority an acknowledgement of receipt of a demand for the presentation of documents, a demand for the presentation of explanations and (or) a notification of summons to the tax authority – within 10 days from the date of expiry of the time limit which is established for the transmission by a taxpayer organization of an acknowledgement of receipt of documents sent by a tax authority.

[clause 3 as reworded by Federal Law No. 134-FZ of 28.06.2013]

3.1. Decisions of a tax authority concerning the suspension of operations of a taxpayer organization on its bank accounts and transfers of its electronic money which were adopted in accordance with clause 3 of this Article shall be rescinded by a decision of that tax authority according to the following procedure:

1) where the decision was adopted on the basis of subsection 1 of clause 3 of this Article – not later than one day after the day on which the taxpayer organization submits a tax declaration;

1.1) where the decision was adopted on the basis of subsection 1.1 of clause 3 of this Article – not later than one day after the day on which the taxpayer organization fulfils the obligation established by clause 5.1 of Article 23 of this Code to make arrangements for documents to be received from the tax authority for the organization’s location (with which the organization is registered as a major taxpayer) in electronic form via telecommunications channels through an electronic document interchange operator;

[subsection 1.1 inserted by Federal Law No. 130-FZ of 01.05.2016]

2) where the decision was adopted on the basis of subsection 2 of clause 3 of this Article – not later than one day after the earlier of the following dates:

- the day on which an acknowledgement of receipt of documents sent by the tax authority is transmitted by the taxpayer organization in accordance with the procedure prescribed by clause 5.1 of Article 23 of this Code;

- the day on which documents (explanations) demanded by the tax authority are presented – where a demand for the presentation of documents (explanations) was sent, or the day on which a representative of the organization appears at the tax authority – where a notification

of summons to the tax authority was sent.

[clause 3.1 inserted by Federal Law No. 134-FZ of 28.06.2013]

3.2. A decision of a tax authority to suspend operations of a tax agent (a payer of insurance contributions) on its bank accounts and transfers of its electronic money shall also be adopted by the director (deputy director) of a tax authority in the event that the tax agent (payer of insurance contributions) fails to submit a computation of amounts of tax on income of physical persons calculated and withheld by the tax agent (an insurance contribution computation) to the tax authority within 20 days after the expiry of the prescribed time limit for the submission of such a computation. *[as amended by Federal Law No. 368-FZ of 09.11.2020]*

In this case, the tax authority's decision to suspend operations of the tax agent (payer of insurance contributions) on its bank account and transfers of its electronic money shall be annulled by a decision of that tax authority not later than one day after the day on which that tax agent (payer of insurance contributions) submitted the computation of amounts of tax on income of physical persons calculated and withheld by the tax agent (the insurance contribution computation).

[clause 3.2 as amended by Federal Law No. 232-FZ of 29.07.2018]

3.3. A tax authority shall have the right to send to a taxpayer (tax agent, payer of insurance contributions) a notification of the non-fulfilment of the obligation to submit a tax declaration (computation) not later than within 14 days before the date of adoption of a decision provided for in subsection 1 of clause 3 or clause 3.2 of this Article.

[clause 3.3 inserted by Federal Law No. 368-FZ of 09.11.2020]

[EY Note: a clause 3.4 is inserted in Article 76 from 01.01.2022 – Federal Law No. 470-FZ of 29.12.2020]

4. A decision on the suspension of operations of a taxpayer organization on its bank accounts and transfers of its electronic money shall be sent by the tax authority to the bank in electronic form. *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 97-FZ of 29.06.2012]*

A decision on the cancellation of the suspension of operations on accounts of a taxpayer organization and of transfers of electronic money of such organization shall be sent to a bank in electronic form not later than the day following the day on which that decision is adopted.

[as amended by Federal Law No. 97-FZ of 29.06.2012]

The procedure for the sending to a bank in electronic form of a tax authority's decision on the suspension of operations on bank accounts of a taxpayer organization and transfers of its electronic money or a decision on the cancellation of the suspension of operations on bank accounts of a taxpayer organization and transfers of its electronic money shall be established by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 97-FZ of 29.06.2012]*

The standard forms of a tax authority's decision on the suspension of operations on bank accounts of a taxpayer organization and of transfers of electronic money of such organization and a decision on the cancellation of the suspension of operations on bank accounts of a taxpayer organization and of transfers of electronic money of such organization shall be

approved by the federal executive body in charge of control and supervision in the area of taxes and levies. The formats for the above-mentioned decisions shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Central Bank of the Russian Federation. *[as amended by Federal Law No. 97-FZ of 29.06.2012]*

A copy of a decision on the suspension of operations on bank accounts of a taxpayer organization and transfers of its electronic money or a decision on the cancellation of the suspension of operations on bank accounts of a taxpayer organization shall be transmitted to the taxpayer organization against receipt or in another manner which provides evidence of the date of receipt of a copy of the decision in question by the taxpayer organization not later than the day following the day on which the decision is adopted. *[as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 162-FZ of 27.06.2011]*

5. A bank shall be obliged to notify a tax authority electronically of balances of monetary resources (precious metals) held by a taxpayer organization in bank accounts on which operations have been suspended and of balances of electronic money whose transfer has been suspended within three days after the date of receipt of that tax authority's decision on the suspension of operations on bank accounts of the taxpayer organization. The formats for the provision by a bank of information on balances of monetary resources (precious metals) in a taxpayer organization's bank accounts and balances of electronic money and the procedure for the sending of that information by a bank in electronic form shall be approved by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 287-FZ of 03.11.2010, No. 162-FZ of 27.06.2011, No. 97-FZ of 29.06.2012, No. 343-FZ of 27.11.2017]*

