

**SECTION VII.1. PERFORMANCE OF INTERNATIONAL AGREEMENTS OF THE
RUSSIAN FEDERATION ON TAXATION ISSUES AND MUTUAL
ADMINISTRATIVE ASSISTANCE IN TAX MATTERS**

[inserted by Federal Law No. 340-FZ of 27.11.2017]

**CHAPTER 20.1. AUTOMATIC EXCHANGE OF FINANCIAL INFORMATION
WITH FOREIGN STATES (TERRITORIES)**

[inserted by Federal Law No. 340-FZ of 27.11.2017]

**Article 142.1. Concepts and Terms Used in Relation to the Automatic Exchange of
Financial Information with Foreign States (Territories)** *[inserted by Federal Law No. 340-FZ of
27.11.2017]*

1. The following concepts and terms shall be used for the purposes of this Code in the context of the automatic exchange of financial information with foreign states (territories):

1) international automatic exchange of financial information with competent authorities of foreign states (territories) (hereinafter referred to as “automatic exchange of financial information”) – the provision by the federal executive body in charge of control and supervision in the area of taxes and levies to competent authorities of foreign states (territories) and the receipt by the federal executive body in charge of control and supervision in the area of taxes and levies from competent authorities of foreign states (territories) of information such as provided for in this Chapter on an automatic basis in accordance with international agreements of the Russian Federation on taxation issues;

2) financial market organization – a credit organization, an insurer which carries on voluntary life insurance activities, a professional participant in the securities market which carries on brokerage activities and (or) securities management activities and (or) depository activities, a manager under a fiduciary management agreement, a non-state pension fund, a joint stock investment fund, a management company of an investment fund, a mutual investment fund or a non-state pension fund, a central counterparty, the managing partner of an investment partnership, another organization or an unincorporated entity which, in the ordinary course of its activities, accepts monetary resources or other financial assets from clients for storage, management, investment and (or) the performance of other transactions in the interests of a client or directly or indirectly at the expense of a client;

3) client of a financial market organization (hereinafter referred to as “client”) – a person who concludes (has concluded) with a financial market organization an agreement providing for the provision of financial services;

4) financial services – services involving the attraction from clients and placement by financial market organizations of monetary resources or other financial assets for storage, management, investment and (or) the performance of other transactions in the interests of a client or directly or indirectly at the expense of a client;

5) financial information – information on transactions, accounts and deposits of clients, the amount of obligations of an insurer which has concluded a voluntary life insurance agreement to clients or beneficiaries, the amount of monetary resources and value of property of the above-mentioned persons which is possessed by a financial market organization in

accordance with a brokerage services agreement or a fiduciary management agreement of the financial market organization, the value of property of the above-mentioned persons which is recorded by a financial market organization which carries on depositary activities, pension accounts of the above-mentioned persons and obligations of central counterparties to the above-mentioned persons, and on payments made and transactions entered into in connection with accounts and deposits such as are referred to in this subsection, a voluntary life insurance agreement, a fiduciary management agreement (including one certified by the issuance of an investment unit), a brokerage services agreement, a depositary agreement, a pension agreement, an agreement with a central counterparty and other agreements under which a financial market organization accepts monetary resources or other financial assets from clients for storage, management, investment and (or) the performance of other transactions in the interests of a client or directly or indirectly at the expense of a client;

6) beneficiary – a person (unincorporated entity) for whose benefit a client acts, including on the basis of an agency contract, a contract of delegation, a commission agency contract or a fiduciary agreement;

7) person directly or indirectly controlling a client – a physical person who, whether directly or indirectly (through third parties), ultimately owns (has a dominant interest of more than 25 per cent in the capital of) a client or has the ability to control the actions of a client. The person directly or indirectly controlling a client who is a physical person shall be considered to be that person himself unless there are grounds to believe that there are other physical persons who directly or indirectly control the client-physical person;

8) financial assets – monetary resources and securities, derivative financial instruments, participating interests in the charter (pooled) capital of a legal entity or participating interests in a foreign unincorporated entity, claims arising from an insurance agreement and any other financial instrument associated with the above-mentioned types of financial assets. For the purposes of this Chapter, immovable property and precious metals (other than depersonalized metal accounts) shall not be considered to be financial assets.

