

**SECTION IX. REGIONAL TAXES AND LEVIES**

*[inserted by Federal Law No. 148-FZ of 27.11.2001]*

**[CHAPTER 27 SALES TAX (ARTICLES 347-355)**

*Lost force (Federal Law No. 148-FZ of 27.11.2001)]*

**CHAPTER 28. TRANSPORT TAX**

*[inserted by Federal Law No. 110-FZ of 24.07.2002]*

**Article 356. General Provisions**

Transport tax (hereafter in this Chapter referred to as “tax”) shall be established by this Code and laws of constituent entities of the Russian Federation concerning the tax, shall be implemented in accordance with this Code by laws of constituent entities of the Russian Federation concerning the tax and shall be compulsory for payment in the territory of the relevant constituent entity of the Russian Federation.

When establishing the tax, legislative (representative) bodies of constituent entities of the Russian Federation shall set the tax rate within the limits established by this Chapter. In relation to taxable organizations, legislative (representative) bodies of constituent entities of the Russian Federation shall, when establishing the tax, also lay down the procedure for the payment of the tax. *[as amended by Federal Laws No. 284-FZ of 04.10.2014, No. 325-FZ of 29.09.2019]*

*[EY Note: The third part of Article 356 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

When establishing the tax, laws of constituent entities of the Russian Federation may also prescribe tax reliefs and the grounds for the enjoyment thereof by the taxpayer.

**Article 357. Taxpayers**

The taxpayers of the tax (hereafter in this Chapter referred to as “taxpayers”) shall be persons to whom means of transport which are deemed to be a taxable object in accordance with Article 358 of this Chapter have been registered in accordance with the legislation of the Russian Federation. *[as amended by Federal Law No. 305-FZ of 02.07.2021]*

*[Second part lost force – Federal Law No. 305-FZ of 02.07.2021]*

*[Third part lost force from 01.01.2017 – Federal Laws No. 310-FZ of 1.12.2007, No. 242-FZ of 30.07.2010]*

UEFA (Union of European Football Associations) and subsidiary organizations of UEFA in the period up to 31 December 2021 inclusively, FIFA (Fédération Internationale de Football Association) and subsidiary organizations of FIFA which are referred to in the Federal Law “Concerning the Preparation for and Staging in the Russian Federation of the 2018 FIFA World Cup, the 2017 FIFA Confederations Cup and the 2020 UEFA European Football Championship and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall not be deemed to be taxpayers. *[as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]*

Confederations, national football associations (including the Russian Football Union), the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, manufacturers of FIFA media information and suppliers of FIFA goods (work, services) which are specified by the Federal Law “Concerning the Preparation for and Staging in the Russian Federation of the 2018 FIFA World Cup, the 2017 FIFA Confederations Cup and the 2020 UEFA European Football Championship and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall not be deemed to be taxpayers in respect of means of transport which are owned by them and used solely for the purposes of the carrying out of measures provided for in the above-mentioned Federal Law, and in the period up to 31 December 2021 inclusively the Russian Football Union, the local organizing structure, commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters which are specified by the above-mentioned Federal Law shall not be deemed to be taxpayers in respect of means of transport which are owned by them and used solely for the purposes of carrying out measures provided for in the above-mentioned Federal Law relating to the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship. *[as amended by Federal Laws No. 101-FZ of 01.05.2019, No. 101-FZ of 20.04.2021]*

### **Article 358. Taxable Object**

1. The taxable object shall be automobiles, motorcycles, motor scooters, omnibuses and other self-propelled tyre-mounted and caterpillar-tracked machines and mechanisms, aeroplanes, helicopters, motor ships, yachts, sailboats, cutters, snow-going vehicles, motor sledges, motor boats, hydrocycles, non-self-propelled (towable vessels) and other watercraft and aircraft (hereafter in this Chapter referred to as “means of transport”) which have been registered according to the established procedure in accordance with the legislation of the Russian Federation.

2. The following shall not be a taxable object:

*[1) Lost force from 01.01.2020 – Federal Law No. 63-FZ of 15.04.2019]*

2) motor cars which are specially equipped for use by disabled persons and motor cars with an engine capacity of up to 100 horsepower (up to 73.55 kW) which have been obtained (acquired) through social welfare bodies in accordance with the procedure established by law;

3) sea-going and river-going harvesting vessels;

4) passenger and freight sea vessels, river vessels and aircraft which are owned (on the basis of economic jurisdiction or operational management) by organizations and private entrepreneurs whose main type of activity is the performance of passenger and (or) freight carriage; *[as amended by Federal Law No. 368-FZ of 27.12.2009]*

5) tractors, self-propelled combines of all marques, special motorized vehicles (milk tankers, cattle trucks, special vehicles for the transportation of poultry, vehicles for the transportation and placement of mineral fertilizers, veterinary aid and technical maintenance) which have been registered to agricultural goods producers and are used in agricultural work for the production of agricultural produce;

6) means of transport which belong on the basis of operational management to federal executive bodies in which the legislation of the Russian Federation provides for military and (or) equated service; *[as amended by Federal Laws No. 283-FZ of 28.11.2009, No. 145-FZ of 04.06.2014]*

7) means of transport which are the subject of a search, and means of transport in relation to which a search has been terminated, from the month in which the search for the means of transport began until the month in which it is returned to the person to whom it is registered. The theft and return of a means of transport shall be confirmed by a document issued by an authorized body or by information received by taxpayers in accordance with Article 85 of this Code;

*[subsection 7 as reworded by Federal Law No. 63-FZ of 15.04.2019]*

8) air ambulance and medical service aeroplanes and helicopters;

9) vessels registered in the Russian International Register of Vessels;

*[subsection 9 inserted by Federal Law No. 168-FZ of 20.12.2005]*

10) offshore fixed and floating platforms, offshore mobile drilling rigs and drilling vessels;

*[subsection 10 inserted by Federal Law No. 268-FZ of 30.09.2013]*

11) vessels registered in the Russian Open Register of Ships by persons that have received the status of participant in a special administrative district in accordance with Federal Law No. 291-FZ of 3 August 2018 “Concerning the Special Administrative Districts in the Territories of the Kaliningrad Province and the Primorye Territory”;

*[subsection 11 inserted by Federal Law No. 324-FZ of 29.09.2019]*

12) aircraft registered in the State Register of Civil Aircraft by persons that have received the status of participant in a special administrative district in accordance with Federal Law No. 291-FZ of 3 August 2018 “Concerning the Special Administrative Districts in the Territories of the Kaliningrad Province and the Primorye Territory”.

*[subsection 12 inserted by Federal Law No. 324-FZ of 29.09.2019]*

13) rowing boats and motor boats with an engine of a capacity not exceeding 5 horsepower registered in accordance with the procedure established before the entry into force of Federal Law No. 36-FZ of 23 April 2012 “Concerning Amendments to Certain Legislative Acts of the Russian Federation Regarding the Definition of the Concept of a Small Vessel”.

*[subsection 13 inserted by Federal Law No. 305-FZ of 02.07.2021]*

## **Article 359. Tax Base**

1. The tax base shall be determined:

1) for means of transport which have engines (with the exception of the means of transport referred to in subsection 1.1 of this clause) - as the engine capacity of the means of transport in horsepower; *[as amended by Federal Law No. 108-FZ of 20.08.2004]*

1.1) for aircraft for which the jet thrust is determined - as the certified static take-off thrust of the jet engine (the aggregate certified static take-off thrust of all the jet engines) of the aircraft in terrestrial conditions in kilogrammes force;

*[subsection 1.1 inserted by Federal Law No. 108-FZ of 20.08.2004]*

2) for non-self-propelled (towable) watercraft for which the gross capacity is determined - as the gross capacity; *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

3) for watercraft and aircraft not mentioned in subsections 1, 1.1 and 2 of this clause - as a unit of the means of transport. *[as amended by Federal Law No. 108-FZ of 20.08.2004]*

2. The tax base for the means of transport referred to in subsections 1, 1.1 and 2 of clause 1 of this Article shall be determined separately for each means of transport. *[as amended by Federal Law No. 108-FZ of 20.08.2004]*

The tax base shall be determined separately for means of transport referred to in subsection 3 of clause 1 of this Article.

**Article 360. Tax Period. Reporting Period**

*[article as reworded by Federal Law No. 131-FZ of 20.10.2005]*

1. The tax period shall be a calendar year.

2. The reporting periods for taxpayer organizations shall be the first quarter, second quarter and third quarter. *[as amended by Federal Law No. 347-FZ of 04.11.2014]*

3. Legislative (representative) bodies of constituent entities of the Russian Federation shall have the right not to establish reporting periods when establishing the tax.

**Article 361. Tax Rates**

1. Tax rates shall be established by laws of constituent entities of the Russian Federation based on the engine capacity, jet thrust or gross capacity of a means of transport per one horsepower of engine capacity of a means of transport, per one kilogramme force of jet thrust, per one registered tonne or one unit of gross capacity of a means of transport or per unit of a means of transport respectively in the following amounts: *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

Name of taxable object	Tax rate (in roubles)
Motor cars with an engine capacity (per horsepower):	
- up to 100 h.p. (up to 73.55 kW) inclusively	2.5
- exceeding 100 h.p. and up to 150 h.p. (exceeding 73.55 kW and up to 110.33 kW) inclusively	3.5
- exceeding 150 h.p. and up to 200 h.p. (exceeding 110.33 kW and up to 147.1 kW) inclusively	5
- exceeding 200 h.p. and up to 250 h.p. (exceeding 147.1 kW and up to 183.9 kW) inclusively	7.5
- exceeding 250 h.p. (exceeding 183.9 kW)	15
Motorcycles and motor scooters with an engine capacity (per horsepower):	
- up to 20 h.p. (up to 14.7 kW) inclusively	1

- exceeding 20 h.p. and up to 35 h.p. (exceeding 14.7 kW and up to 25.74 kW) inclusively	2
- exceeding 35 h.p. (exceeding 25.74 kW)	5
Omnibuses with an engine capacity (per horsepower):	
- up to 200 h.p. (up to 147.1 kW) inclusively	5
- exceeding 200 h.p. (exceeding 147.1 kW)	10
Freight vehicles with an engine capacity (per horsepower):	
- up to 100 h.p. (up to 73.55 kW) inclusively	2.5
- exceeding 100 h.p. and up to 150 h.p. (exceeding 73.55 kW and up to 110.33 kW) inclusively	4
- exceeding 150 h.p. and up to 200 h.p. (exceeding 110.33 kW and up to 147.1 kW) inclusively	5
- exceeding 200 h.p. and up to 250 h.p. (exceeding 147.1 kW and up to 183.9 kW) inclusively	6.5
- exceeding 250 h.p. (exceeding 183.9 kW)	8.5
Other self-propelled tyre-mounted and caterpillar-tracked means of transport, machines and mechanisms (per horsepower)	2.5
Snow-going vehicles and motor sledges with an engine capacity (per horsepower):	
- up to 50 h.p. (up to 36.77 kW) inclusively	2.5
- exceeding 50 h.p. (exceeding 36.77 kW)	5
Cutters, motor boats and other watercraft with an engine capacity (per horsepower):	
- up to 100 h.p. (up to 73.55 kW) inclusively	10
- exceeding 100 h.p. (exceeding 73.55 kW)	20
Yachts and other motorized sailboats with an engine capacity (per horsepower):	
- up to 100 h.p. (up to 73.55 kW) inclusively	20
- exceeding 100 h.p. (exceeding 73.55 kW)	40
Hydrocycles with an engine capacity (per horsepower):	
- up to 100 h.p. (up to 73.55 kW) inclusively	25
- exceeding 100 h.p. (exceeding 73.55 kW)	50
Non-self-propelled (towable) vessels for which the gross capacity is determined (on each registered tonne or unit of gross capacity if the gross capacity is determined without reference to dimension) <i>[as amended by Federal Law No. 325-FZ of 29.09.2019]</i>	20
Aeroplanes, helicopters and other aircraft with engines (per horsepower)	25
Aeroplanes with jet engines (on each kilogramme force of thrust)	20

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Other watercraft and aircraft without engines (on a unit of the means of transport)	200
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*[clause 1 as reworded by Federal Law No. 307-FZ of 27.11.2010]*

2. The tax rates which are referred to in clause 1 of this Article may be increased (reduced) by laws of constituent entities of the Russian Federation, but not more than tenfold.