6. A tax authority's decision on the suspension of operations on bank accounts of a taxpayer organization and transfers of its electronic money must be strictly complied with by a bank. *[as amended by Federal Law No. 162-FZ of 27.06.2011]*

7. The suspension of a taxpayer organization's operations on its bank accounts and transfers of its electronic money shall have effect from the time when the bank receives the tax authority's decision on the suspension of such operations and such transfers and until the bank receives the tax authority's decision on the cancellation of the suspension of operations on the taxpayer organization's bank accounts or the tax authority's decision on the cancellation of the suspension of transfers of its electronic money. *[as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 162-FZ of 27.06.2011]*

Where a decision on the suspension of operations on bank accounts of a taxpayer organization is sent in electronic form, the date and time of the receipt thereof by a bank shall be determined in accordance with a procedure to be established by the Central Bank of the Russian Federation in consultation with the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 97-FZ of 29.06.2012]*

Where, since the adoption of a decision on the suspension of operations on the bank accounts of a taxpayer organization, changes have occurred in the name of the taxpayer organization and (or) in the details of the bank account of the taxpayer organization on which operations are suspended according to the tax authority's decision, the bank must continue to enforce

that decision in relation to the taxpayer organization whose name has changed and in relation to operations on the account whose details have changed. *[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010]*

Where, since the adoption of a decision on the suspension of transfers of electronic money held by a taxpayer organization with a bank, changes have occurred in the name of the taxpayer organization and (or) in the details of the corporate electronic payment medium which has been suspended for use for transfers of electronic money according to the tax authority's decision, the bank must continue to enforce that decision in relation to the taxpayer organization which has changed its name and transfers of electronic money using the corporate electronic payment medium whose details have changed. *[paragraph inserted by Federal Law No. 162-FZ of 27.06.2011]*

8. The suspension of operations on bank accounts of a taxpayer organization and transfers of its electronic money shall be cancelled by a decision of the tax authority not later than one day after the day of the receipt by the tax authority of documents (copies thereof) confirming the recovery of tax, penalties or a fine. *[as amended by Federal Laws No. 224-FZ of 26.11.2008, No. 162-FZ of 27.06.2011]*

9. In the event that the total amount of monetary resources held by a taxpayer organization in accounts on which operations have been suspended on the basis of a tax authority's decision exceeds the amount which is specified in that decision, the taxpayer in question shall have the right to submit to the tax authority an application for the cancellation of the suspension of operations on its bank accounts, indicating the accounts in which there are sufficient monetary resources for the execution of the tax recovery decision.

A tax authority shall be obliged, within two days of receiving the taxpayer's application which is referred to in paragraph 1 of this clause, to adopt a decision on the cancellation of the suspension of operations on accounts of a taxpayer organization with respect to the amount in excess of the amount of monetary resources which is stated in the tax authority's decision on the suspension of operations on bank accounts of the taxpayer organization.

In the event that a taxpayer does not supply, together with the above-mentioned application, documents confirming monetary resources held in the accounts specified in that application, the tax authority may, before adopting a decision on the cancellation of the suspension of operations and within one day after the day on which the taxpayer's application was received, send to the bank with which the accounts specified by the taxpayer are held an inquiry regarding the balances of monetary resources in those accounts. A statement of balances of monetary resources in a taxpayer's bank accounts shall be sent by a bank in electronic form in the prescribed format not later than the day following the day on which the tax authority's inquiry is received. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 97-FZ of 29.06.2012]*

After receiving from a bank information to the effect that there are sufficient resources in the taxpayer's bank accounts for the execution of the recovery decision, the tax authority shall be obliged to adopt within two days a decision on the cancellation of the suspension of operations on the taxpayer organization's accounts with respect to the amount in excess of the amount of monetary resources which is stated in the tax authority's decision on the suspension of operations on bank accounts of the taxpayer organization.

The provisions of this clause shall also apply in the event of the suspension of operations on precious metal accounts. In this respect, the value of precious metals shall be determined on the basis of the accounting price of precious metals set by the Central Bank of the Russian Federation as at the date on which the tax authority adopted the decision to cancel the suspension of operations on the precious metal account. *[paragraph inserted by Federal Law No. 343-FZ of 27.11.2017]*

9.1. The suspension of operations on a taxpayer organization's bank accounts shall be cancelled in the cases specified in clause 3.1, paragraph 2 of clause 3.2 and clauses 7 to 9 of this Article and in clause 10 of Article 101 of this Code and on grounds provided for in other federal laws. *[as amended by Federal Laws No. 134-FZ of 28.06.2013, No. 113-FZ of 02.05.2015]*

Where the suspension of operations on a taxpayer organization's bank accounts is cancelled on grounds provided for in other federal laws, it shall not be necessary for the tax authority to adopt a decision cancelling the suspension of such operations.