Article 142.2. Obligations of a Financial Market Organization to Present Information to the Federal Executive Body in Charge of Control and Supervision in the Area of Taxes and Levies in Connection with the Automatic Exchange of Financial Information

[inserted by Federal Law No. 340-FZ of 27.11.2017]

1. Financial market organizations shall be obliged to present to the federal executive body in charge of control and supervision in the area of taxes and levies information on clients, beneficiaries and (or) persons directly or indirectly controlling them in relation to which it has been determined on the basis of measures established by clause 1 of Article 142.4 of this Code or information possessed by a financial market organization that they are tax residents of foreign states (territories), financial information on the above-mentioned persons and other information relating to an agreement concluded between a client and a financial market organization which provides for the provision of financial services. A financial market organization shall present the above-mentioned information in the prescribed formats only in electronic form. The conditions, procedure and time limits for the presentation of the above-mentioned information by a financial market organization and the composition of that information shall be established by the Government of the Russian Federation in consultation with the Central Bank of the Russian Federation.

2. The presentation of information by a financial market organization to the federal executive body in charge of control and supervision in the area of taxes and levies in accordance with this Chapter shall not constitute a violation of banking secrets and shall not require consent to be obtained from clients, beneficiaries and persons directly or indirectly controlling them.

3. The Government of the Russian Federation may, in consultation with the Central Bank of the Russian Federation, establish a list of financial market organizations and (or) types of agreements providing for the provision of financial services in relation to which the provisions of this Chapter do not apply owing to the low risk of such financial market organizations and (or) such agreements providing for the provision of financial services being used to perform actions (inaction) aimed at evading the payment of taxes (levies).

Article 142.3. Powers of the Federal Executive Body in Charge of Control and Supervision in the Area of Taxes and Levies in Connection with the Automatic Exchange of Financial Information *[inserted by Federal Law No. 340-FZ of 27.11.2017]*

1. The federal executive body in charge of control and supervision in the area of taxes and levies shall receive from a financial market organization, in connection with the automatic exchange of financial information, information on clients, beneficiaries and (or) persons directly or indirectly controlling them and other information which is presented in accordance with this Chapter.

The federal executive body in charge of control and supervision in the area of taxes and levies shall transmit the information in question to competent authorities of foreign states (territories) included in the list of states (territories) with which the automatic exchange of financial information takes place and of which clients, beneficiaries and (or) persons directly or indirectly controlling them are residents.

The list of states (territories) with which the automatic exchange of financial information takes place shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

2. The procedure for the transmission of financial information to competent authorities of foreign states (territories) such as are referred to in clause 1 of this Article and for the receipt of financial information by the federal executive body in charge of control and supervision in the area of taxes and levies from such competent authorities and requirements relating to the protection of financial information which is transmitted shall be determined by the Government of the Russian Federation.

3. The federal executive body in charge of control and supervision in the area of taxes and levies and territorial tax authorities shall have the right to use financial information of financial market organizations and competent authorities of foreign states (territories) which has been received in accordance with this Chapter in exercising its powers in accordance with the tax and levy legislation of the Russian Federation.

4. Financial information in electronic form which has been received by the federal executive body in charge of control and supervision in the area of taxes and levies from financial

market organizations and competent authorities of foreign states (territories) shall be equated with information received in paper form.

Article 142.4. Obligations and Rights of Financial Market Organizations and Their Clients in Connection with the Automatic Exchange of Financial Information *[inserted by Federal Law No. 340-FZ of 27.11.2017]*

1. For the purpose of fulfilling the obligations established by this Chapter, a financial market organization shall, in accordance with the procedure established by the Government of the Russian Federation in consultation with the Central Bank of the Russian Federation, request, process, including by documenting, and analyse information received and undertake and document as appropriate such measures as are reasonable and practicable in the circumstances to establish the tax residence of clients, beneficiaries and persons directly or indirectly controlling them, including by checking that information provided by a client is accurate and complete.

2. Clients shall be obliged to present to a financial market organization information on themselves, beneficiaries and persons directly or indirectly controlling them which is requested by a financial market organization in accordance with this Chapter.

3. In fulfilling the obligations provided for in this Chapter, a financial market organization shall have the right to use information possessed by that organization which was obtained in connection with the fulfilment of the requirements of the legislation of the Russian Federation concerning the countering of the legitimization (laundering) of proceeds of crime and the financing of terrorism.