The above-mentioned limitation on the reduction of tax rates by laws of constituent entities of the Russian Federation shall not apply to motor cars with an engine capacity (per horsepower) of up to 150 h.p. (up to 110.33 kW) inclusively. *[paragraph inserted by Federal Law No. 307-FZ of 27.11.2010]*

*[clause 2 as reworded by Federal Law No. 282-FZ of 28.11.2009]*

3. Differentiated tax rates may be established for each category of means of transport and taking into account the number of years which have elapsed from the year of manufacture of the means of transport, and (or) their environmental class. *[as amended by Federal Law No. 282-FZ of 28.11.2009]*

The number of years which have elapsed from the year of manufacture of a means of transport shall be determined as at 1 January of the current year in calendar years from the year following the year of manufacture of the means of transport. *[paragraph inserted by Federal Law No. 282-FZ of 28.11.2009]*

4. Where tax rates have not been set by laws of constituent entities of the Russian Federation, tax shall be levied at the tax rates specified in clause 1 of this Article.

*[clause 4 inserted by Federal Law No. 202-FZ of 29.11.2012]*

**Article 361.1. Tax Reliefs**

*[inserted by Federal Law No. 249-FZ of 03.07.2016]*

*[1-2. Lost force from 01.01.2019 – Federal Law No. 249-FZ of 3.07.2016 (as amended on 30.09.2017)]*

3. Taxpayers physical persons who have a right to tax reliefs established by tax and levy legislation shall submit an application for the granting of a tax relief to the tax authority of its choice and shall have the right to present documents supporting the taxpayer’s right to the tax relief. The above-mentioned application and documents may be submitted to the tax authority via a multifunctional centre for the provision of state and municipal services. *[as amended by Federal Laws No. 63-FZ of 15.04.2019, No. 325-FZ of 29.09.2019]*

Where a tax authority does not possess documents supporting a taxpayer’s right to a tax relief, including where the taxpayer has not presented them of his own accord, the tax authority shall, on the basis of information stated in the taxpayer’s application for the granting of a tax relief, request information supporting the taxpayer’s right to the tax relief from bodies and other persons that possess that information. *[as amended by Federal Law No. 63-FZ of 15.04.2019]*

A body or other person that has received a tax authority’s request for information supporting a taxpayer’s right to a tax relief shall fulfil that request within seven days of receiving it or, within the same period, notify the tax authority of the reasons for not fulfilling the request. *[as amended by Federal Law No. 63-FZ of 15.04.2019]*

Within three days of receiving such notification, the tax authority shall be obliged to inform the taxpayer that it has not received information supporting the taxpayer's right to the tax relief and that the taxpayer must present supporting documents to the tax authority.

An application for a tax relief shall be considered by a tax authority within 30 days from the day on which it is received. If the tax authority sends a request such as is provided for in this clause, the director (deputy director) of the tax authority shall have the right to extend the time limit for the consideration of the application for a tax relief by not more than 30 days, having notified the taxpayer accordingly. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

After considering the application for a tax relief, the tax authority shall send to the taxpayer, by the means specified in that application, a notification of the granting of a tax relief or a notice of refusal to grant a tax relief. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

A notification of the granting of a tax relief must state the grounds for the granting of the tax relief and the taxable objects and periods in relation to which the tax relief is granted. A notice of refusal to grant a tax relief must state the grounds for the refusal to grant a tax relief, the taxable objects and the period commencing from which the tax relief is not granted. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019]*

The forms of applications of taxpayer organizations and physical persons for tax reliefs, the procedure for completing them, the formats for submitting such applications in electronic form and the forms of a notification of the granting of a tax relief and a notice of refusal to grant a tax relief 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. 325-FZ of 29.09.2019]*

Where a taxpayer who has a right to a tax relief has not submitted an application for the tax relief to the tax authority or has not given notice of a waiver of the tax relief, the tax relief shall be granted on the basis of information received by the tax authority in accordance with this Code and other federal laws beginning from the tax period in which the right to the tax relief arose for the taxpayer. *[paragraph inserted by Federal Law No. 325-FZ of 29.09.2019; as amended by Federal Laws No. 374-FZ of 23.11.2020, No. 305-FZ of 02.07.2021]*

*[clause 3 as reworded by Federal Law No. 286-FZ of 30.09.2017]*

### **Article 362. Procedure for the Calculation of the Amount of Tax and Amounts of Advance Tax Payments** *[title as amended by Federal Law No. 131-FZ of 20.10.2005]*

1. The amount of tax (amount of an advance tax payment) shall be calculated on the basis of information of bodies (organizations, officers) that carry out the state registration of means of transport in accordance with the legislation of the Russian Federation, except as otherwise provided in this Article.

Taxpayer organizations shall calculate the amount of tax (amount of an advance tax payment) independently.

The amount of tax payable by taxpayer physical persons shall be calculated by the tax authorities.

*[clause 1 as reworded by Federal Law No. 305-FZ of 02.07.2021]*

2. Unless otherwise provided by this Article, the amount of tax payable to the budget on the basis of the results for a tax period shall be calculated in relation to each means of transport as the product of the appropriate tax base and the tax rate. *[as amended by Federal Law No. 347-FZ of 04.11.2014]*

The amount of tax payable to the budget by taxpayer organizations shall be determined as the difference between the calculated amount of tax and amounts of advance tax payments which are payable during the tax period. *[as amended by Federal Law No. 347-FZ of 04.11.2014]*

The amount of tax shall be calculated with the following multiplying coefficients applied: *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013]*

1.1 – in relation to motor cars of an average value of from 3 million to 5 million roubles inclusively and aged no more than 3 years from the year of manufacture; *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013; as amended by Federal Law No. 335-FZ of 27.11.2017]*

*[paragraphs 5-6 lost force – Federal Law No. 335-FZ of 27.11.2017]*

2 – in relation to motor cars of an average value of from 5 million to 10 million roubles inclusively and aged no more than 5 years from the year of manufacture; *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013]*

3 – in relation to motor cars of an average value of from 10 million to 15 million roubles inclusively and aged no more than 10 years from the year of manufacture; *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013]*

3 – in relation to motor cars of an average value of from 15 million roubles and aged no more than 20 years from the year of manufacture. *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013]*

In this respect, the time periods referred to in this clause shall begin to run from the year of manufacture of the relevant motor vehicle. *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013]*

The procedure for computing the average value of motor cars for the purposes of this Chapter shall be determined by the federal executive body which carries out functions involving the formulation of state policy and statutory regulation in the area of trade. The list of motor cars of an average value of from 3 million roubles which is to be used in an ensuing tax period shall be placed on the official site of the above-mentioned body on the “Internet” telecommunications network not later than 1 March of the ensuing tax period. *[paragraph inserted by Federal Law No. 214-FZ of 23.07.2013; as amended by Federal Law No. 327-FZ of 28.11.2015]*

*[Paragraphs 12-14 Lost force from 01.01.2019 – Federal Law No. 249-FZ of 3.07.2016 (as amended on 30.09.2017)]*

*[clause 2 as reworded by Federal Law No. 131-FZ of 20.10.2005]*

2.1. Taxpayer organizations shall calculate amounts of advance tax payments after the end of each reporting period as one quarter of the product of the appropriate tax base and the tax rate, with account taken of the multiplying coefficient specified in clause 2 of this Article.



*[clause 2.1 inserted by Federal Law No. 131-FZ of 20.10.2005, as amended by Federal Law No. 347-FZ of 04.11.2014]*

3. In the event that a means of transport is registered and (or) deregistered (removed from records, excluded from the state shipping register, etc.) during a tax (reporting) period, the amount of tax (the amount of the advance tax payment) shall be calculated with account taken of a coefficient which is determined as the ratio of the number of full months during which the means of transport in question was registered to the taxpayer to the number of calendar months in the tax (reporting) period. *[as amended by Federal Laws No. 131-FZ of 20.10.2005, No. 396-FZ of 29.12.2015]*

If the registration of a means of transport took place on or before the 15<sup>th</sup> of a month or the deregistration of a means of transport (removal from records, exclusion from the state register of ships, and so forth) took place after the 15<sup>th</sup> of a month, the month in which the means of transport was registered (deregistered) shall count as a full month. *[paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]*

If the registration of a means of transport took place after the 15<sup>th</sup> of a month or the deregistration of a means of transport (removal from records, exclusion from the state register of ships, and so forth) took place on or before the 15<sup>th</sup> of a month, the month in which the means of transport was registered (deregistered) shall not be taken into account in determining the coefficient referred to in this clause. *[paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]*

3.1. In the case of a taxable object that has ceased to exist owing to loss or destruction, tax shall cease to be calculated from the 1<sup>st</sup> of the month of the loss or destruction of the object concerned on the basis of a declaration of the loss or destruction thereof submitted to the tax authority of its choice. The taxpayer shall have the right to submit documents confirming the loss or destruction of the taxable object together with that declaration. Taxpayers that are physical persons may submit the above-mentioned declaration and documents to a tax authority through a multifunctional centre for the provision of state and municipal services.

Where a tax authority does not have documents confirming the loss or destruction of a taxable object, including where the taxpayer has not submitted them independently, the tax authority shall, based on information given in the taxpayer's declaration of the loss or destruction of the taxable object, request details confirming the loss or destruction of the taxable object from bodies and other persons that possess those details.

A body or other person that has received a request from a tax authority to supply details confirming the loss or destruction of a taxable object shall fulfil that request within seven days of receiving it or shall give notice of the reasons for the non-fulfilment of the request to the tax authority within the same time period.

Within three days of receiving that notice, the tax authority shall be obliged to inform the taxpayer of the non-receipt of requested details confirming the loss or destruction of the taxable object and of the need for the taxpayer to submit supporting documents to the tax authority.

A declaration of the loss or destruction of a taxable object shall be considered by the tax authority within 30 days of its receipt. If the tax authority sends a request such as is provided for in this clause, the director (deputy director) of the tax authority shall have the right to extend

the time limit for the consideration of the declaration by no more than 30 days, in which case the taxpayer must be notified of this fact.

After considering the declaration of the loss or destruction of a taxable object, the tax authority shall send to the taxpayer, by the method indicated in the declaration, a notification of the cessation of the calculation of tax owing to the loss or destruction of the taxable object or a notice of the absence of grounds for the cessation of the calculation of tax in connection with the loss or destruction of the taxable object.

A notification of the cessation of the calculation of tax in connection with the loss or destruction of a taxable object must indicate the grounds for the cessation of the calculation of tax, taxable objects and the period beginning from which tax is to cease to be calculated. A notice of the absence of grounds for the cessation of the calculation of tax in connection with the loss or destruction of a taxable object must indicate the grounds for disallowing the cessation of the calculation of tax and taxable objects.

The form of a declaration of the loss or destruction of a taxable object, the procedure for completing it, the format for the submission of such a declaration in electronic form and the forms of a notification of the cessation of the calculation of tax in connection with the loss or destruction of a taxable object and a notice of the absence of grounds for the cessation of the calculation of tax in connection with the loss or destruction of a taxable object shall be approved by 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. 374-FZ of 23.11.2020]*

*[EY Note: Clauses 3.2 to 3.4 are inserted in Article 362 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

*[4-5. Lost force – Federal Law No. 248-FZ of 23.07.2018]*

6. A legislative (representative) body of a constituent entity of the Russian Federation shall have the right, when establishing the tax, to stipulate for certain categories of taxpayers the right not to calculate and pay advance tax payments during a tax period.