[clause 9.1 as reworded by Federal Law No. 229-FZ of 27.07.2010]

9.2. Where a tax authority fails to comply with the time limit for the cancellation of a decision on the suspension of operations on a taxpayer organization's bank accounts or the time limit for the sending to a bank of a decision on the cancellation of the suspension of operations on a taxpayer organization's bank account, interest payable to the taxpayer shall accrue on the amount of monetary resources covered by the suspension (on precious metals covered by the suspension) for each calendar day by which the time limit is exceeded. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 343-FZ of 27.11.2017]*

In the event that a tax authority unlawfully issues a decision ordering the suspension of operations on a taxpayer organization's bank account, interest payable to that taxpayer organization shall accrue on the amount of monetary resources covered by that decision (on precious metals covered by that decision) of the tax authority for each calendar day commencing from the day on which the bank received the decision ordering the suspension of operations on the taxpayer's accounts up to the day on which the bank receives a decision cancelling the suspension of operations on the taxpayer organization's accounts. *[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010; as amended by Federal Law No. 343-FZ of 27.11.2017]*

The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which was in effect on days on which operations on a taxpayer organization's accounts were unlawfully suspended or the tax authority was not in compliance with the time limit for the cancellation of a decision on the suspension of operations on a taxpayer organization's bank accounts or the time limit for the sending to a bank of a decision on the cancellation of the suspension of operations on a taxpayer organization's bank account. In this respect, the value of precious metals shall be determined on the basis of the accounting price of precious metals set by the Central Bank of the Russian Federation as at the date of the unlawful suspension of operations on the taxpayer organization's accounts or the violation by the tax authority of the time limit for cancelling the decision on the suspension of operations on the taxpayer organization's bank accounts or the time limit for sending the decision on the cancellation of the suspension of operations on the taxpayer organization's bank accounts to the bank. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 97-FZ of 29.06.2012, No. 343-FZ of 27.11.2017]*
[clause 9.2 inserted by Federal Law No. 224-FZ of 26.11.2008]

9.3. The provisions of clauses 9, 9.1 and 9.2 of this Article shall also apply in the case of the suspension of transfers of electronic money of a taxpayer organization.

[clause 9.3 inserted by Federal Law No. 162-FZ of 27.06.2011]

10. A bank shall not be liable for losses incurred by a taxpayer organization as a result of the suspension of its bank account operations and transfers of its electronic money by decision of a tax authority. *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 343-FZ of 27.11.2017]*

11. The rules established by this Article shall also apply in relation to the suspension of operations on bank accounts and transfers of electronic money of the following persons:

1) organizations which are tax agents, levy payers and payers of insurance contributions;

[subsection 1 as reworded by Federal Law No. 243-FZ of 03.07.2016]

2) private entrepreneurs who are taxpayers, tax agents, levy payers and payers of insurance contributions;

[subsection 2 as reworded by Federal Law No. 243-FZ of 03.07.2016]

3) organizations and private entrepreneurs who or which are not taxpayers (tax agents, payers of insurance contributions) but are obliged to submit tax declarations (insurance contribution computations) in accordance with Part Two of this Code; *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

4) privately practising notaries and lawyers who have founded legal offices – as taxpayers, tax agents and payers of insurance contributions. *[as amended by Federal Law No. 243-FZ of 03.07.2016]*

[clause 11 as amended by Federal Law No. 134-FZ of 28.06.2013]

12. While a decision on the suspension of operations on a taxpayer organization's accounts and transfers of its electronic money is in force, banks shall not have the right to open new accounts or deposits for that organization or to authorize that organization to use new corporate electronic payment media for transfers of electronic money, with the exception of special electoral accounts and special accounts of referendum funds. *[as amended by Federal Laws No. 162-FZ of 27.06.2011, No. 248-FZ of 23.07.2013, No. 347-FZ of 04.11.2014, No. 110-FZ of 26.04.2016]*

The procedure for informing banks of the suspension of operations and the cancellation of the suspension of operations on accounts of a taxpayer organization and transfers of its electronic money, and on accounts of persons such as are referred to in clause 11 of this Article, shall be established by the federal executive body in charge of control and supervision in the area of taxes and levies in consultation with the Central Bank of the Russian Federation. *[paragraph inserted by Federal Law No. 248-FZ of 23.07.2013]*

[clause 12 as amended by Federal Law No. 229-FZ of 27.07.2010]

13. The rules established by this Article shall apply, with account taken of the special considerations laid down in this clause, in relation to security for the payment of tax on profit of organizations for a consolidated group of taxpayers.

The suspension of operations on bank accounts of members of a consolidated group of taxpayers shall take place according to the same order of priority as applies for recovery

proceedings carried out by a tax authority against monetary resources (precious metals) held in bank accounts in accordance with clause 11 of Article 46 of this Code. *[as amended by Federal Law No. 343-FZ of 27.11.2017]*

Decisions on the suspension of bank account operations of the responsible member of a consolidated group of taxpayers and other members of that group may also be adopted in the manner provided for in this Article in the event that a tax declaration for tax on profit of organizations for the consolidated group of taxpayers is not submitted to the tax authority within 10 days after the expiry of the established time limit for the submission of such declaration. In this case decisions on the suspension of operations on bank accounts may be adopted in relation to all members of the group at the same time.

[clause 13 inserted by Federal Law No. 321-FZ of 16.11.2011]

Article 77. Attachment of Property

1. The attachment of property as a means of enforcing a decision on the recovery of tax, penalties and fines shall be understood to be action taken by a tax or customs authority with the authorization of a public prosecutor to limit a taxpayer organization's right of ownership in respect of its property. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006]*

Property shall be attached in the event that a taxpayer organization fails to fulfil an obligation to pay tax, penalties and fines within the established time limits and tax or customs authorities have sufficient grounds to believe that the person in question will take measures to abscond or conceal its property. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006]*

2. The attachment of property may be full or partial.

A full attachment of property shall be understood to be such restriction of a taxpayer organization's rights in relation to its property whereby the taxpayer organization does not have the right to dispose of the attached property and the property is possessed and used subject to the authorization of and under the control of the tax or customs authority. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

A partial attachment shall be understood to be such restriction of a taxpayer organization's rights in relation to its property whereby the property is possessed, used and disposed of subject to the authorization of and under the control of the tax or customs authority. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

3. Attachment may only be applied only for the purpose of securing the fulfilment of an obligation to pay tax, penalties and a fine from the property of a taxpayer organization not earlier than the adoption by a tax authority of a decision to recover tax, penalties and a fine in accordance with Article 46 of this Code and where a taxpayer organization has insufficient or no monetary resources in its accounts or does not have electronic money or no information is available concerning a taxpayer organization's accounts or concerning the particulars of a corporate electronic payment medium used by it for electronic money transfers.