4. In the event that a person concluding an agreement involving the provision of financial services with a financial market organization fails to present information requested in accordance with this Chapter, the financial market organization shall have the right to refuse to conclude an agreement with that person.

5. In the event that a client fails to present information requested in accordance with this Chapter, a financial market organization shall have the right to refuse to perform operations undertaken in favour of or at the instruction of a client under an agreement involving the provision of financial services (hereinafter referred to as “refusal to perform operations”) and (or), in cases provided for in this Chapter, to cancel on a unilateral basis an agreement involving the provision of financial services, having notified the client of this not later than one working day following the day on which the decision was adopted.

6. A refusal to perform operations shall mean the cessation by a financial market organization of operations under an agreement involving the provision of financial services, with the exception of operations such as are provided for in paragraphs 2 to 5 of part 2 of Article 855 of the Civil Code of the Russian Federation, and operations involving the transfer of funds to a client’s account with another credit organization or involving the issuance of funds to a client.

7. In the event that a client fails to present information requested by a financial market organization in accordance with this Chapter within fifteen days after a refusal to perform operations, the financial organization may unilaterally cancel the agreement involving the

provision of financial services concluded with that client, taking into account the provisions of the Civil Code of the Russian Federation.

In the event that a client presents information requested by a financial market organization after a refusal to perform operations and before an agreement involving the provision of financial services is considered to have been cancelled, the financial market organization shall have the right to rescind the previously adopted decision to cancel the agreement.

8. If, as a result of carrying out measures provided for in clause 1 of this Article, a financial market organization finds that information presented by a client is inaccurate or incomplete or concludes that information presented by a client conflicts with information possessed by the financial market organization, including information received from other publicly available sources of information, the financial market organization shall have the right to refuse to conclude an agreement involving the provision of financial services or to cancel on a unilateral basis an agreement involving the provision of financial services.

9. An agreement involving the provision of financial services shall be considered to have been cancelled upon the lapse of one month from the day on which a financial market organization presents a notification of cancellation of the agreement to the client, unless a different time period is established by the agreement involving the provision of financial services.

CHAPTER 20.2. INTERNATIONAL AUTOMATIC EXCHANGE OF COUNTRY-BY-COUNTRY REPORTS IN ACCORDANCE WITH INTERNATIONAL AGREEMENTS OF THE RUSSIAN FEDERATION

[inserted by Federal Law No. 340-FZ of 27.11.2017]

Article 142.5. Powers of the Federal Executive Body in Charge of Control and Supervision in the Area of Taxes and Levies in Carrying out the Automatic Exchange of Country-by-Country Reports *[inserted by Federal Law No. 340-FZ of 27.11.2017]*

1. The federal executive body in charge of control and supervision in the area of taxes and levies shall have the right to transmit country-by-country reports received in accordance with the provisions of Chapter 14.4-1 of this Code to competent authorities of foreign states (territories) within the framework of the automatic exchange of country-by-country reports in accordance with international agreements of the Russian Federation. The list of foreign states (territories) with whose competent authorities the automatic exchange of country-by-country reports is carried out shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

2. The federal executive body in charge of control and supervision in the area of taxes and levies shall accept, process, store and use in exercising its control and supervisory powers country-by-country reports which have been received from competent authorities within the framework of the automatic exchange of country-by-country reports in accordance with international agreements of the Russian Federation.

3. The procedure for the transmission of country-by-country reports to competent authorities of foreign states (territories) and the receipt of country-by-country reports by the federal executive body in charge of control and supervision in the area of taxes and levies from

competent authorities of such states (territories) and requirements relating to the protection of information transmitted which is contained in country-by-country reports shall be established by the Government of the Russian Federation.

4. The confidentiality of information from country-by-country reports submitted in accordance with the requirements of Chapter 14.4-1 of this Code and (or) received from competent authorities of foreign states (territories) within the framework of the international automatic exchange of country-by-country reports, the non-divulgence of reports and other protection of that information shall also be guaranteed in accordance with requirements laid down in international tax treaties of the Russian Federation according to rules similar to those laid down in Article 102 of this Code for the protection of information constituting tax secrets.