*[clause 6 inserted by Federal Law No. 131-FZ of 20.10.2005]*

### **Article 363. Procedure and Time Limits for the Payment of Tax and Advance Tax Payments** *[title as amended by Federal Law No. 131-FZ of 20.10.2005]*

1. Tax and advance tax payments shall be paid by taxpayers to the budget at the location of means of transport. *[as amended by Federal Law No. 52-FZ of 02.04.2014]*

Tax shall be payable by taxpayers that are organizations not later than 1 March of the year following a tax period that has ended. Advance tax payments shall be paid by taxpayers that are organizations not later than the last day of the month following a reporting period that has ended. *[as amended by Federal Law No. 325-FZ of 29.09.2019]*

Tax shall be payable by taxpayers that are physical persons not later than 1 December of the year following a tax period which has ended. *[as amended by Federal Laws No. 334-FZ of 02.12.2013, No. 320-FZ of 23.11.2015]*

2. During a tax period taxpayers that are organizations shall pay advance tax payments unless otherwise provided by laws of constituent entities of the Russian Federation. After the tax period has ended taxpayers that are organizations shall pay the amount of tax calculated in accordance with the procedure prescribed by clause 2 of Article 362 of this Code. *[as amended by Federal Laws No. 131-FZ of 20.10.2005, No. 347-FZ of 04.11.2014]*

*[Paragraph lost force from 01.01.2019 – Federal Law No. 249-FZ of 3.07.2016 (as amended on 30.09.2017)]*

3. Taxpayers that are physical persons shall pay transport tax on the basis of a tax demand to be sent by a tax authority. *[as amended by Federal Law No. 347-FZ of 04.11.2014]*

A tax demand may be sent for not more than the three tax periods preceding the calendar year in which it is sent.

*[paragraph inserted by Federal Law No. 283-FZ of 28.11.2009]*

Taxpayers such as are referred to in paragraph 1 of this clause shall pay tax for not more than the three tax periods preceding the calendar year in which a tax demand such as is referred to in paragraph 2 of this clause is sent.

*[paragraph inserted by Federal Law No. 283-FZ of 28.11.2009]*

The refund (crediting) of an amount of tax which has been paid (recovered) in excess in connection with the recalculation of the amount of tax shall take place in respect of the period for which the recalculation was made in accordance with the procedure established by Articles 78 and 79 of this Code.

*[paragraph inserted by Federal Law No. 283-FZ of 28.11.2009]*

*[clause 3 as reworded by Federal Law No. 62-FZ of 18.06.2005]*

4. For the purpose of ensuring that taxpayer organizations pay tax in full, tax authorities shall transmit (send) notices of amounts of tax calculated by the tax authorities (hereafter in this Article referred to as “notice of the calculated amount of tax”) to those taxpayer organizations (economically autonomous subdivisions thereof) at the location of means of transport belonging to those organizations within the following time limits: *[as amended by Federal Law No. 305-FZ of 02.07.2021]*

1) within ten days after the tax authority prepared the notice of the calculated amount of tax payable by the taxpayer organization in question for the tax period that has ended, but not later than six months from the day of the expiry of the established time limit for the payment of tax for that tax period;

2) not later than two months from the day on which the tax authority received documents and (or) other information occasioning the calculation (recalculation) of the amount of tax payable by the taxpayer organization in question for prior tax periods;

3) not later than three months from the day on which the tax authority received information contained in the unified state register of legal entities to the effect that the organization in question is the process of liquidation.

*[clause 4 inserted by Federal Law No. 63-FZ of 15.04.2019; as amended by Federal Law No. 305-FZ of 02.07.2021]*

5. A notice of the calculated amount of tax shall be prepared on the basis of documents and other information possessed by the tax authority.

A notice of the calculated amount of tax must state the object of taxation, the tax base, the tax period, the tax rate and the amount of calculated tax.

A notice of the calculated amount of tax shall be transmitted by a tax authority to a taxpayer organization (an autonomous subdivision thereof) in electronic form via telecommunications channels through an electronic document exchange operator or via a personal taxpayer account, and where it cannot be transmitted by those methods a notice of the calculated amount of tax shall be sent by registered mail. Where a notice of the calculated amount of tax is sent by registered mail, that notice shall be considered to have been received upon the lapse of six days from the mailing date. *[as amended by Federal Law No. 305-FZ of 02.07.2021]*

A taxpayer organization shall have the right to receive a notice of the calculated amount of tax from any tax authority on the basis of an application for the issue of a notice of the calculated amount of tax. A notice of the calculated amount of tax shall be transmitted (sent) to the director of the organization (its representative) no later than five days from the day on which the tax authority received the application for the issue of a notice of the calculated amount of tax. *[paragraph inserted by Federal Law No. 305-FZ of 02.07.2021]*

The form of an application for the issue of a notice of the calculated amount of tax, the procedure for completing it and the format for submitting the application in electronic form shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

*[paragraph inserted by Federal Law No. 305-FZ of 02.07.2021]*

*[clause 5 inserted by Federal Law No. 63-FZ of 15.04.2019]*

6. A taxpayer organization (an autonomous subdivision thereof) may, within ten days of receiving a notice of the calculated amount of tax (including where the amount of tax paid by the taxpayer does not correspond to the amount of tax stated in the notice of the calculated amount of tax for the period concerned), submit to the tax authority explanations and (or) documents confirming the correct calculation and complete and timely payment of tax, the legitimacy of the application of reduced tax rates and tax reliefs or the existence of grounds provided for in tax and levy legislation for exemption from the payment of tax.

*[clause 6 inserted by Federal Law No. 63-FZ of 15.04.2019; as amended by Federal Law No. 305-FZ of 02.07.2021]*

7. Explanations and (or) documents submitted by a taxpayer organization (an autonomous subdivision thereof) shall be considered by the tax authority within one month after they are received. In order to enable the tax authority to obtain additional information and (or) documents relating to the calculation of tax, the director (deputy director) of the tax authority shall have the right to extend the time limit for the consideration of explanations and (or) documents submitted by the taxpayer organization (its autonomous subdivision) by not more than one month, having notified the taxpayer accordingly. *[as amended by Federal Law No. 305-FZ of 02.07.2021]*

The results of the consideration of explanations and (or) documents submitted by a taxpayer organization (an autonomous subdivision thereof) shall be reported by the tax authority to the

taxpayer (its autonomous subdivision) within the time period specified in paragraph 1 of this clause, and if the amount of tax stated in the notice of the calculated amount of tax has changed as a result of the consideration by the tax authority of the explanations and (or) documents submitted by the taxpayer organization (its autonomous subdivision), the tax authority shall transmit (send) to the taxpayer (its autonomous subdivision) a revised notice of the calculated amount of tax within ten days after that notice is prepared. *[as amended by Federal Law No. 305-FZ of 02.07.2021]*

A taxpayer organization (an autonomous subdivision thereof) shall be sent a tax payment demand in accordance with clause 1 of Article 70 of this Code if arrears are found to exist following the consideration by the tax authority of explanations and (or) documents submitted by the taxpayer organization (an autonomous subdivision thereof) confirming the correct calculation and complete and timely payment of tax, the legitimacy of the application of reduced tax rates and tax reliefs or the existence of grounds provided for in tax and levy legislation for exemption from the payment of tax, or if arrears are found to exist without necessary explanations and (or) documents being submitted. *[as amended by Federal Law No. 305-FZ of 02.07.2021]*

*[clause 7 inserted by Federal Law No. 63-FZ of 15.04.2019]*

*[Article 363.1. Lost force from 01.01.2021 – Federal Law No. 63-FZ of 15.04.2019]*

## **CHAPTER 29. GAMING TAX**

*[inserted by Federal Law No. 182-FZ of 27.12.2002]*

### **Article 364. Terms Used in This Chapter**

The following terms shall be used for the purposes of this Chapter:

- gaming – entrepreneurial activities involving the organization and conduct of games of chance through which organizations receive income in the form of winnings and (or) charges for the conduct of games of chance; *[as amended by Federal Law No. 198-FZ of 23.07.2013]*

*[paragraphs 3-8 lost force from 01.01.2012 – Federal Law No. 319-FZ of 16.11.2011]*

- playing field – a special place on a gaming table, equipped in accordance with the rules of a game of chance, where a game of chance is conducted with any number of participants in the game of chance and with only one employee of the organizer of the game of chance participating in that game; *[as amended by Federal Law No. 319-FZ of 16.11.2011]*

*[paragraphs 10-11 lost force from 01.01.2012 – Federal Law No. 319-FZ of 16.11.2011]*

### **Article 365. Taxpayers**

The taxpayers of gaming tax (hereafter in this Chapter referred to as “tax”) shall be organizations which engage in entrepreneurial activities in the field of gaming. *[as amended by Federal Law No. 319-FZ of 16.11.2011]*

**Article 366. Objects of Taxation** *[article as reworded by Federal Law No. 354-FZ of 27.11.2017]*

1. The following shall be deemed to be taxable objects:

- 1) a gaming table;
- 2) a gaming machine;
- 3) a processing centre of a bookmaking office;
- 4) a processing centre of a totalizator;
- 5) an online bet processing centre of a totalizator;
- 6) an online bet processing centre of a bookmaking office;
- 7) a betting counter of a totalizator;
- 8) a betting counter of a bookmaking office.

2. For the purposes of this Chapter each taxable object referred to in clause 1 of this Article must be registered with the tax authority for the location where the taxable object is installed (located).

Registration shall be carried out by the tax authority on the basis of an application from the taxpayer for the registration of a taxable object (taxable objects) and shall be accompanied by the issuance of a certificate of registration of the taxable object (objects).

An application for the registration of a taxable object (taxable objects) must be submitted to the tax authority not later than five days before the date of installation of each taxable object (the opening of a betting counter of a bookmaking office or a betting counter of a totalizator, a processing centre of a totalizator or a processing centre of a bookmaking office or an online bet processing centre of a totalizator or an online bet processing centre of a bookmaking office).

Taxpayers which are not registered with the tax authorities in the territory of the constituent entity of the Russian Federation where a taxable object such as is referred to in clause 1 of this Article is installed (opened) shall be obliged to register with the tax authorities for the place of installation (location) of that taxable object not later than five days before the date of installation (opening) of each taxable object.

3. A taxpayer shall also be obliged to register with the tax authorities at the location where a taxable object (taxable objects) is (are) registered any change in the quantity of taxable objects not later than five days before the date on which each taxable object is installed (opened) or removed (closed).

4. A taxable object shall be considered to have been registered from the date on which the tax authority issues a certificate of registration of the taxable object (objects).

A taxable object shall be considered to have been removed (closed) from the date on which the tax authority makes amendments to the previously issued certificate in connection with a change in the quantity of taxable objects.

5. An application for the registration of a taxable object (taxable objects) and an application for the registration of changes (reductions) in the quantity of taxable objects may be submitted by a taxpayer to a tax authority in person or through a representative, sent in the form of a postal item with a list of enclosures or transmitted in electronic form via telecommunications channels using an enhanced qualified electronic signature in the format approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

Where applications are sent by post, the day on which they are submitted to the tax authority shall be considered to be the day on which the postal item with a list of enclosures was despatched. Where applications are transmitted via telecommunications channels the day on which they are submitted to the tax authority shall be considered to be the day on which they are sent.

6. Tax authorities shall, within five days from the date on which they receive from a taxpayer an application for the registration of a taxable object (taxable objects) (for the amendment of the quantity of taxable objects), provided that it has been correctly drawn up, issue a certificate of registration of the taxable object (objects) or make amendments to the previously issued certificate in connection with the change in the quantity of taxable objects.

7. The forms of documents referred to in this Article shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

#### **Article 367. Tax Base**

For each of the taxable objects which are referred to in Article 366 of this Code, the tax base shall be determined separately as the total number of the respective taxable objects.

#### **Article 368. Tax Period**

The tax period shall be a calendar month.

#### **Article 369. Tax Rates** *[article as reworded by Federal Law No. 354-FZ of 27.11.2017]*

1. Tax rates shall be established by laws of constituent entities of the Russian Federation within the following limits:

- 1) for one gaming table – from 50,000 to 250,000 roubles;
- 2) for one gaming machine – from 3,000 to 15,000 roubles;
- 3) for one processing centre of a bookmaking office – from 50,000 to 250,000 roubles;
- 4) for one processing centre of a totalizator – from 50,000 to 250,000 roubles;
- 5) for one online bet processing centre of a totalizator – from 2,500,000 to 3,000,000 roubles;

- 6) for one online bet processing centre of a bookmaking office – from 2,500,000 to 3,000,000 roubles;
- 7) for one betting counter of a totalizator – from 10,000 to 14,000 roubles;
- 8) for one betting counter of a bookmaking office – from 10,000 to 14,000 roubles.