[clause 3 as reworded by Federal Law No. 248-FZ of 23.07.2013]

3.1. For the purpose of securing the fulfilment of obligations to pay taxes and levies, penalties and fines by the participant in an investment partnership agreement which is the managing partner responsible for the maintenance of tax records (hereafter in this Article referred to as “managing partner responsible for the maintenance of tax records”) in connection with the performance of the investment partnership agreement (with the exception of tax on profit of organizations arising in connection with that partner’s participation in the investment partnership agreement), the common property of partners and property of all managing partners may be attached. *[as amended by Federal Law No. 248-FZ of 23.07.2013]*

An attachment decision may be adopted in relation to the common property of the partners and, in the event that no such property exists or it is insufficient, in relation to property of all managing partners (in which case such decision shall be adopted first and foremost in relation to property of the managing partner responsible for the maintenance of tax records).

A decision to attach the common property of the partners shall be adopted by the director (deputy director) of the authorized tax authority. *[as amended by Federal Law No. 374-FZ of 23.11.2020]*

A decision to attach common property of the partners and property of the managing partners may be adopted not earlier than the adoption of a decision to recover tax, penalties and a fine in accordance with Article 46 of this Code and where an investment partnership or persons who are managing partners have insufficient or no monetary resources in their accounts or no information is available concerning accounts held by those persons. *[as amended by Federal Law No. 248-FZ of 23.07.2013]*
[clause 3.1 inserted by Federal Law No. 336-FZ of 28.11.2011]

4. An attachment order may be levied on the entire property of a taxpayer organization. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

5. Only such property as is necessary and sufficient to meet the obligation to pay tax, penalties and fines may be attached. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 137-FZ of 27.07.2006]*

Where the value of an item of immovable property of a foreign organization which does not carry on activities in the Russian Federation through a permanent establishment exceeds amounts of tax, penalties and a fine which are being recovered in respect of that item of immovable property, an attachment may be imposed on that item of immovable property in the event that the foreign organization does not have other property in the territory of the Russian Federation on which execution may be levied. *[paragraph inserted by Federal Law No. 347-FZ of 04.11.2014]*

6. A decision to attach a taxpayer - organization’s property shall be adopted by the director (deputy director) of a tax or customs authority in the form of an appropriate order. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

7. The attachment of the property of a taxpayer - organization shall take place with the participation of attesting witnesses. The authority carrying out the attachment of property shall not have the right to refuse to allow the taxpayer - organization (or a legal and (or) authorized representative of the taxpayer - organization) to be present when the property is attached. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

Persons participating in the attachment of property as attesting witnesses and specialists and the taxpayer - organization (the taxpayer - organization's representative) shall have their rights and obligations explained to them. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

8. The attachment of property at night-time shall not be permitted except in urgent cases.

9. Before property is attached, the officials carrying out the attachment must present to the taxpayer - organization (the taxpayer - organization's representative) the attachment decision, the public prosecutor's authorization and documents which certify their powers. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

10. A report on the attachment of property shall be drawn up when an attachment is carried out. The property that is to be attached shall be listed and described in that report and the attached list with an exact indication of the name, quantity and individual characteristics of the items and, if possible, their value.

All items that are to be attached shall be shown to the attesting witnesses and the taxpayer-organization (the taxpayer-organization's representative). *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

11. The director (deputy director) of the tax or customs authority who adopts the order on the attachment of property shall specify the place where the attached property is situated.

12. The alienation (except where carried out under the control of or with the permission of the tax or customs authority making the attachment), embezzlement or concealment of attached property shall not be permitted. Failure to observe the established procedure for the possession, use and disposal of attached property shall constitute grounds for calling the offenders to account in accordance with Article 125 of this Code and (or) other federal laws. *[as amended by Federal Law No. 154-FZ of 09.07.1999]*

12.1. At the request of a taxpayer organization in relation to which a decision has been taken to attach property, a tax authority shall have the right to adopt a decision to replace the attachment of property with:

1) a bank guarantee that meets the requirements established by Article 74.1 of this Code, confirming that the bank undertakes to pay the amount of arrears stated in the decision on the recovery of tax, penalties and fines and amounts of corresponding penalties and fines if those amounts are not paid by the principal within the time limit set by the tax authority;

2) a pledge of property of the taxpayer organization executed in accordance with clause 2 of Article 73 of this Code;

3) a third-party surety bond executed in the manner prescribed by Article 74 of this Code.

For the purposes of this subsection, the surety must meet the requirements established by clause 2.1 of Article 176.1 of this Code.