[clause 4 inserted by Federal Law No. 6-FZ of 17.02.2021]

Article 142.6. Restrictions on the Use of Information Contained in Country-by-Country Reports *[inserted by Federal Law No. 340-FZ of 27.11.2017]*

1. Information from country-by-country reports which is presented in accordance with the requirements of Chapter 14.4-1 of this Code and (or) has been received from competent authorities of foreign states (territories) within the framework of the automatic exchange of country-by-country reports may be used by the federal executive body in charge of control and supervision in the area of taxes and levies and its territorial bodies in exercising their powers in accordance with the tax and levy legislation of the Russian Federation.

2. Information from country-by-country reports which is presented in accordance with the requirements of Chapter 14.4-1 of this Code and (or) has been received from competent authorities of foreign states (territories) within the framework of the international automatic exchange of country-by-country reports shall not in and of itself constitute evidence of the non-payment and (or) underpayment of amounts of a tax (levy) without the examination of other evidence.

CHAPTER 20.3. MUTUAL AGREEMENT PROCEDURE IN ACCORDANCE WITH AN INTERNATIONAL TAX AGREEMENT OF THE RUSSIAN FEDERATION

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

Article 142.7. General Provisions *[inserted by Federal Law No. 325-FZ of 29.09.2019]*

For the purposes of this Code, a mutual agreement procedure in accordance with an international tax agreement of the Russian Federation (hereafter in this Chapter referred to as “mutual agreement procedure”) shall be understood to mean a procedure for settling disputes over how a person should be taxed on his income, profits and property where the provisions of an international tax agreement of the Russian Federation are applied.

Article 142.8. Procedure for the Conduct of a Mutual Agreement Procedure *[inserted by Federal Law No. 325-FZ of 29.09.2019]*

1. The procedure for the conduct of a mutual agreement procedure shall be determined by the provisions of the relevant international tax agreement of the Russian Federation.



2. A mutual agreement procedure may be initiated on the application of a person such as is referred to in Article 142.7 of this Code or on the request of a competent authority of a foreign state (territory) which is a party to an international tax agreement of the Russian Federation.

3. The procedure and timeframe for the submission of an application for the conduct of a mutual agreement procedure and the procedure and timeframe for the consideration of that application shall be determined by the Ministry of Finance of the Russian Federation with account taken of the provisions of international tax agreements of the Russian Federation.”.

**President of the Russian Federation
B. Yeltsin**

AMENDING LAWS:

Federal Laws No. 154-FZ of 09.07.1999, No. 13-FZ of 02.01.2000, No. 118-FZ of 05.08.2000, No. 180-FZ of 28.12.2001, No. 190-FZ of 29.12.2001, No. 196-FZ of 30.12.2001, No. 61-FZ of 28.05.2003, No. 65-FZ of 06.06.2003, No. 86-FZ of 30.06.2003, No. 104-FZ of 07.07.2003, No. 185-FZ of 23.12.2003, No. 58-FZ of 29.06.2004, No. 95-FZ of 29.07.2004, No. 127-FZ of 02.11.2004, No. 78-FZ of 01.07.2005, No. 137-FZ of 04.11.2005, No. 19-FZ of 02.02.2006, No. 137-FZ of 27.07.2006, No. 265-FZ of 30.12.2006, No. 268-FZ of 30.12.2006, No. 64-FZ of 26.04.2007, No. 83-FZ of 17.05.2007, No. 84-FZ of 17.05.2007, No. 103-FZ of 26.06.2008, No. 108-FZ of 30.06.2008, No. 160-FZ of 23.07.2008, No. 205-FZ of 24.11.2008, No. 224-FZ of 26.11.2008, No. 195-FZ of 29.07.2009, No. 213-FZ of 24.07.2009, No. 261-FZ of 23.11.2009, No. 281-FZ of 25.11.2009, No. 283-FZ of 28.11.2009, No. 318-FZ of 17.12.2009, No. 374-FZ of 27.12.2009, No. 383-FZ of 29.12.2009, No. 20-FZ of 09.03.2010, No. 229-FZ of 27.07.2010, No. 242-FZ of 30.07.2010, No. 243-FZ of 28.09.2010, No. 287-FZ of 03.11.2010, No. 306-FZ of 27.11.2010, No. 324-FZ of 29.11.2010, No. 404-FZ of 28.12.2010, No. 132-FZ of 07.06.2011, No. 162-FZ of 27.06.2011, No. 200-FZ of 11.07.2011, No. 227-FZ of 18.07.2011, No. 245-FZ of 19.07.2011, No. 321-FZ of 16.11.2011, No. 329-FZ of 21.11.2011, No. 336-FZ of 28.11.2011, No. 392-FZ of 03.12.2011, No. 19-FZ of 30.03.2012, No. 94-FZ of 25.06.2012, No. 97-FZ of 29.06.2012, No. 144-FZ of 28.07.2012, No. 231-FZ of 03.12.2012, No. 20-FZ of 04.03.2013, No. 94-FZ of 07.05.2013, No. 104-FZ of 07.05.2013, No. 108-FZ of 07.06.2013, No. 134-FZ of 28.06.2013, No. 153-FZ of 02.07.2013, No. 216-FZ of 23.07.2013, No. 248-FZ of 23.07.2013, No. 267-FZ of 30.09.2013, No. 268-FZ of 30.09.2013, No. 301-FZ of 02.11.2013, No. 306-FZ of 02.11.2013, No. 307-FZ of 02.11.2013, No. 420-FZ of 28.12.2013, No. 52-FZ of 02.04.2014, No. 116-FZ of 05.05.2014, No. 139-FZ of 04.06.2014, No. 166-FZ of 23.06.2014, No. 198-FZ of 28.06.2014, No. 219-FZ of 21.07.2014, No. 284-FZ of 04.10.2014, No. 347-FZ of 04.11.2014, No. 348-FZ of 04.11.2014, No. 376-FZ of 24.11.2014, No. 379-FZ of 29.11.2014, No. 382-FZ of 29.11.2014, No. 462-FZ of 29.12.2014, No. 23-FZ of 08.03.2015, No. 49-FZ of 08.03.2015, No. 113-FZ of 02.05.2015, No. 150-FZ of 08.06.2015, No. 232-FZ of 13.07.2015, No. 325-FZ of 28.11.2015, No. 386-FZ of 29.12.2015, No. 32-FZ of 15.02.2016, No. 101-FZ of 05.04.2016, No. 102-FZ of 05.04.2016, No. 110-FZ of 26.04.2016, No. 130-FZ of 01.05.2016, No. 134-FZ of 01.05.2016, No. 144-FZ of 23.05.2016, No. 240-FZ of 03.07.2016, No. 241-FZ of 03.07.2016, No. 242-FZ of 03.07.2016, No. 243-FZ of 03.07.2016, No. 244-FZ of 03.07.2016, No. 399-FZ of 30.11.2016, No. 401-FZ of 30.11.2016, No. 475-FZ of 28.12.2016, No. 163-FZ of 18.07.2017, No. 173-FZ of 18.07.2017, No. 322-FZ of 14.11.2017, No. 323-FZ of 14.11.2017, No. 335-FZ of 27.11.2017, No. 340-FZ of 27.11.2017, No. 341-FZ of 27.11.2017, No. 343-FZ of 27.11.2017, No. 436-FZ of 28.12.2017, No. 466-FZ of 29.12.2017, No. 34-FZ of 19.02.2018, No. 199-FZ of 19.07.2018, No. 230-FZ of 29.07.2018, No. 231-FZ of 29.07.2018, No. 232-FZ of 29.07.2018, No. 279-FZ of 03.08.2018, No. 294-FZ of 03.08.2018, No. 300-FZ of 03.08.2018, No. 302-FZ of 03.08.2018, No. 334-FZ of 03.08.2018, No. 373-FZ of 30.10.2018, No. 424-FZ of 27.11.2018, No. 425-FZ of 27.11.2018, No. 490-FZ of 25.12.2018, No. 493-FZ of 25.12.2018, No. 546-FZ of 27.12.2018, No. 101-FZ of 01.05.2019, No. 111-FZ of 29.05.2019, No. 125-FZ of 06.06.2019, No. 269-FZ of 02.08.2019, No. 324-FZ of 29.09.2019, No. 325-FZ of 29.09.2019, No. 470-FZ of 27.12.2019, No. 5-FZ of 28.01.2020, No. 68-FZ of 26.03.2020, No. 70-FZ of 01.04.2020, No. 102-FZ of 01.04.2020, No. 219-FZ of 20.07.2020, No. 312-FZ of 01.10.2020, No. 368-FZ of 09.11.2020, No. 371-FZ of 09.11.2020, o. 374-FZ of



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23.11.2020, No. 470-FZ of 29.12.2020, No. 6-FZ of 17.02.2021, No. 100-FZ of 20.04.2021,
No. 305-FZ of 02.07.2021