2. Where tax rates have not been determined by laws of constituent entities of the Russian Federation, tax shall be charged at the following tax rates:

- 1) for one gaming table – 50,000 roubles;
- 2) for one gaming machine – 3,000 roubles;
- 3) for one processing centre of a bookmaking office – 50,000 roubles;
- 4) for one processing centre of a totalizator – 50,000 roubles;
- 5) for one online bet processing centre of a totalizator – 2,500,000 roubles;
- 6) for one online bet processing centre of a bookmaking office – 2,500,000 roubles;
- 7) for one betting counter of a totalizator – 10,000 roubles;
- 8) for one betting counter of a bookmaking office – 10,000 roubles.

### **Article 370. Procedure for the Calculation of Tax**

1. The amount of tax shall be calculated by the taxpayer independently as the product of the tax base established for each taxable object and the rate of tax established for each taxable object, commencing from the date on which the tax authority issues a certificate of registration of a taxable object (taxable objects). *[as amended by Federal Law No. 354-FZ of 27.11.2017]*

Where one gaming table has more than one playing field, the rate of tax for that gaming table shall be increased by a multiple equal to the number of playing fields.

2. A tax declaration for a tax period which has ended shall be submitted by the taxpayer to the tax authority at the location where taxable objects are registered, unless otherwise provided by this clause, not later than the 20th of the month following the tax period which has ended. The tax declaration shall be completed by the taxpayer with account taken of any change in the number of taxable objects during the tax period which has ended. *[as amended by Federal Laws No. 60-FZ of 30.06.2004, No. 268-FZ of 30.12.2006, No. 229-FZ of 27.07.2010]*

Taxpayers which have been classified in accordance with Article 83 of this Code as major taxpayers shall submit tax declarations to the tax authority where they are registered as major taxpayers. *[paragraph inserted by Federal Law No. 268-FZ of 30.12.2006]*



3. Where a certificate of registration of a taxable object (taxable objects) is issued on or before the 15<sup>th</sup> of the current tax period, the amount of tax shall be calculated as the product of the total quantity of relevant taxable objects (including the new taxable object) and the rate of tax established for those taxable objects.

Where a certificate of registration of a taxable object (taxable objects) is issued after the 15<sup>th</sup> of the current tax period, the amount of tax for the objects concerned for that tax period shall be calculated as the product of the quantity of taxable objects and one half of the rate of tax established for those taxable objects.

*[clause 3 as reworded by Federal Law No. 354-FZ of 27.11.2017]*

4. Where amendments to a previously issued certificate in connection with a change in the quantity of taxable objects are made by a tax authority on or before the 15<sup>th</sup> of the current tax period, the amount of tax for the objects concerned for that tax period shall be calculated as the product of the total quantity of taxable objects and one half of the rate of tax established for those taxable objects.

Where amendments to a previously issued certificate in connection with a change in the quantity of taxable objects are made by a tax authority after the 15<sup>th</sup> of the current tax period, the amount of tax for the objects concerned for that tax period shall be calculated as the product of the total quantity of relevant taxable objects (including a taxable object which has been removed (closed)) and the rate of tax established for those taxable objects.

*[clause 4 as reworded by Federal Law No. 354-FZ of 27.11.2017]*

### **Article 371. The Procedure and Time Limits for the Payment of Tax**

Tax payable on the basis of the results for a tax period shall be paid by the taxpayer to the budget at the location where taxable objects referred to in clause 1 of Article 366 of this Code are registered with a tax authority no later than the date established for the submission of a tax declaration for the relevant tax period in accordance with Article 370 of this Code. *[as amended by Federal Laws No. 60-FZ of 30.06.2004, No. 229-FZ of 27.07.2010]*

## **CHAPTER 30. TAX ON PROPERTY OF ORGANIZATIONS**

*[inserted by Federal Law No. 139-FZ of 11.11.2003]*

### **Article 372. General Provisions**

1. Tax on property of organizations (hereinafter referred to as “tax”) shall be established by this Code and laws of constituent entities of the Russian Federation, shall be implemented in accordance with this Code by laws of constituent entities of the Russian Federation and shall be compulsory for payment in the territory of a particular constituent entity of the Russian Federation from the moment when it is implemented.

*[EY Note: Paragraph 1 of clause 2 of Article 372 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

2. When establishing the tax, legislative (representative) bodies of constituent entities of the Russian Federation shall determine the tax rate within the limits prescribed by this Chapter and

the procedure and time limits for the payment of the tax. *[as amended by Federal Laws No. 77-FZ of 16.05.2007]*

*[EY Note: Paragraph 2 of clause 2 of Article 372 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

When establishing the tax, laws of constituent entities of the Russian Federation may also lay down special considerations relating to the determination of the tax base for certain items of immovable property in accordance with this Chapter and stipulate tax reliefs and grounds and procedure for the application thereof by taxpayers. *[as amended by Federal Laws No. 307-FZ of 02.11.2013, No. 305-FZ of 02.07.2021]*

### **Article 373. Taxpayers**

1. The taxpayers of the tax (hereafter in this Chapter referred to as “taxpayers”) shall be organizations that have property that is deemed to be a taxable object in accordance with Article 374 of this Code.

*[clause 1 as reworded by Federal Law No. 242-FZ of 30.10.2009]*

*[1.1. Lost force from 01.01.2017 – Federal Laws No. 310-FZ of 1 December 2007, No. 242-FZ of 30.07.2010]*

1.2. UEFA (Union of European Football Associations) and subsidiary organizations of UEFA in the period up to 31 December 2021 inclusively, FIFA (Fédération Internationale de Football Association) and subsidiary organizations of FIFA which are referred to in the Federal Law “Concerning the Preparation for and Staging in the Russian Federation of the 2018 FIFA World Cup, the 2017 FIFA Confederations Cup and the 2020 UEFA European Football Championship and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall not be deemed to be taxpayers. *[as amended by Federal Law No. 101-FZ of 20.04.2021]*

Confederations, national football associations (including the Russian Football Union), the “Russia 2018” Organizing Committee, subsidiary organizations of the “Russia 2018” Organizing Committee, manufacturers of FIFA media information and suppliers of FIFA goods (work, services) which are specified by the Federal Law “Concerning the Preparation for and Staging in the Russian Federation of the 2018 FIFA World Cup, the 2017 FIFA Confederations Cup and the 2020 UEFA European Football Championship and the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall not be deemed to be taxpayers in respect of property that they use solely for the purposes of the carrying out of measures provided for in that Federal Law, and in the period up to 31 December 2021 inclusively the Russian Football Union, the local organizing structure, commercial partners of UEFA, suppliers of UEFA goods (work, services) and UEFA broadcasters which are specified by the above-mentioned Federal Law shall not be deemed to be taxpayers in respect of property that they use solely for the purposes of carrying out measures provided for in the above-mentioned Federal Law for the preparation for and staging in the Russian Federation of the 2020 UEFA European Football Championship. *[as amended by Federal Law No. 101-FZ of 20.04.2021]*  
*[clause 1.2 as reworded by Federal Law No. 101-FZ of 01.05.2019]*

2. Activities of a foreign organization shall be deemed to give rise to a permanent establishment in the Russian Federation in accordance with Article 306 of this Code, unless otherwise provided by international agreements of the Russian Federation.

**Article 374. Taxable Object**

1. The taxable objects shall be:

1) immovable property (including property transferred for temporary possession, use, disposal or fiduciary management, contributed to joint activity or received under a concession agreement) which is recorded on an organization's balance sheet as items of fixed assets in accordance with the established accounting procedure, if the tax base for the property in question is determined in accordance with clause 1 of Article 375 of this Code, unless otherwise provided by Articles 378 and 378.1 of this Code.

For the purposes of this Chapter, foreign organizations which carry on activities in the Russian Federation through permanent establishments shall keep records of taxable objects in accordance with the accounting procedure established in the Russian Federation;

2) immovable property which is located in the territory of the Russian Federation and is possessed by organizations under ownership or economic jurisdiction, or which was received under a concession agreement, if the tax base for the property in question is determined in accordance with clause 2 of Article 375 of this Code, unless otherwise provided by Articles 378 and 378.1 of this Code.

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

*[2. Lost force from 01.01.2020 – Federal Law No. 325-FZ of 29.09.2019]*

*[3. Lost force from 01.01.2020 – Federal Law No. 325-FZ of 29.09.2019]*

4. The following shall not be deemed to be taxable objects:

1) land parcels and other natural resource sites (bodies of water and other natural resources);

2) property that belongs on the basis of a right of operational management to federal executive bodies in which the legislation of the Russian Federation provides for military and (or) equated service and which are used by those bodies for the requirements of defence, civil defence, security and the protection of law and order in the Russian Federation; *[as amended by Federal Laws No. 283-FZ of 28.11.2009, No. 145-FZ of 04.06.2014]*

3) objects which are recognised as cultural heritage objects (historical and cultural monuments) of the peoples of the Russian Federation of federal significance in accordance with the procedure established by the legislation of the Russian Federation;

*[subsection 3 inserted by Federal Law No. 202-FZ of 29.11.2012]*

4) nuclear installations which are used for research purposes, facilities for the storage of nuclear materials and radioactive substances and radioactive waste repositories;

*[subsection 4 inserted by Federal Law No. 202-FZ of 29.11.2012]*

5) ice-breakers, vessels with nuclear power installations and nuclear service vessels;

*[subsection 5 inserted by Federal Law No. 202-FZ of 29.11.2012]*

6) spacecraft;

*[subsection 6 inserted by Federal Law No. 202-FZ of 29.11.2012]*

7) vessels registered in the Russian International Register of Vessels;

*[subsection 7 inserted by Federal Law No. 202-FZ of 29.11.2012]*

*[8) lost force – Federal Law No. 302-FZ of 3.08.2018]*

9) vessels registered in the Russian Open Register of Ships by persons that have received the status of participant in a special administrative district in accordance with Federal Law No. 291-FZ of 3 August 2018 “Concerning the Special Administrative Districts in the Territories of the Kaliningrad Province and the Primorye Territory”;

*[subsection 9 inserted by Federal Law No. 324-FZ of 29.09.2019]*

10) aircraft registered in the State Register of Civil Aircraft by persons that have received the status of participant in a special administrative district in accordance with Federal Law No. 291-FZ of 3 August 2018 “Concerning the Special Administrative Districts in the Territories of the Kaliningrad Province and the Primorye Territory”.

*[subsection 10 inserted by Federal Law No. 324-FZ of 29.09.2019]*

**Article 375. Tax Base** *[article as reworded by Federal Law No. 307-FZ of 02.11.2013]*

1. The tax base shall be determined as the average annual value of property that is deemed to be a taxable object, except as otherwise provided by this Article.

2. The tax base for certain items of immovable property shall be determined as their cadastral value entered in the Unified State Register of Immovable Property and applicable from 1 January of the year of the tax period, taking into account the special considerations laid down in Article 378.2 of this Code. *[as amended by Federal Laws No. 334-FZ of 03.08.2018, No. 63-FZ of 15.04.2019]*

3. Where the tax base is determined as the average annual value of property that is deemed to be a taxable object, that property shall be recognised at its net book value as determined in accordance with the established accounting procedure approved in the organization’s accounting policies. Where the net book value of property includes the monetary value of future expenditures associated with that property, the net book value of that property for the purposes of this Chapter shall be determined exclusive of such expenditures. *[as amended by Federal Law No. 52-FZ of 02.04.2014]*

Where the charging of amortization is not provided for in relation to particular items of fixed assets, the value of those items for taxation purposes shall be determined as the difference between their historical cost and the amount of depreciation which is calculated on the basis of the established norms of amortization deductions for accounting purposes at the end of each tax (reporting) period.

**Article 376. Procedure for Determining the Tax Base**

1. The tax base shall be determined separately in relation to each item of immovable property and in relation to property forming part of the Unified Gas Supply System in accordance with Federal Law No. 69-FZ of 31 March 1999 “Concerning Gas Supply in the Russian Federation”

(hereafter in this Chapter referred to as “property forming part of the Unified Gas Supply System”).