[clause 12.1 as amended by Federal Law No. 325-FZ of 29.09.2019]

13. A decision to attach property shall be rescinded by an authorized official of a tax or customs authority when the obligation to pay tax, penalties and fines is terminated or a decision to replace the attachment of property is adopted in accordance with clause 12.1 of this Article. *[as amended by Federal Laws No. 137-FZ of 27.07.2006, No. 248-FZ of 23.07.2013, No. 325-FZ of 29.09.2019]*

A decision to attach property shall have effect from the time of the levying of an attachment order until that decision is rescinded by the authorized official of a tax or customs authority who adopted the decision, or until that decision is rescinded by a higher tax or customs authority, or by a court. *[as amended by Federal Law No. 306-FZ of 27.11.2010]*

A tax (customs) authority shall notify a taxpayer of the cancellation of a decision on the attachment of property within five days after the day of the adoption of that decision. *[paragraph inserted by Federal Law No. 229-FZ of 27.07.2010]*

From the moment when property is deemed to be pledged to a tax authority, any previous attachment placed on that property shall be terminated. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

14. The rules of this article shall apply equally to the attachment of property of a tax agent which is an organization and of a levy payer and a payer of insurance contributions which is an organization, and of the responsible member of a consolidated group of taxpayers. *[as amended by Federal Laws No. 154-FZ of 09.07.1999, No. 321-FZ of 16.11.2011, No. 243-FZ of 03.07.2016]*

15. The rules established by this Article shall apply, with account taken of the special considerations laid down in this clause, in relation to security for the payment of tax on profit of organizations for a consolidated group of taxpayers.

The attachment of property of members of a consolidated group of taxpayers shall take place according to the same order of priority as applies for recovery proceedings carried out by a tax authority against property of a taxpayer in accordance with clause 11 of Article 47 of this Code.

[clause 15 inserted by Federal Law No. 321-FZ of 16.11.2011]

CHAPTER 12. CREDITING AND REFUND OF AMOUNTS PAID OR RECOVERED IN EXCESS

*[title as amended by Federal Law No. 243-FZ of 03.07.2016]
[article as reworded by Federal Law No. 137-FZ of 27.07.2006]*

Article 78. Credit or Refund of Overpayments of Tax, a Levy, Insurance Contributions Penalties or a Fine

1. An amount of overpaid tax shall be credited towards a taxpayer's future payments in respect of the same tax or other taxes or towards the settlement of arrears in respect of other taxes or outstanding penalties and fines for tax offences, or shall be refunded to the taxpayer in accordance with the procedure prescribed by this Article.

[Paragraph lost force from 01.10.2020 – Federal Law No. 325-FZ of 29.09.2019]

1.1. An amount of insurance contributions paid in excess shall be credited, within the appropriate budget of the state non-budgetary fund of the Russian Federation to which the amount in question was paid, towards the payer's future payments in respect of the contribution concerned and the outstanding balance of corresponding penalties and fines for tax offences, or shall be refunded to the payer of insurance contributions in accordance with the procedure laid down in this Article.

[clause 1.1 inserted by Federal Law No. 243-FZ of 03.07.2016]

2. The crediting or refund of an amount of overpaid tax shall be carried out by the tax authority without interest being charged on that amount, unless otherwise established by this Article. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

3. A tax authority shall be obliged to notify a taxpayer of each tax overpayment of which the tax authority has become aware and of the amount of overpaid tax within 10 days from the day on which such overpayment is discovered.

In the event of the discovery of indications of a possible overpayment of tax, at the proposal of the tax authority or the taxpayer a joint reconciliation of settlements in respect of taxes, levies, insurance contributions, penalties and fines may be carried out. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 243-FZ of 03.07.2016]*

[Paragraph lost force – Federal Law No. 229-FZ of 27.07.2010]

4. An amount of overpaid tax shall be credited towards a taxpayer's future payments in respect of the same tax or other taxes on the basis of a written claim (a claim submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels or submitted through an online tax account or as part of a tax declaration in accordance with Article 229 of this Code) of the taxpayer by decision of the tax authority, except as otherwise provided by clause 2 of Article 52 of this Code. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014, No. 325-FZ of 29.09.2019]*

Except as otherwise provided by this Article, a decision on the crediting of an amount of overpaid tax towards a taxpayer's future payments shall be adopted by the tax authority, taking into account the special considerations laid down in clause 5.1 of this Article, within 10 days from the day of the receipt of the taxpayer's claim or from the day on which the tax authority and the taxpayer in question sign a report on a joint reconciliation of taxes paid by the taxpayer, if such a joint reconciliation has been carried out, except as otherwise provided by this Article. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

5. The crediting of an amount of overpaid tax towards the settlement of arrears in respect of other taxes and outstanding penalties and (or) fines which are payable or recoverable in the cases provided for in this Code shall be effected by tax authorities independently for not more than three years from the day on which that amount of tax was paid. *[as amended by Federal Law No. 232-FZ of 29.07.2018]*

Except as otherwise provided by this Article, in the case provided for in this clause, a decision on the crediting of an amount of overpaid tax shall be adopted by the tax authority, taking into account the special considerations laid down in clause 5.1 of this Article, within 10 days from the day on which it discovers the occurrence of the tax overpayment or from the

day on which the tax authority and the taxpayer sign a report on the joint reconciliation of taxes paid by the taxpayer, if such a joint reconciliation has been carried out, or from the day of the entry into force of a court decision. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

The provision laid down this clause shall not prevent a taxpayer from submitting to the tax authority a written claim (claim submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels or submitted through an online tax account) for an amount of overpaid tax to be credited towards the settlement of arrears (outstanding penalties and fines). In this case the tax authority's decision on the crediting of the amount of overpaid tax towards the settlement of arrears and outstanding penalties and fines shall be adopted within 10 days from the day of the receipt of the above-mentioned claim from the taxpayer or from the day on which the tax authority and the taxpayer sign a report on the joint reconciliation of taxes paid by the taxpayer, if such a joint reconciliation has been carried out. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014]*

5.1. The crediting of excess amounts of transport tax and land tax paid by a taxpayer organization shall take place no earlier than the day on which the tax authority sends the taxpayer organization a notice of the amounts of those taxes calculated for the relevant tax period in accordance with Articles 363 and 397 of this Code.

[clause 5.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

6. An amount of overpaid tax shall be refundable on the basis of a written claim (a claim submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels or submitted through an online tax account or as part of a tax declaration in accordance with Article 229 of this Code) from the taxpayer within one month from the day on which that claim is received by the tax authority. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014, No. 325-FZ of 29.09.2019]*

The refund to a taxpayer of an amount of overpaid tax when that taxpayer has arrears in respect of other taxes or outstanding balances of corresponding penalties and in respect of fines which are recoverable in the cases provided for in this Code shall take place only after the amount of overpaid tax has been credited towards the settlement of arrears (outstanding balances). *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

An amount of overpaid tax shall be refunded to a bank account of the taxpayer that is indicated by the taxpayer in the claim for a refund of the amount of overpaid tax, unless otherwise established by this clause. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

An amount of overpaid tax on profit of organizations with respect to which special considerations relating to the calculation and payment thereof are established by Article 310.1 of this Code may be refunded to a bank account of the taxpayer that is indicated by the taxpayer in the claim for a refund of the amount of overpaid tax or to a bank account indicated in the taxpayer's claim that is held by a foreign nominee holder, a foreign authorized holder and (or) a person for whom a depositary programme account has been opened, if income was paid to the taxpayer through those persons. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

6.1. An amount of overpaid insurance contributions for compulsory pension insurance shall not be refundable if, according to information from a territorial body of the Pension Fund of

the Russian Federation, that amount was, in accordance the legislation of the Russian Federation concerning individual (personalized) records in the compulsory pension insurance system, included in the individual component of the insurance contribution rate in the individual account of an insured person to whom, at the time of the submission of a claim for the refund of the amount of overpaid insurance contributions, an insurance pension has been allocated in accordance with Federal Law No. 400-FZ of 28 December 2013 “Concerning Insurance Pensions”.

[clause 6.1 as reworded by Federal Law No. 312-FZ of 01.10.2020]

7. A claim for the credit or refund of an amount of overpaid tax may be submitted within three years from the day on which the amount in question was paid, except as otherwise provided by the tax and levy legislation of the Russian Federation or as a result of a mutual agreement procedure in accordance with an international tax agreement of the Russian Federation. *[as amended by Federal Laws No. 229-FZ of 27.07.2010, No. 166-FZ of 23.06.2014, No. 325-FZ of 29.09.2019]*

A claim for the credit or refund of an amount of overpaid tax shall be submitted to the tax authority where the taxpayer is registered. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

8. Except as otherwise provided by this Article, a decision on the refund of an amount of overpaid tax shall be adopted by a tax authority within 10 days from the day of the receipt of a taxpayer’s claim for the refund of the amount of overpaid tax or from the day on which the tax authority and the taxpayer in question sign a report on a joint reconciliation of taxes paid by the taxpayer, if such a joint reconciliation has been carried out. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

Before the expiry of the time limit which is established by paragraph 1 of this clause, an instruction for the refund of the amount of overpaid tax, drawn up on the basis of the tax authority’s decision on the refund of that amount of tax, must be sent by the tax authority to a territorial body of the Federal Treasury in order for the refund to the taxpayer to be effected in accordance with the budget legislation of the Russian Federation.

8.1. Where an in-house tax audit is conducted, the time limits established by paragraph 2 of clause 4, paragraph 3 of clause 5 and paragraph 1 of clause 8 of this Article shall begin to run upon the lapse of 10 days from the day following the day of the completion of the in-house tax audit for the tax (reporting) period concerned or from the day on which that audit should have been completed within the time limit established by clause 2 of Article 88 of this Code.

In the event that a violation of tax and levy legislation is discovered in the course of conducting an in-house tax audit, the time limits established by paragraph 2 of clause 4, paragraph 3 of clause 5 and paragraph 1 of clause 8 of this Article shall begin to run from the day following the day of the entry into force of the decision adopted on the basis of the audit.

[clause 8.1 inserted by Federal Law No. 325-FZ of 29.09.2019]

9. A tax authority shall be obliged to give a taxpayer notice of a decision to allow the crediting (refund) of amounts of overpaid tax or of a decision not to allow such crediting (refund) within five days from the day on which the decision in question is adopted. *[as amended by Federal Law No. 347-FZ of 04.11.2014]*

That notice shall be transmitted to the director of an organization, to a physical person or to their representatives in person against receipt or in another manner which provides evidence of the fact and date of the receipt of the notice.

Amounts of overpaid tax on profit of organizations for a consolidated group of taxpayers shall be credited for (refunded) to the responsible member of that group in accordance with the procedure established by this Article. *[paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]*

In the event that the agreement on the creation of a consolidated group of taxpayers has been terminated, amounts of overpaid tax on profit of organizations for the consolidated group of taxpayers which cannot be (have not been) reckoned towards arrears for that group shall be credited for (refunded to) the organization which was the responsible member of the consolidated group of taxpayers upon its application. *[paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]*

An amount of overpaid tax on profit of organizations for a consolidated group of taxpayers shall not be refunded to the responsible member of the consolidated group of taxpayers if it has arrears in respect of other taxes of a corresponding type or outstanding balances of corresponding penalties or in respect of fines which are recoverable in cases provided for in this Code. *[paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]*

10. In the event that an amount of overpaid tax is refunded outside the time limit which is established by clause 6 of this Article, and taking into account the special considerations laid down in clause 8.1 of this Article, the tax authority shall assess on the amount of overpaid tax which has not been refunded within the established time limit interest payable to the taxpayer for each calendar day by which the time limit for the refund is exceeded. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which was effective on the days on which the refund time limit was exceeded.