*[clause 1 as reworded by Federal Law No. 302-FZ of 03.08.2018]*

2. In the event that an item of immovable property which is taxable is actually situated in the territories of different constituent entities of the Russian Federation or in the territory of a constituent entity of the Russian Federation and in the territorial sea of the Russian Federation (on the continental shelf of the Russian Federation or in the exclusive economic zone of the Russian Federation), the tax base for that item of immovable property shall be determined separately and shall be taken into account in calculating tax in a particular constituent entity of the Russian Federation to an extent proportional to the balance sheet value of the item of immovable property in the territory of that constituent entity of the Russian Federation. *[as amended by Federal Law No. 284-FZ of 04.10.2014]*

3. The tax base shall be determined by taxpayers independently in accordance with this Chapter.

4. The average value of property that is deemed to be a taxable object for a reporting period shall be determined as the quotient from dividing the sum obtained as a result of adding together the amounts of the net book value of the property (excluding property for which the tax base is determined as their cadastral value) as at the 1<sup>st</sup> of each month of the reporting period and the 1<sup>st</sup> of the month following the reporting period by the number of months in the reporting period plus one.

The average annual value of property that is deemed to be a taxable object for a tax period shall be determined as the quotient from dividing the sum obtained as a result of adding together the amounts of the net book value of the property (excluding property for which the tax base is determined as their cadastral value) as at the 1<sup>st</sup> of each month of the tax period and the last date of the tax period by the number of months in the tax period plus one.

*[clause 4 as reworded by Federal Law No. 307-FZ of 02.11.2013]*

*[5. Lost force – Federal Law No. 307-FZ of 2.11.2013]*

*[EY Note: Clause 6 of Article 376 loses force from 01.01.2025 – Federal Law No. 308-FZ of 27.11.2010]*

6. The tax base which is determined as the average annual value of property shall be reduced by the amount of completed capital investments in the construction, renovation and (or) upgrading of navigational hydraulic structures situated on internal waterways of the Russian Federation, port hydraulic structures and air transport infrastructure facilities (with the exception of a centralized aircraft fuelling system and a cosmodrome) which are in the process of being commissioned, reconstructed and (or) modernized, to the extent that those investments have been included in the balance sheet value of those facilities. *[as amended by Federal Law No. 307-FZ of 02.11.2013]*

The provision of this clause shall not apply to completed capital investments which were included in the balance sheet value of the above-mentioned facilities before 1 January 2010.

*[clause 6 inserted by Federal Law No. 308-FZ of 27.11.2010]*

**Article 377. Special Considerations Relating to the Determination of the Tax Base in the Context of a Simple Partnership Agreement (Joint Activity Agreement) or an Investment Partnership Agreement** *[title as amended by Federal Law No. 336-FZ of 28.11.2011]*

1. The tax base in the context of a simple partnership agreement (joint activity agreement) or an investment partnership agreement shall be determined on the basis of the net book value of property deemed to be a taxable object that was contributed by the taxpayer under the simple partnership agreement (joint activity agreement) or investment partnership agreement and on the basis of the net book value of other property deemed to be a taxable object that was acquired and (or) created in the course of joint activity and constitutes common property of the partners that is recorded on the separate balance sheet of the partnership by the participant in the partnership agreement that manages the common affairs, except as otherwise established by Article 378.2 of this Code. Each participant in the simple partnership agreement or investment partnership agreement shall calculate and pay tax in relation to property deemed to be a taxable object that it transferred to the joint activity. Tax due in respect of property acquired and (or) created in the course of the joint activity shall be calculated and paid by the participants in the partnership agreement in proportion to their contribution to the common business. *[as amended by Federal Laws No. 336-FZ of 28.11.2011, No. 307-FZ of 02.11.2013]*

2. The person that keeps records of the common property of the parties shall be obliged, for taxation purposes, to provide to each taxpayer that is a party to the simple partnership agreement (joint activity agreement) or investment partnership agreement not later than the 20<sup>th</sup> of the month following a reporting period information on the net book value of property that makes up the common property of the partners as at the 1<sup>st</sup> of each month of the reporting period in question and of the share of each participant in the common property of the partners, and other information that is required to be provided in accordance with Article 378.2 of this Code. In this respect, the person that maintains records of the common property of the partners shall supply the information needed to determine the tax base. *[as amended by Federal Laws No. 336-FZ of 28.11.2011, No. 307-FZ of 02.11.2013]*

**Article 378. Special Considerations Relating to the Taxation of Property Placed Under Fiduciary Management**

1. Property placed under fiduciary management and property acquired in the context of a fiduciary agreement shall be taxable (with the exception of property comprising a mutual investment fund) for the principal. *[as amended by Federal Law No. 216-FZ of 24.07.2007]*

2. Property comprising a mutual investment fund shall be taxable for the management company. In this respect, tax shall be paid from property comprising that mutual investment fund.  
*[clause 2 inserted by Federal Law No. 308-FZ of 27.11.2010]*

**Article 378.1. Special Considerations Relating to the Taxation of Property in the Context of Concession Agreements** *[inserted by Federal Law No. 108-FZ of 30.06.2008]*

Property transferred to and (or) created by a concessionaire in accordance with a concession agreement shall be taxable for the concessionaire.

**Article 378.2. Special Considerations Relating to the Determination of the Tax Base and the Calculation and Payment of Tax in Relation to Certain Items of Immovable Property**

*[inserted by Federal Law No. 307-FZ of 02.11.2013]*

1. The tax base shall be determined with account taken of the special considerations established by this Article as the cadastral value of property in relation to the following types of immovable property which is deemed to be a taxable object: *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

1) administrative and business centres and shopping centres (complexes) and premises therein;

2) non-residential premises whose intended purpose, permitted use or description in accordance with information contained in the Unified State Register of Immovable Property or technical record-keeping (inventory) documents for items of immovable property provides for the siting of offices, trade establishments and public catering and consumer service establishments, or which are actually used for the siting of offices, trade establishments and public catering and consumer service establishments; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

3) items of immovable property of foreign organizations which do not carry on activities in the Russian Federation through permanent establishments and items of immovable property of foreign organizations which are not connected with activities carried on by those organizations in the Russian Federation through permanent establishments;

4) dwellings, garages, parking spaces, unfinished construction projects and other residential structures, garden cottages, utility structures or installations situated on land parcels granted for private subsidiary farming, market gardening, gardening or individual housing construction. *[subsection 4 as reworded by Federal Law No. 379-FZ of 28.11.2019]*

2. A law of a constituent entity of the Russian Federation establishing special considerations relating to the determination of the tax base on the basis of the cadastral value of items of immovable property such as are referred to in subsections 1, 2 and 4 of clause 1 of this Article may be adopted only after the results of the determination of the cadastral value of the items of immovable property have been approved by the constituent entity of the Russian Federation in accordance with the established procedure. *[as amended by Federal Law No. 284-FZ of 04.10.2014]*

After the law referred to in this clause has been adopted, it shall not be permissible to transfer to the determination of the tax base in relation to items of immovable property such as are referred to in subsections 1 and 2 of clause 1 of this Article as their average annual value, except in cases provided for in subsections 2 and 2.2 of clause 12 of this Article. *[as amended by Federal Laws No. 284-FZ of 04.10.2014, No. 374-FZ of 23.11.2020]*

3. For the purposes of this Article, an administrative and business centre shall be understood to mean a freestanding non-dwelling house (structure, installation) which comprises premises belonging to one or more owners and meets at least one of the following conditions:

1) the building (structure, installation) is situated on a land parcel for which one of the types of permitted use is the siting of office buildings of a business, administrative and commercial nature;

2) the building (structure, installation) is designated for use or is actually used for purposes of a business, administrative or commercial nature. In this respect:

- a building (structure, installation) shall be deemed to be designated for use for purposes of a business, administrative or commercial nature if the intended purpose, permitted use or description of premises of a total area amounting to not less than 20 per cent of the total area of the building (structure, installation) in accordance with information contained in the Unified State Register of Immovable Property or technical record-keeping (inventory) documents for those items of immovable property provides for the siting of offices and related office infrastructure (including centralized reception spaces, meeting rooms, office equipment and parking spaces); *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

- the actual use of a building (structure, installation) for purposes of a business, administrative or commercial nature shall be understood to mean the use of not less than 20 per cent of its total area for the siting of offices and related office infrastructure (including centralized reception spaces, meeting rooms, office equipment and parking spaces).

4. For the purposes of this Article, a shopping centre (complex) shall be understood to mean a freestanding non-dwelling house (structure, installation) which comprises premises belonging to one or more owners and meets at least one of the following conditions:

1) the building (structure, installation) is situated on a land parcel for which one of the types of permitted use is the siting of trade establishments and public catering and (or) consumer service establishments;

2) the building (structure, installation) is designated for use is actually used for the siting of trade establishments and public catering and (or) consumer service establishments. In this respect:

- a building (structure, installation) shall be deemed to be designated for use for the siting of trade establishments and public catering and (or) consumer service establishments if the intended purpose, permitted use or description of premises of a total area amounting to not less than 20 per cent of the total area of the building (structure, installation) in accordance with information contained in the Unified State Register of Immovable Property or technical record-keeping (inventory) documents for those items of immovable property provides for the siting of trade establishments and public catering and (or) consumer service establishments; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

- the actual use of a building (structure, installation) for the siting of trade establishments and public catering and (or) consumer service establishments shall be understood to mean the use of not less than 20 per cent of its total area for the siting of trade establishments and public catering and (or) consumer service establishments.

4.1. For the purposes of this Article, a freestanding non-dwelling house (structure, installation) which comprises premises belonging to one or more owners shall be treated both as an administrative and business centre and as a shopping centre (complex) if that building (structure, installation) is designated for use or is actually used both for purposes of a business, administrative or commercial nature and for the siting of trade establishments, public catering establishments and (or) consumer service establishments.

For the purposes of this clause:



- a building (structure, installation) shall be deemed to be designated for use both for purposes of a business, administrative or commercial nature and for the siting of trade establishments, public catering establishments and (or) consumer service establishments if the intended purpose, permitted use or description of premises of a total area amounting to not less than 20 per cent of the total area of the building (structure, installation) in accordance with information contained in the Unified State Register of Immovable Property or technical record-keeping (inventory) documents for those items of immovable property provides for the siting of offices and related office infrastructure (including centralized reception spaces, meeting rooms, office equipment and parking spaces), trade establishments, public catering establishments and (or) consumer service establishments; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

- the actual use of a building (structure, installation) both for purposes of a business, administrative or commercial nature and for the siting of trade establishments, public catering establishments and (or) consumer service establishments shall be understood to mean the use of not less than 20 per cent of the total area of the building (structure, installation) for the siting of offices and related office infrastructure (including centralized reception spaces, meeting rooms, office equipment and parking spaces), trade establishments, public catering establishments and (or) consumer service establishments.  
*[clause 4.1 inserted by Federal Law No. 347-FZ of 04.11.2014]*

5. For the purposes of this Article, the actual use of a non-residential premises for the siting of offices, trade establishments and public catering and (or) consumer service establishments shall be understood to mean the use of not less than 20 per cent of its total area for the siting of offices, trade establishments and public catering and (or) consumer service establishments.

6. Where the cadastral value of a building in which a premises which is a taxable object is situated has been determined in accordance with the legislation of the Russian Federation, but in this respect the cadastral value of the premises in question has not been determined, the tax base for that premises shall be determined as a portion of the cadastral value of the building in which the premises is situated corresponding to the proportion which the premises represents of the total area of the building.

7. The authorized executive body of a constituent entity of the Russian Federation shall, not later than the first day of a tax period for tax:

1) determine for that tax period a list of items of immovable property such as are referred to in subsections 1 and 2 of clause 1 of this Article in relation to which the tax base is to be determined as the cadastral value (hereafter in this Article referred to as “the list”);

2) send the list in electronic form to the tax authority for the constituent entity of the Russian Federation;

*[subsection 2 as reworded by Federal Law No. 347-FZ of 04.11.2014]*

3) post the list on its official site or on the official site of the constituent entity of the Russian Federation on the “Internet” telecommunications network.