Interest assessed by a tax authority in accordance with this clause as at the date of a decision to refund an amount of overpaid tax shall be payable to the taxpayer on the basis of that decision without a claim from the taxpayer for the payment of interest. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

In other cases, interest assessed by a tax authority in accordance with this clause shall be payable to the taxpayer on the basis of a claim from the taxpayer. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

11. A territorial body of the Federal Treasury which has refunded an amount of overpaid tax shall notify the tax authority of the date of the refund and the amount of monetary resources refunded to the taxpayer.

12. In the event that the interest provided for in clause 10 of this Article has not been paid to a taxpayer in full, the tax authority shall adopt a decision concerning the refund of the

remaining amount of interest, calculated on the basis of the date of the actual refund of amounts of overpaid tax to the taxpayer, within three days after receiving the notification from the territorial body of the Federal Treasury concerning the date of the refund and the amount of monetary resources refunded to the taxpayer.

Before the expiry of the time limit which is established by paragraph 1 of this clause, an instruction for the refund of the remaining amount of interest, drawn up on the basis of the tax authority's decision on the refund of that amount, shall be sent by the tax authority to a territorial body of the Federal Treasury in order for the refund to be effected.

13. The crediting or refund of an amount of overpaid tax and the payment of assessed interest shall be effected in the currency of the Russian Federation.

13.1. Amounts of funds paid by way of reimbursement for damage caused to the budget system of the Russian Federation as a result of the crimes provided for in Articles 198 to 199.2 of the Criminal Code of the Russian Federation shall not be deemed to be amounts of overpaid tax and shall not be credited or refunded in accordance with the procedure laid down in this Article.

[clause 13.1 inserted by Federal Law No. 401-FZ of 30.11.2016]

14. The rules established by this Article shall also apply in relation to the crediting or refund of amounts of overpaid advance payments, levies, insurance contributions, penalties and fines and shall apply to tax agents, levy payers, payers of insurance contributions and the responsible member of a consolidated group of taxpayers. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 243-FZ of 03.07.2016]*

The provisions of this Article shall be applied in relation to the refund or crediting of overpaid amounts of state duty with account taken of the special considerations which are established by Chapter 25.3 of this Code.

The rules established by this Article shall also apply in relation to the crediting or refund of an amount of value added tax which is reimbursable on the basis of a tax authority's decision in the case provided for in clause 11.1 of Article 176 of this Code. *[paragraph inserted by Federal Law No. 248-FZ of 23.07.2013]*

The rules established by this Article shall also apply in relation to the crediting or refund of amounts of interest paid in accordance with clause 17 of Article 176.1 of this Code. *[paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]*

15. The fact that a person is indicated as a nominal owner of property in a special declaration submitted in accordance with the Federal Law "Concerning the Voluntary Declaration of Assets and Bank Accounts (Deposits) by Physical Persons and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation" and the transfer of that property to their actual owner shall not automatically constitute a basis for declaring amounts of taxes, levies, penalties and fines paid by the nominal owner in respect of that property to have been paid in excess.

[clause 15 inserted by Federal Law No. 150-FZ of 08.06.2015]

16. The rules established by this Article shall also apply to amounts of overpaid value added tax which are required to be refunded or credited to foreign taxpayer (tax agent) organizations such as are referred to in clause 3 of Article 174.2 of this Code. The refund of an amount of overpaid value added tax to such organizations shall take place by transfer to an account held with a bank.

[clause 16 inserted by Federal Law No. 244-FZ of 03.07.2016]

17. The rules established by this Article concerning the refund of overpaid taxes shall also apply for the refund of amounts of previously withheld tax on profit of organizations which are refundable to a foreign organization in cases provided for in clause 2 of Article 312 of this Code with account taken of the special considerations established by this clause.

A decision to refund an amount of previously withheld tax on profit of organizations shall be adopted by the tax authority within six months from the day on which a claim for the refund of previously withheld tax and other documents specified in clause 2 of Article 312 of this Code are received from a foreign organization. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

An amount of previously withheld tax on profit of organizations must be refunded within one month from the day on which the tax authority adopted a decision to refund the amount of previously withheld tax.

[clause 17 inserted by Federal Law No. 322-FZ of 14.11.2017]

Article 79. Refund of Amounts of Tax, a Levy, Insurance Contributions, Penalties and a Fine Which Have Been Recovered in Excess *[title as amended by Federal Law No. 243-FZ of 03.07.2016] [article as reworded by Federal Law No. 137-FZ of 27.07.2006]*

1. An amount of tax that has been recovered in excess shall be refunded to the taxpayer in accordance with the procedure laid down in this Article.

The refund to a taxpayer of an amount of tax recovered in excess when that taxpayer has arrears in respect of other taxes or outstanding balances of corresponding penalties and in respect of fines that are recoverable in cases provided for in this Code shall take place only after the amount in question has been credited towards the settlement of those arrears (outstanding balances) in accordance with Article 78 of this Code. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

1.1. An amount of insurance contributions recovered in excess shall be refunded to the payer of insurance contributions with account taken of the special considerations laid down in this clause.