*[EY Note: A clause 7.1 is inserted in Article 378.2 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

8. The composition of details to be included in the list and the format and procedure for sending them in electronic form to the tax authority for a constituent entity of the Russian Federation shall be determined by the federal executive body in charge of control and supervision in the area of taxes and levies. *[as amended by Federal Law No. 347-FZ of 04.11.2014]*

9. The type of actual use of buildings (structures, installations) and premises shall be determined by the authorized executive body of a constituent entity of the Russian Federation in accordance with the procedure for determining the type of actual use of buildings (structures, installations) and premises which is established with account taken of the provisions of clauses 3, 4 and 5 of this Article by the highest state executive body of a constituent entity of the Russian Federation. *[as amended by Federal Law No. 242-FZ of 03.07.2016]*

10. Items of immovable property such as are referred to in subsections 1 and 2 of clause 1 of this Article which are discovered in the course of a tax period and have not been included in the list as at 1 January of the tax period must be included in the list which is determined by the authorized executive body of a constituent entity of the Russian Federation for the ensuing tax period, except as otherwise established by this clause. *[as amended by Federal Law No. 52-FZ of 02.04.2014]*

Where an item of immovable property was formed as a result of the division of an item of immovable property or another action conforming to the legislation of the Russian Federation involving items of immovable property which were included in the list as at 1 January of the year of the tax period, the newly formed item of immovable property, provided that it meets the criteria laid down in this Article, shall, until it has been included in the list, be taxable on the basis of the cadastral value determined as at the date of the entry in the Unified State Register of Immovable Property of information forming the basis for determining the cadastral value of the property in question. *[paragraph inserted by Federal Law No. 52-FZ of 02.04.2014 (Rev. 24.11.2014); as amended by Federal Law No. 401-FZ of 30.11.2016]*

11. The person responsible for maintaining records of the common property of the partners shall be obliged, for taxation purposes, to communicate to each party to the simple partnership agreement (joint activity agreement) or the investment partnership agreement not later than the 20<sup>th</sup> of the month following a reporting period, in addition to the information specified in Article 377 of this Code, information on the cadastral value of immovable property constituting the common property of the partners. *[as amended by Federal Law No. 63-FZ of 15.04.2019]*

12. The amount of tax and amounts of advance tax payments payable in respect of property for which the tax base is determined as their cadastral value shall be calculated in accordance with the procedure laid down in Article 382 of this Code with account taken of the following special considerations:

1) the amount of an advance tax payment shall be calculated after a reporting period has ended as one quarter of the cadastral value of an item of immovable property, multiplied by the appropriate tax rate; *[as amended by Federal Law No. 63-FZ of 15.04.2019]*

2) where the cadastral value of an item of immovable property such as is referred to in subsection 1 or 2 of clause 1 of this Article was determined in accordance with the legislation of the Russian Federation during a tax (reporting) period and (or) that item of immovable

property has not been included in the list as at 1 January of the tax period, the determination of the tax base and the calculation of the amount of tax (the amount of the advance tax payment) for the current period in relation to that item of immovable property shall take place accordance with the procedure prescribed by this Chapter without taking into account the provisions of this Article; *[as amended by Federal Law No. 401-FZ of 30.11.2016]*

2.1) where the cadastral value of an item of immovable property such as is referred to in subsection 3 or 4 of clause 1 of this Article was determined in accordance with the legislation of the Russian Federation during a tax (reporting) period, the determination of the tax base and the calculation of the amount of tax (the amount of the advance tax payment) for the current period in relation to that item of immovable property shall take place on the basis of the cadastral value determined as at the day on which information forming the basis for determining the cadastral value of the item in question was entered in the Unified State Register of Immovable Property;

*[subsection 2.1 inserted by Federal Law No. 286-FZ of 30.09.2017]*

2.2) if the cadastral value of items of immovable property referred to in subsections 1, 2 and 4 of clause 1 of this Article has not been determined, the determination of the tax base and the calculation of the amount of tax (the amount of the advance tax payment) for the current tax period in relation to those items of immovable property shall take place in the manner prescribed by this Chapter without having regard to the provisions of this Article;

*[subsection 2.2 inserted by Federal Law No. 325-FZ of 29.09.2019; as amended by Federal Law No. 374-FZ of 23.11.2020]*

*[3) lost force from 01.01.2020 – Federal Law No. 325-FZ of 29.09.2019]*

*[EY Note: A subsection 4 is appended to clause 12 of Article 378.2 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

13. An organization shall, in respect of items of immovable property for which the tax base is determined as their cadastral value, pay tax (advance tax payments) to the budget at the location of each of those items of immovable property in an amount to be determined as the product of the tax rate in effect in the territory of the constituent entity of the Russian Federation in which those items of immovable property are located and the cadastral value (one quarter of the cadastral value) of that property. *[as amended by Federal Law No. 52-FZ of 02.04.2014]*

14. Where the cadastral value has not been determined for items of immovable property such as are referred to in subsection 3 of clause 1 of this Article, the tax base for those items of immovable property shall be taken to be equal to zero.

15. A change in the cadastral value of a taxable object during a tax period shall not be taken into account in determining the tax base in that or preceding tax periods except as otherwise provided by the legislation of the Russian Federation governing the conduct of state cadastral valuation and this clause.

Where the cadastral value of a taxable object changes as a result of the establishment of its market value, information on the changed cadastral value that has been entered in the Unified State Register of Immovable Property shall be taken into account in determining the tax base beginning from the date on which information on the cadastral value being changed began to

be applied for taxation purposes.

*[clause 15 as reworded by Federal Law No. 374-FZ of 23.11.2020]*

**Article 379. Tax Period. Reporting Period**

1. The tax period shall be a calendar year.

2. The reporting periods shall be the first quarter, six months and nine months of a calendar year, except as otherwise provided by this clause. *[as amended by Federal Law No. 327-FZ of 28.11.2015]*

The reporting periods for taxpayers which calculate tax on the basis of cadastral value shall be the first quarter, second quarter and third quarter of a calendar year. *[paragraph inserted by Federal Law No. 327-FZ of 28.11.2015]*

3. A legislative (representative) body of a constituent entity of the Russian Federation shall have the right not to establish reporting periods when establishing the tax.

**Article 380. Tax Rate**

1. Tax rates shall be established by laws of constituent entities of the Russian Federation and may not exceed 2.2 per cent, except as otherwise provided by this Article. *[as amended by Federal Law No. 307-FZ of 02.11.2013]*

1.1. For items of immovable property for which the tax base is defined as the cadastral value, with the exception of the items referred to in clauses 3.1 and 3.2 of this Article, tax rates shall be established by laws of constituent entities of the Russian Federation and may not exceed 2 per cent.

*[clause 1.1 as reworded by Federal Law No. 325-FZ of 29.09.2019]*

2. Differentiated tax rates may be established depending on the categories of taxpayers and (or) property that is deemed to be a taxable object.

*[3. Lost force from 01.01.2020 - Federal Law No. 325-FZ of 29.09.2019]*

*[EY Note: Clause 3.1 of Article 380 loses force from 01.01.2035 – Federal Law No. 366-FZ of 24.11.2014]*

3.1. The tax rate shall be established at 0 per cent for the following types of immovable property:

- trunk pipeline facilities, gas extraction facilities and helium production and storage facilities;

- facilities which are provided for in technical plans for the development of deposits of commercial minerals and other design documentation for the performance of work associated with the use of subsurface sites or design documentation for capital structures and are needed to enable the operation of the immovable facilities referred to in paragraph 2 of this clause.

The 0 per cent tax rate shall be applied in relation to the immovable facilities referred to in this clause provided that the following requirements are simultaneously met for the facilities in question:

- the facilities were first commissioned in tax periods from 1 January 2015 onwards;
- the facilities are situated wholly or partially within the borders of the Republic of Sakha (Yakutia), or the Irkutsk or Amur Provinces;
- the facilities are during the entire tax period owned by organizations such as are referred to in subsection 1 of clause 5 of Article 342.4 of this Code.

The list of property constituting items of immovable property such as are referred to in this clause shall be approved by the Government of the Russian Federation.

*[clause 3.1 as reworded by Federal Law No. 242-FZ of 03.07.2016]*

3.2. Tax rates set by laws of constituent entities of the Russian Federation in relation to public railways and installations forming an integral technological part thereof may not exceed 1 per cent in 2017, 1.3 per cent in 2018, 1.3 per cent in 2019 and 1.6 per cent in 2020 to 2023. The list of property which is classed as such facilities shall be approved by the Government of the Russian Federation.

*[clause 3.2 inserted by Federal Law No. 464-FZ of 28.12.2016; as amended by Federal Laws No. 374-FZ of 23.11.2020, No. 305-FZ of 02.07.2021]*

*[3.3. Lost force – Federal Law No. 302-FZ of 3.08.2018]*

4. Where tax rates have not been set by laws of constituent entities of the Russian Federation, tax shall be levied at the tax rates specified in this Article.

*[clause 4 inserted by Federal Law No. 202-FZ of 29.11.2012, as amended by Federal Law No. 52-FZ of 02.04.2014]*

*[5. Lost force from 01.01.2020 – Federal Law No. 325-FZ of 29.09.2019]*

### **Article 381. Tax Exemptions**

The following shall be exempt from taxation:

- 1) organizations and institutions of the penal system – with respect to property that is used in carrying out the functions assigned to them; *[as amended by Federal Law No. 58-FZ of 29.06.2004]*
- 2) religious organizations – with respect to property that is used by them in carrying out religious activities;
- 3) all-Russian social organizations of disabled persons (including those established as unions of social organizations of disabled persons) in which disabled persons and their representatives account for not less than 80 per cent of the membership – with respect to property that is used by them in carrying out their statutory activities;

organizations whose charter capital consists of contributions made by the above-mentioned all-Russian social organizations of disabled persons if the average number of disabled persons

among their workforce is not less than 50 per cent and their share in the labour payment fund is not less than 25 per cent – with respect to property that is used by them for the production and (or) sale of goods (with the exception of excisable goods, mineral raw materials and other commercial minerals and other goods according to a list to be approved by the Government of the Russian Federation in consultation with all-Russian social organizations of disabled persons), work and services (with the exception of broker and other intermediary services);

institutions whose property is solely owned by the above-mentioned all-Russian social organizations of disabled persons – with respect to property that is used by them to achieve educational, cultural, therapeutic-recreational, sport and fitness, scientific, informational and other goals relating to the social welfare and rehabilitation of disabled persons, and to provide legal and other assistance to disabled persons and to disabled children and their parents;

4) organizations whose main type of activity is the production of medicinal products – with respect to property that is used by them for the production of veterinary immunobiological preparations intended to combat epidemics and epizootics;

*[5) lost force from 01.01.2013 – Federal Law No. 202-FZ of 29.11.2002]*

*[6)-8) lost force – Federal Law No. 139-FZ of 11.11.2003]*

*[9)-10) lost force from 01.01.2013 – Federal Law No. 202-FZ of 29.11.2002]*

11) organizations – with respect to federal public roads and installations which form an integral technological part thereof. The list of property that may be classified as such facilities shall be approved by the Government of the Russian Federation;

*[clause 11 as reworded by Federal Law No. 202-FZ of 29.11.2012]*

*[12) lost force from 01.01.2013 – Federal Law No. 202-FZ of 29.11.2002]*

13) property of specialized prosthetic and orthopaedic enterprises;

14) property of Bar associations, law bureaus and legal advice bureaus;

15) property of organizations which have been assigned the status of state scientific centres;

*[clause 15 as reworded by Federal Law No. 347-FZ of 04.11.2014]*

*[16) lost force – Federal Law No. 139-FZ of 11.11.2003]*

17) organizations, with the exception of organizations such as are referred to in clause 22 of this Article – with respect to property recorded on the balance sheet of an organization which is a resident of a special economic zone which were created or acquired for the purpose of conducting activities in the territory of the special economic zone, are used in the territory of the special economic zone under the terms of the agreement on the creation of the special economic zone and are located in the territory of that special economic zone, for ten years from the month following the month in which that property is entered in accounting records; *[as amended by Federal Laws No. 75-FZ of 03.06.2006, No. 216-FZ of 24.07.2007, No. 305-FZ of 07.11.2011, No. 365-FZ of 30.11.2011]*

*[18) Lost force from 01.01.2013 – Federal Law No. 202-FZ of 29.11.2002]*

19) organizations which are recognised as management companies in accordance with the Federal Law “Concerning the “Skolkovo” Innovation Centre”;

*[clause 19 inserted by Federal Law No. 243-FZ of 28.09.2010]*

20) organizations which have acquired the status of participants in a project involving the conduct of research and development activities and commercialization of the results of those activities in accordance with the Federal Law “Concerning the “Skolkovo” Innovation Centre”. Those organizations shall lose the right to exemption from taxation in cases provided for in clause 2 of Article 145.1 of this Code (or, in the case of organizations such as are referred to in this clause which are corporate research centres, clause 2.1 of Article 145.1 of this Code). As proof of the right to exemption from taxation such organizations shall be obliged to present to the tax authority where they are registered documents confirming their status as project participants, as specified in the Federal Law “Concerning the “Skolkovo” Innovation Centre”, and data from records of income (expenses);

*[clause 20 inserted by Federal Law No. 243-FZ of 28.09.2010; as amended by Federal Law No. 475-FZ of 28.12.2016]*

21) organizations – in relation to newly commissioned facilities which are highly energy-efficient in accordance with the list of such facilities which has been established by the Government of the Russian Federation, or in relation to newly commissioned facilities which have a high energy efficiency rating where energy efficiency ratings are determined for such facilities in accordance with the legislation of the Russian Federation – for three years from the date of registration of that property;

*[clause 21 inserted by Federal Law No. 132-FZ of 07.06.2011]*

22) shipbuilding organizations which have the status of resident of an industrial production special economic zone – with respect to property that is recorded on their balance sheet and is used for the purposes of the construction and repair of vessels, for ten years from the date of registration of the organizations in question as a resident of an industrial production special economic zone, and with respect to property created or acquired for the purposes of the construction and repair of vessels, for ten years from the date of registration of that property, but not greater than the period of existence of the industrial production special economic zone;

*[clause 22 inserted by Federal Law No. 305-FZ of 07.11.2011]*

23) organizations which are recognised as management companies of special economic zones and record as fixed assets on their balance sheet immovable property which has been created for the purpose of carrying out agreements on the creation of special economic zones, for ten years from the month following the month in which such property is entered in accounting records;

*[clause 23 inserted by Federal Law No. 365-FZ of 30.11.2011]*

24) organizations – with respect to property (including property transferred under lease agreements) that simultaneously meets the following conditions during a tax period:

- the property is situated in the internal sea waters of the Russian Federation, in the territorial sea of the Russian Federation, on the continental shelf of the Russian Federation, in the exclusive economic zone of the Russian Federation or in the Russian part (Russian sector) of the bed of the Caspian Sea;

- the property is used in carrying out activities associated with the development of offshore hydrocarbon deposits, including geological study, exploration and the performance of preparatory work.

Where property was situated both within the boundaries of the territories (water areas) referred to in paragraph 2 of this clause and in other territories during a tax period, an exemption from taxation shall apply on condition that the property satisfies the requirements of paragraphs 1 to 3 of this clause for not less than 90 calendar days during one calendar year;

*[clause 24 inserted by Federal Law No. 268-FZ of 30.09.2013]*

*[25) Lost force from 01.01.2013 – Federal Law No. 202-FZ of 29.11.2002]*

26) organizations – with respect to property recorded on the balance sheet of an organization which is a participant in a free economic zone which were created or acquired for the purpose of performing an agreement on the conditions of activity in the free economic zone and are situated in the territory of the free economic zone, for ten years from the month following the month in which that property was entered in accounting records. In the event that the agreement on the conditions of activity in the free economic zone is terminated by decision of a court, the amount of tax must be calculated and paid to the budget. Tax shall be calculated without applying the tax relief provided for in this clause for the entire period of the execution of the investment project in the free economic zone. The calculated amount of tax shall be payable upon the expiry of the reporting or tax period in which the agreement on the conditions of activity in the free economic zone was terminated, not later than the time limits established for the payment of advance tax payment for the reporting period or tax for the tax period;

*[clause 26 inserted by Federal Law No. 379-FZ of 29.11.2014; as amended by Federal Law No. 297-FZ of 03.08.2018]*

27) organizations which are recognised as foundations, management companies and subsidiary companies of management companies in accordance with Federal Law No. 216-FZ of 29 July 2017 “Concerning Science and Technology Innovation Centres and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”;

*[clause 27 inserted by Federal Law No. 373-FZ of 30.10.2018]*

28) organizations which have acquired the status of project participant in accordance with Federal Law No. 216-FZ of 29 July 2017 “Concerning Science and Technology Innovation Centres and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” – with respect to property recorded on their balance sheet which are located in the territory of a science and technology innovation centre, for ten years commencing from the month in which that property is registered. Such organizations shall lose the right to exemption from taxation in the cases provided for in clause 2 of Article 145.1 of this Code. In order to support the right to exemption from taxation, such organizations shall be obliged to submit to the tax authority where they are registered documents confirming that they have the status of a project participant in accordance with Federal Law No. 216-FZ of 29 July 2017 “Concerning Science and Technology Innovation Centres and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”, as stipulated in that Federal Law, and data from records of income (expenses).

*[clause 28 inserted by Federal Law No. 373-FZ of 30.10.2018]*



**Article 381.1. Procedure for the Application of Tax Reliefs**

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

1. As from 1 January 2018 the tax reliefs referred to in clauses 21 and 24 (insofar as property situated in the Russian part (Russian sector) of the bed of the Caspian Sea is concerned) of Article 381 of this Code shall apply in the territory of a constituent entity of the Russian Federation if an appropriate law of the constituent entity has been adopted. *[as amended by Federal Laws No. 286-FZ of 30.09.2017, No. 302-FZ of 03.08.2018]*

*[2. Lost force – Federal Law No. 302-FZ of 3.08.2018]*

**Article 382. Procedure for the Calculation of the Amount of Tax and Amounts of Advance Tax Payments**

1. The amount of tax shall be calculated on the basis of the results for the tax period as the product of the appropriate tax rate and the tax base for the tax period, with account taken of the special considerations established by Article 385.3 of this Code. *[as amended by Federal Law No. 464-FZ of 28.12.2016]*

2. The amount of tax payable to the budget on the basis of the results for the tax period shall be determined as the difference between the amount of tax calculated in accordance with clause 1 of this Article and the amounts of advance tax payments calculated during the tax period.

3. The amount of tax payable to the budget shall be calculated separately in relation to property that is taxable at the location of an organization (at the place at which a permanent establishment of a foreign organization is registered with the tax authorities), in relation to the property of each economically autonomous subdivision of an organization that has a separate balance sheet, in relation to each item of immovable property situated other than at the location of an organization, an economically autonomous subdivision of an organization which has a separate balance sheet or a permanent establishment of a foreign organization, in relation to property forming part of the Unified Gas Supply System, in relation to property for which the tax base is determined as their cadastral value, and in relation to property that is taxable at different tax rates. *[as amended by Federal Laws No. 284-FZ of 28.11.2009, No. 307-FZ of 02.11.2013]*

4. The amount of an advance tax payment shall be calculated on the basis of the results for each reporting period as one quarter of the product of the appropriate tax rate and the average value of property (excluding property referred to in paragraphs 1 to 3 of clause 24 of Article 381 of this Code) determined for the reporting period in accordance with clause 4 of Article 376 of this Code. *[as amended by Federal Law No. 268-FZ of 30.09.2013]*

*[EY Note: A clause 4.1 is inserted in Article 382 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

5. Where an ownership right (right of economic jurisdiction) in items of immovable property such as are referred to in Article 378.2 of this Code arises (ceases) for a taxpayer during a tax (reporting) period, the amount of tax (amounts of advance tax payments) payable in relation to those items of immovable property shall be calculated with adjustment for a coefficient determined as the ratio of the number of full months for which the items of immovable property were owned by the taxpayer to the number of months in the tax (reporting) period, except as

otherwise provided by this Article. *[as amended by Federal Laws No. 307-FZ of 02.11.2013, No. 52-FZ of 02.04.2014, No. 305-FZ of 02.07.2021]*

If the ownership right (right of economic jurisdiction) in items of immovable property such as are referred to in Article 378.2 of this Code arose on or before the 15<sup>th</sup> of a month or was terminated after the 15<sup>th</sup> of a month, the month in which that right arose (was terminated) shall count as a full month. *[paragraph inserted by Federal Law No. 396-FZ of 29.12.2015; as amended by Federal Law No. 305-FZ of 02.07.2021]*

If the ownership right in items of immovable property such as are referred to in Article 378.2 of this Code arose after the 15<sup>th</sup> of a month or was terminated on or before the 15<sup>th</sup> of a month, the month in which that right arose (was terminated) shall not be taken into account in determining the coefficient referred to in this clause. *[paragraph inserted by Federal Law No. 396-FZ of 29.12.2015]*

5.1. If, during a tax (reporting) period, the cadastral value of items of immovable property referred to in Article 378.2 of this Code changes as a result of changes in their characteristics, the amount of tax (amounts of advance tax payments) for those items of immovable property shall be calculated applying a coefficient to be determined in a manner similar to that established by clause 5 of this Article.

*[clause 5.1 inserted by Federal Law No. 334-FZ of 03.08.2018; as amended by Federal Law No. 374-FZ of 23.11.2020]*

6. When establishing the tax, a legislative (representative) of a constituent entity of the Russian Federation shall have the right to allow certain categories of taxpayers the right not to calculate and pay advance tax payments during the tax period.

7. The amount of tax (amounts of advance tax payments) payable in respect of property for which the tax base is determined as its cadastral value shall be calculated with account taken of the special considerations established by Article 378.2 of this Code.

*[clause 7 inserted by Federal Law No. 307-FZ of 02.11.2013]*

*[EY Note: A clause 8 is inserted in Article 382 from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

### **Article 383. Procedure and Time Limits for the Payment of Tax and Advance Tax Payments**

*[EY Note: Clause 1 of Article 383 is reworded from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

1. Tax and advance tax payments shall be payable by taxpayers according to the procedure and within the time limits which are established by laws of constituent entities of the Russian Federation.

2. During a tax period taxpayers shall pay advance tax payments unless otherwise provided by a law of a constituent entity of the Russian Federation. After the tax period has ended, taxpayers shall pay the amount of tax calculated according to the procedure prescribed by clause 2 of Article 382 of this Code.

3. Tax and advance tax payments in respect of property that is on the balance sheet of a Russian organization shall be payable at the location of that organization with account taken of the special considerations laid down in Articles 384, 385 and 385.2 of this Code. *[as amended by Federal Law No. 284-FZ of 28.11.2009]*

*[4. Lost force – Federal Law No. 284-FZ of 28.11.2009]*

5. Foreign organizations that carry on activities in the Russian Federation through permanent establishments shall pay tax and advance tax payments in relation to property of permanent establishments at the place where those permanent establishments are registered with the tax authorities.

6. Tax and advance tax payments payable in respect of items of immovable property for which the tax base is determined as cadastral value shall be paid to the budget in accordance with Article 382 of this Code at the location of the immovable property.

*[clause 6 as reworded by Federal Law No. 307-FZ of 02.11.2013]*

7. Taxpayer organizations whose details were entered in the unified state register of legal entities on the basis of Article 19 of Federal Law No. 52-FZ of 30 November 1994 “Concerning the Implementation of Part One of the Civil Code of the Russian Federation” shall pay tax on immovable property belonging to them at their location before receiving a notification of registration with a tax authority confirming registration with the tax authority for the location of immovable property belonging to them.