The refund to a payer of insurance contributions of an amount of insurance contributions recovered in excess when that payer has outstanding balances of corresponding penalties and fines shall take place only after the amount in question has been credited towards the settlement of that outstanding balance, within the appropriate budget of the state non-budgetary fund of the Russian Federation to which that amount was paid, in accordance with Article 78 of this Code.

An amount of insurance contributions for compulsory pension insurance that were recovered in excess shall not be refundable if, according to information from a territorial body of the Pension Fund of the Russian Federation, that amount was, in accordance the legislation of the Russian Federation concerning individual (personalized) records in the compulsory pension insurance system, included in the individual component of the insurance contribution rate in the individual account of an insured person to whom, at the time of the submission of a claim for the refund of the amount of insurance contributions recovered in excess, an insurance pension has been allocated in accordance with Federal Law No. 400-FZ of 28 December 2013 “Concerning Insurance Pensions”. *[as amended by Federal Law No. 312-FZ of 01.10.2020]*
[clause 1.1 inserted by Federal Law No. 243-FZ of 03.07.2016]

2. A decision on the refund of an amount of tax recovered in excess shall be adopted by a tax authority within 10 days from the day of the receipt of a taxpayer’s claim (a claim submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels or submitted through an online tax account) for the refund of the amount of tax recovered in excess. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014]*

Before the expiry of the time limit established by paragraph 1 of this clause, an instruction for the refund of the amount of tax recovered in excess, drawn up on the basis of the tax authority’s decision on the refund of that amount of tax, must be sent by the tax authority to a territorial body of the Federal Treasury in order for the refund to the taxpayer to be effected in accordance with the budget legislation of the Russian Federation.

3. A claim for the refund of an amount of previously recovered tax may be submitted by a taxpayer to a tax authority within three years from the day on which the taxpayer became aware of the excess recovery of tax, except as otherwise provided as a result of a mutual agreement procedure in accordance with an international tax agreement of the Russian Federation. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

If tax is found to have been recovered in excess, the tax authority shall, on the basis of the above-mentioned claim, adopt a decision to refund the tax recovered in excess and interest charged on that amount in accordance with the procedure prescribed by clause 5 of this Article.

[clause 3 as reworded by Federal Law No. 322-FZ of 14.11.2017]

4. Once a tax authority has established that tax has been recovered in excess, it shall be obliged to give notice of that fact to the taxpayer within 10 days from the day on which that fact is established.

That notice shall be transmitted to the director of an organization, to a physical person or to their representatives in person against receipt or in another manner which provides evidence of the fact and date of receipt of the notice.

5. An amount of tax recovered in excess shall be refundable together with interest assessed thereon within one month from the day of the receipt of the taxpayer’s written claim (a claim submitted in electronic form with an enhanced qualified electronic signature via telecommunications channels or submitted through an online tax account) for the refund of the amount of tax recovered in excess. *[as amended by Federal Laws No. 97-FZ of 29.06.2012, No. 347-FZ of 04.11.2014]*

Interest shall be assessed on an amount of tax recovered in excess from the day following the day of recovery up to and including the day on which the refund actually takes place.

The interest rate shall be taken to be equal to the refinancing rate of the Central Bank of the Russian Federation which was effective on those days.

An amount of tax recovered in excess shall be refunded to a bank account of the taxpayer indicated by the taxpayer in the claim for a refund of the amount of overpaid tax. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

6. A territorial body of the Federal Treasury which has refunded an amount of tax recovered in excess and interest assessed on that amount shall notify the tax authority of the date of the refund and of the amount of monetary resources refunded to the taxpayer.

7. In the event that the interest provided for in clause 5 of this Article has not been paid to a taxpayer in full, the tax authority shall adopt a decision concerning the refund of the remaining amount of interest, calculated on the basis of the date of the actual refund to the taxpayer of amounts of tax recovered in excess, within three days after receiving the notification from the territorial body of the Federal Treasury concerning the date of the refund and the amount of monetary resources refunded to the taxpayer.

Before the expiry of the time limit established by paragraph 1 of this clause, an instruction for the refund of the remaining amount of interest, drawn up on the basis of the tax authority's decision on the refund of that amount, shall be sent by the tax authority to a territorial body of the Federal Treasury in order for the refund to be effected.

8. The refund of an amount of tax recovered in excess and the payment of assessed interest shall be effected in the currency of the Russian Federation.

9. The rules established by this Article shall also apply in relation to the crediting or refund of amounts of advance payments, levies, insurance contributions, penalties and fines which have been recovered in excess and shall apply to tax agents, levy payers, payers of insurance contributions and the responsible member of a consolidated group of taxpayers. *[as amended by Federal Laws No. 321-FZ of 16.11.2011, No. 243-FZ of 03.07.2016]*

The provisions of this Article shall apply in relation to the refund or crediting of amounts of state duty which have been recovered in excess with account taken of the special considerations which are established by Chapter 25.3 of this Code.

Amounts of tax on profit of organizations for a consolidated group of taxpayers which have been recovered in excess from members of that group must be credited for (refunded to) the responsible member of the consolidated group of taxpayers. *[paragraph inserted by Federal Law No. 321-FZ of 16.11.2011]*

The rules established by this Article shall also apply in relation to the crediting or refund of amounts of interest paid in accordance with clause 17 of Article 176.1 of this Code. *[paragraph inserted by Federal Law No. 401-FZ of 30.11.2016]*