*[clause 7 inserted by Federal Law No. 379-FZ of 29.11.2014]*

#### **Article 384. Special Considerations Relating to the Calculation and Payment of Tax at the Location of Economically Autonomous Subdivisions**

An organization that has economically autonomous subdivisions possessing a separate balance sheet shall pay tax (advance tax payments) to the budget at the location of each of the economically autonomous subdivisions in relation to property deemed to be a taxable object in accordance with Article 374 of this Code that is on the separate balance sheet of each of those subdivisions in an amount to be determined as the product of the tax rate in effect in the territory of the relevant constituent entity of the Russian Federation in which those economically autonomous subdivisions are located and the tax base (one quarter of the average value of assets) determined for the tax (reporting) period in accordance with Article 376 of this Code with respect to each economically autonomous subdivision, with account taken of the special considerations established by Article 378.2 of this Code. *[as amended by Federal Laws No. 216-FZ of 24.07.2007, No. 307-FZ of 02.11.2013]*

#### **Article 385. Special Considerations Relating to the Calculation and Payment of Tax in Relation to Items of Immovable Property Which Are Situated Other Than at the Location of an Organization or of an Economically Autonomous Subdivision Thereof**

An organization which records on its balance sheet items of immovable property which are situated other than at the location of the organization or of an economically autonomous subdivision thereof which has a separate balance sheet shall pay tax (advance tax payments) to the budget at the location of each of those items of immovable property in an amount to be determined as the product of the tax rate in effect in the territory of the relevant constituent entity of the Russian Federation in which those items of immovable property are situated and

the tax base (one quarter of the average value of property) determined for the tax (reporting) period in accordance with Article 376 of this Code with respect to each item of immovable property, with account taken of the special considerations established by Article 378.2 of this Code.

**Article 385.1. Special Considerations Relating to the Calculation and Payment of Tax on Property of Organizations by Residents of the Special Economic Zone in the Kaliningrad Province** *[inserted by Federal Law No. 16-FZ of 10.01.2006]*

1. Residents of the Special Economic Zone in the Kaliningrad Province shall pay tax on property of organizations in accordance with this Chapter in relation to all property that is an object of assessment to that tax, with the exception of property created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

2. Residents shall calculate the amount of tax on property of organizations in relation to property created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” on a separate basis. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

3. For residents, during the first six calendar years commencing from the day on which a legal entity is included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province the tax rate for tax on property of organizations for property created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall be established at 0 per cent. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

4. In the period from the seventh to the twelfth calendar year inclusively from the day on which a legal entity is included in the unified register of residents of the Special Economic Zone in the Kaliningrad Province, the tax rate for tax on property of organizations for property created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall be equal to the value established by a law of the Kaliningrad Province, reduced by fifty per cent. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

5. The special procedure for the payment of tax on property of organizations shall not apply to that portion of the value of property created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”) that has been used for the production of goods (work and services) that cannot be the subject of an investment project. In this respect, the proportion of the value of property used for the production of goods (work and services) that cannot be the subject of an investment project shall be considered to be equal to the

proportion of income from the sale of such goods (work and services) to the aggregate amount of all income of the resident. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

6. The difference between the amount of tax on property of organizations with respect to the tax base for tax on property of organizations (created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation”) that would have been calculated by the resident if the special procedure for the payment of tax on property of organizations which is established by this Article were not used and the amount of tax on property of organizations calculated by the resident in accordance with this Article in relation to tax on property of organizations that was created or acquired in connection with the implementation of an investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” shall not be included in the tax base for tax on the profit of organizations for residents. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

7. In the event that a resident is excluded from the unified register of residents of the Special Economic Zone in the Kaliningrad Province before it has received a certificate of the fulfilment of the conditions of an investment declaration, the resident shall be considered to have lost the right to apply the special procedure for the payment of tax on property of organizations that is established by this Article from the beginning of the quarter in which it was excluded from that register.

In this case the resident shall be obliged to calculate the amount of tax in relation to property created or acquired by it in connection with the implementation of the investment project in accordance with the Federal Law “Concerning the Special Economic Zone in the Kaliningrad Province and Concerning the Introduction of Amendments to Certain Legislative Acts of the Russian Federation” at the tax rate established in accordance with Article 380 of this Code. *[as amended by Federal Law No. 353-FZ of 27.11.2017]*

The amount of tax shall be calculated for the period of the application of the special taxation procedure.

The calculated amount of tax must be paid by the resident upon the expiration of the reporting or tax period in which it was excluded from the unified register of residents of the Special Economic Zone in the Kaliningrad Province, not later than the dates established for the payment of advance tax payments for the reporting period or tax for the tax period in accordance with clause 1 of Article 383 of this Code.

When an on-site tax audit of a resident that has been excluded from the unified register of residents of the Special Economic Zone in the Kaliningrad Province is carried out to determine whether or not the amount of tax has been correctly calculated and paid in full in relation to property created or acquired by the resident in connection with the implementation of the investment project, the limitations established by paragraph 2 of clause 4 and clause 5 of Article 89 of this Code shall not apply provided that the decision to order the performance of the audit was adopted not later than within three months from the date on which the resident paid the amount of tax in question.

*[clause 7 inserted by Federal Law No. 84-FZ of 17.05.2007]*

**Article 385.2. Special Considerations Relating to the Calculation and Payment of Tax in Relation to Property Forming Part of the Unified Gas Supply System** *[inserted by Federal Law No. 284-FZ of 28.11.2009]*

1. Tax (advance tax payments) shall be calculated in relation to property forming part of the Unified Gas Supply System on the basis of the tax base determined for a constituent entity of the Russian Federation as a whole, and shall be paid to the budgets of the constituent entities of the Russian Federation where the property is actually located.

2. For the purposes of this Chapter the actual location of property forming part of the Unified Gas Supply System shall be deemed to be the territory of the constituent entity of the Russian Federation where the extraction, transportation, storage and (or) supply of gas takes place.

3. An organization that owns property forming part of the Unified Gas Supply System shall be obliged to ensure that records are maintained of that property with the actual location of the property shown in primary accounting documents.

**Article 385.3. Special Considerations Relating to the Calculation of Tax in Relation to Public Railways and Installations Forming an Integral Technological Part Thereof** *[inserted by Federal Law No. 464-FZ of 28.12.2016]*

1. The amount of tax payable in relation to public railways and installations forming an integral technological part thereof which meet the requirements established by the Government of the Russian Federation which were first recorded as fixed assets on or after 1 January 2017 shall be calculated with the coefficient  $C_{rw}$  applied, the value of which shall be determined in accordance with clause 2 of this Article.

2. During the six tax periods commencing from the 1<sup>st</sup> of the tax period in which relevant property was first recorded as a fixed asset, the coefficient  $C_{rw}$  shall be taken to be equal to:

- 0 – during the first tax period;
- 0.1 – during the second tax period;
- 0.2 – during the third tax period;
- 0.4 – during the fourth tax period;
- 0.6 – during the fifth tax period;
- 0.8 – during the sixth tax period.

**Article 386. Tax Declaration**

*[EY Note: Paragraph 1 of clause 1 of Article 386 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

1. Taxpayers shall be obliged, after the end of a tax period, to submit a tax declaration for tax to tax authorities for the location of items of immovable property and (or) for the location of property forming part of the Unified Gas Supply System, unless otherwise provided by this clause and clause 1.1 of this Article. *[as amended by Federal Laws No. 302-FZ of 03.08.2018, No. 63-FZ of 15.04.2019]*

*[EY Note: Paragraph 2 of clause 1 of Article 386 is amended from 01.01.2022 – Federal Law No. 305-FZ of 02.07.2021]*

A tax declaration in respect of property located in the territorial sea of the Russian Federation, on the continental shelf of the Russian Federation and (or) outside the territory of the Russian Federation (in the case of Russian organizations) shall be submitted to the tax authority at the location of the Russian organization (at the place where the permanent establishment of a foreign organization is registered with the tax authorities). *[as amended by Federal Laws No. 268-FZ of 30.09.2013, No. 63-FZ of 15.04.2019]*

Taxpayers which have been classified in accordance with Article 83 of this Code as major taxpayers shall submit tax declarations to the tax authority where they are registered as major taxpayers. *[paragraph inserted by Federal Law No. 268-FZ of 30.12.2006; as amended by Federal Law No. 63-FZ of 15.04.2019]*

Information on the average annual value of items of movable property recorded on an organization's balance sheet as fixed assets in accordance with the prescribed accounting rules shall be included in the tax declaration. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

1.1. A taxpayer that is registered with multiple tax authorities at the locations of items of immovable property possessed by it in the territory of a constituent entity of the Russian Federation for which the tax base is determined as their average annual value shall have the right to submit a tax declaration in respect of all such items of immovable property to one of those tax authorities of its choosing, having notified the tax authority for the constituent entity of the Russian Federation accordingly.

A notification of arrangements for the submission of a tax declaration to a tax authority in the territory of a constituent entity of the Russian Federation shall be submitted annually before 1 March of the year constituting the tax period in which the arrangement for the submission of a tax declaration which is provided for in this clause is applied. The taxpayer's choice of arrangement for the submission of a tax declaration may not be changed during a tax period.

A notification of arrangements for the submission of a tax declaration to a tax authority in the territory of a constituent entity of the Russian Federation shall be considered by the tax authority for the constituent entity of the Russian Federation within 30 days of its receipt. If the tax authority sends a request in accordance with clause 13 of Article 85 of this Code owing to the absence of information needed to consider the notification of arrangements for the submission of a tax declaration, the director (deputy director) of the tax authority shall have the right to extend the time limit for the consideration of that notification by not more than 30 days, in which case the taxpayer must be notified of that fact. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

In the event of the discovery of circumstances preventing the application of the procedure prescribed by this clause for the submission of a tax declaration, the tax authority for the constituent entity of the Russian Federation shall inform the taxpayer of that fact. *[paragraph inserted by Federal Law No. 374-FZ of 23.11.2020]*

The form of a notification of arrangements for the submission of a tax declaration to a tax authority in the territory of a constituent entity of the Russian Federation shall be approved by the federal executive body in charge of control and supervision in the area of taxes and levies.

The provisions of this clause shall not apply if a law of a constituent entity of the Russian Federation establishes ratios of allocations of tax to local budgets.

*[clause 1.1 inserted by Federal Law No. 63-FZ of 15.04.2019]*

*[2. Lost force from 01.01.2020 – Federal Law No. 63-FZ of 15.04.2019]*

3. Tax declarations based on the results for a tax period shall be presented by taxpayers not later than 30 March of the year following the tax period which has ended.

*[Paragraph lost force – Federal Law No. 100-FZ of 20.04.2021]*

4. Where a taxpayer foreign organization which does not carry on activities in the territory of the Russian Federation through a permanent establishment does not submit a tax declaration within the time limits established by this Article, the tax authority shall determine without conducting tax control measures in relation to that taxpayer the amount of tax not calculated by the taxpayer which is payable to the budget system of the Russian Federation.

In the event that the amount of tax determined by a tax authority in accordance with paragraph 1 of this clause exceeds the amount of tax actually paid by the foreign organization, the tax authority shall determine tax arrears in accordance with the procedure established by this Code.

*[clause 4 inserted by Federal Law No. 347-FZ of 04.11.2014]*

5. Taxpayer organizations whose details were entered in the unified state register of legal entities on the basis of Article 19 of Federal Law No. 52-FZ of 30 November 1994 “Concerning the Implementation of Part One of the Civil Code of the Russian Federation” shall submit a tax declaration for tax at their location before receiving a notification of registration with a tax authority confirming registration with the tax authority for the location of immovable property belonging to them.

*[clause 5 inserted by Federal Law No. 379-FZ of 29.11.2014; as amended by Federal Law No. 63-FZ of 15.04.2019]*

*[EY Note: A clause 6 is appended to Article 386 from 01.01.2023 – Federal Law No. 305-FZ of 02.07.2021]*

**Article 386.1. Elimination of Double Taxation** *[inserted by Federal Law No. 216-FZ of 24.07.2007]*

1. Amounts of property tax paid by a Russian organization outside the territory of the Russian Federation in accordance with the legislation of another state in relation to property owned by the Russian organization that is situated in the territory of that state shall be allowed as a credit for the purpose of the payment of tax in relation to that property in the Russian Federation.

In this respect, the total of amounts of tax paid outside the territory of the Russian Federation that are allowed as a credit may not exceed the amount of tax payable by that organization in the Russian Federation in relation to the property referred to in this clause.

2. In order for tax to be credited a Russian organization must submit the following documents to the tax authorities:

- an application for tax to be credited;





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- a document concerning the payment of tax outside the territory of the Russian Federation, confirmed by a tax authority of the foreign state concerned.

The above-mentioned documents shall be submitted by the Russian organization to the tax authority for the location of the Russian organization together with the tax declaration for the tax period in which tax was paid outside the territory of the Russian Federation.